

"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

AGENDA

REGULAR OPEN MEETING OF COUNCIL CITY HALL COUNCIL CHAMBER DECEMBER 13, 2021

AT 8:40 AM

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.

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
 - **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.
- **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.
- **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.

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

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

ACTIVE LIVING
CENTRE – PLANNING
TIMELINE AND
FUNDING OPTIONS
(7700-13)
(P. 89)

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

(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.

(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

(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:

 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

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

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

REZONING APPLICATION FOR 4408 25 STREET (ZON00374 3360-20) (P. 108) 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 APLLICATIONS 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
- 5880

- 5881
- 5900
- 5882

- (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)
- (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)
- (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)
- (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)
- (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.
- **15.** THAT Council amend Zoning Bylaw #5000 to prohibit pointed fences on properties.

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

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

THE CORPORATION OF THE CITY OF VERNON

MINUTES OF A REGULAR OPEN MEETING OF COUNCIL HELD NOVEMBER 22, 2021

PRESENT: Mayor V. Cumming

Councillors: S. Anderson, K. Gares, K. Fehr

(B. Quiring and A. Mund – absent)

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. Lind, Director, Fire Services

D. Law, Director, Financial Services

C. Ovens, Manager, Operation Services

K. Flick, Director, Community Infrastructure & Development L. Cordell, Manager, Long Range Planning & Sustainability

S. Knuhtsen, Manager, Building & Licensing

S. Melenko, Information Tech. 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 Syilx People of the Okanagan Nation.

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

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT Council move to the Committee of the Whole meeting.

CARRIED

Mayor Cumming reconvened the Regular Open meeting at 9:39 am and requested a motion to move to In Camera.

RESOLUTION TO CLOSE MEETING

Moved by Councillor Gares, 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:

- (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;
- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

Mayor Cumming called the Regular Open meeting back to order at 1:30 pm.

PRESENT: Mayor V. Cumming

Councillors: S. Anderson, K. Gares, B. Quiring,

A. Mund, K. Fehr

Staff: W. Pearce, Chief Administrative Officer

P. Bridal, Deputy 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

D. Law, Director, Financial Services

K. Flick, Director, Community Infrastructure & Development

C. Ovens. General Manager. Public Works

D. Lind, Director, Fire Services

C. Broderick, Manager, Current Planning

M. Austin, Current Planner

E. Croy, Transportation Planner

I. Adkins, Manager, Roads, Drainage & Airport

J. Perrott, Manager, Economic Development & Tourism

M. Dowhaniuk, Manager, Infrastructure

D. Lees, Manager, Protective Services

R. Nuriel, Economic Development Planner

T. Martens, Manager, Financial Operations

S. Melenko. Information Tech.

Others: Media and Members of the Public

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.

ADOPTION OF THE AGENDA

APPROVAL OF ITEMS LISTED ON THE AGENDA

Moved by Councillor Mund, seconded by Councillor Gares:

THAT the agenda for the November 22, 2021 Regular Open meeting of the Council of The Corporation of The City of Vernon be adopted. amended to include:

CARRIED

ADOPTION OF MINUTES

COUNCIL MEETINGS

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT the minutes of the Regular Meeting of Council held November 8, 2021 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held November 8, 2021 be received.

CARRIED

BUSINESS ARISING FROM THE MINUTES

GENERAL MATTERS

PRESENTATION – NON-PROFIT HOUSING ASSOCIATION (VIA ZOOM)

Jill Atkey, Chief Executive Officer, BC Non-Profit Housing Association presented on housing prospects, trends and key issues.

The following points were reviewed:

- Provincial umbrella for the non-profit housing society for BC
- The Canadian Rental Housing Index first in Canada, web based and user friendly
- BC's Housing Crisis
- Top 10 Communities spending over 30% in BC
- In Vernon renter household incomes are lower
- Federal government took a 25-year hiatus
- Local government can lower rents ex. City of Langford waived property taxes for 10 years, made a financial contribution and waived Development Cost Charges
- An Affordable Housing Plan for BC need 35,000 affordable rentals are need over ten years
- Homes for B.C. contribution about 33,000 new units and Canada's Housing Strategy

- Community opposition to affordable housing slows down or cancels some projects
- · Worsening affordability in the private rental market
- Expert Panel issued five Calls to Action.

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT Council receive the November 22, 2021 presentation from Jill Atkey, CEO, BC Non-Profit Housing entitled "Housing Prospects, Trends & Key Issues", for information.

CARRIED

DEVELOPMENT
VARIANCE PERMIT
APPLICATION #00502 –
8092 OKANAGAN
LANDING ROAD
(DVP000502)

Moved by Councillor Mund, seconded by Councillor Anderson:

THAT Council support Development Variance Permit application #DVP00502 to vary the following section of Zoning Bylaw #5000 to construct a new home on LT 2 PL KAP83830 DL 6 ODYD (8092 Okanagan Landing Road):

a) Section 4.16.1 is varied to allow construction of buildings, structures or swimming pools on a maximum slope of 30%;

AND FURTHER, that Council's support of #DVP00502 is subject to the following:

- a) the site plan generally illustrating the proposed siting of the structure in Attachment 1, contained in the report titled "Development Variance Permit Application for 8092 Okanagan Landing Road", dated November 10, 2021, respectfully submitted by the Manager, Current Planning, be attached to and form part of DVP00502 as 'Schedule A'; and
- b) the restrictive covenant be registered on title to ensure that the recommendations of the geo-technical report are implemented at the building permit stage and that the areas that are not to be developed remain undisturbed.

Public Input DVP #00502

The Corporate Officer advised that no written submissions had been received.

Mayor Cumming called a first time for representation from the public in attendance who believe their interest in property is affect by Development Variance Permit #00502. 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#00502.

PAGE 5 REGULAR OPEN COUNCIL

Issuance of Permit DVP #00502

<u>Moved</u> by Councillor Mund, seconded by Councillor Fehr:

THAT the Corporate Officer be authorized to issue Development Variance Permit Application DVP00502 to vary a section of Zoning Bylaw #5000 to construct a new home on LT 2 PL KAP83830 DL 6 ODYD (8092 Okanagan Landing Road), **once all conditions of Council have been met**.

CARRIED

THE QUESTION WAS CALLED ON THE MAIN MOTION AND DECLARED CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATION #00532 – MT. FOSTHALL PLACE (DVP000532) Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT Council not approve Development Variance Permit #DVP00532 on Lot B, Sec 26, Tp 9, ODYD, Plan KAP77864 (Mt. Fosthall Drive) to vary the Zoning Bylaw #5000, Section 4.16 – Hillside Development Areas regulations for Proposed Strata Lot 1;

AND FURTHER, that the Public Input for Development Variance Permit #DVP00532, Mt. Fosthall Drive, be heard together with the Public Hearing for Bylaw #5875 "Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw #5875, 2021" scheduled for Monday, December 13, 2021 at 5:30 pm in Council Chambers as outlined in the report titled "Development Variance Permit Application for Mt. Fosthall Drive" dated November 10, 2021 and respectfully submitted by the Current Planner.

WITHDRAWN

Moved by Councillor Anderson, seconded by Councillor Mund:

THAT the following matter be **deferred** to December 13, 2021, following Public Input:

THAT Council not approve Development Variance Permit #DVP00532 on Lot B, Sec 26, Tp 9, ODYD, Plan KAP77864 (Mt. Fosthall Drive) to vary the Zoning Bylaw #5000, Section 4.16 – Hillside Development Areas regulations for Proposed Strata Lot 1.

<u>Moved</u> by Councillor Anderson, seconded by Councillor Mund:

THAT Council directs Administration to schedule the Public Input for Development Variance Permit #DVP00532, Mt. Fosthall Drive, to be heard together with the Public Hearing for Bylaw #5875 "Mt. Fosthall Drive Land Use Contract LTO Registration Number N978, Discharge Bylaw #5875, 2021" scheduled for Monday, December 13, 2021 at 5:30 pm in Council Chambers as outlined in the report titled "Development Variance Permit Application for Mt. Fosthall Drive" dated November 10, 2021 and respectfully submitted by the Current Planner.

CARRIED

COUNCIL INQUIRIES

POTHOLES AT 27 STREET AND 42 AVENUE

Council inquired regarding 27th Street and 42nd Avenue, there are many potholes. When will there be an assessment of this? **A. Admin**. advised that this will be investigated and an Admin. update will come back to Council.

CANNABIS LICENSING

Council inquired regarding cannabis license fees When will they be coming forward for Council's consideration? **A. Admin**. advised the cannabis fees will be coming forward in conjunction with amendments to the delegation, zoning and fees. Retailers will be contacted regarding fees if Council supports the amendments.

CHRISTMAS DECORATIONS ON HWY 97

Council expressed gratitude for the decorative lighting on Hwy. 97. Staff has done a fantastic job with installation. **A. Admin**. advised that only 35 more decorative lighting fixtures are to be installed.

FOOD GARDEN

Council inquired regarding the food garden. Can Staff provide background on the establishment of this food garden and why it was removed? An Admin. update will be provided.

BUDGET MEETINGS

Council inquired regarding the budget meetings. There was concern that no one knew when the meetings are scheduled as they are not posted on the website. **A. Admin**. advised that the dates were published in the paper as per legislated requirements, meetings will be scheduled on the website as soon as possible.

POTHOLES ON COMMONAGE ROAD

Council inquired regarding potholes on Commonage Road just south of Bench Row Road. There are also significant potholes near manholes on Bailey Road An Admin. update will be provided.

SIGNALS AND CONES ON KOKANEE ROAD

Council inquired regarding the signals and cones that remain on Kokanee Road. **A. Admin**. advised that there is still work to be done on this road and the signals and cones will be utilized.

ADMINISTRATION UPDATES

ADMINISTRATION UPDATES (0550-05)

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council receive the Administration Updates dated November 22, 2021, for information.

CARRIED

Councillor Anderson left the meeting at 2:58 pm and returned at 3:00 pm.

UNFINISHED BUSINESS

TRAFFIC BYLAW #5600 AMENDMENTS FOR RV PARKING (8300-07)

<u>Moved</u> by Councillor Anderson, seconded by Councillor Quiring:

THAT Council endorse the proposed amendments to Traffic Bylaw #5600, as outlined in Attachment 1 in the report titled "Traffic Bylaw #5600 Amendments for RV Parking", dated November 8, 2021 and respectfully submitted by the Transportation Planner;

AND FURTHER, that Council endorse the proposed amendments to Bylaw Notice Enforcement Bylaw #5250, as outlined in Attachment 2 in the report titled "Traffic Bylaw #5600 Amendments for RV Parking", dated November 8, 2021 and respectfully submitted by the Transportation Planner;

AND FURTHER, that Council endorse proposed amendments to Municipal Ticket Information Bylaw #5300, as outlined in Attachment 3 in the report titled "Traffic Bylaw #5600 Amendments for RV Parking", dated November 8, 2021 and respectfully submitted by the Transportation Planner.

CARRIED

LED STREETLIGHT CONVERSION -UPDATE (5400-03) <u>Moved</u> by Councillor Mund, seconded by Councillor Anderson:

THAT Council receive the memo titled "LED Streetlight Conversion – Update" dated November 10, 2021 respectfully submitted by the Manager of Roads, Drainage and Airport for information.

CARRIED

2900 BLOCK STREET CLOSURE YEAR END REPORT (6750-01) <u>Moved</u> by Councillor Gares, seconded by Councillor Anderson:

THAT Council direct Administration to consult with the Downtown Vernon Association and businesses in the 2900 block of 30th Avenue to identify a plan and required resources for a closure in the summer of 2022 for Council's consideration as outlined in the memorandum titled "2900 Block Street Closure Year End Report" dated November 10, 2021 respectfully submitted by John Perrott, Manager, Economic Development and Tourism;

AND FURTHER, that Administration provide Council with an update of the outcomes of these consultations in the first quarter of 2022.

CARRIED

MATTERS REFERRED FROM THE COMMITTEE OF THE WHOLE – November 22, 2021

BUILDING BYLAW UPDATE (3760-08) Moved by Councillor Fehr, seconded by Councillor Mund:

THAT Council ratifies and confirms the following resolution adopted at the November 22, 2021 Committee of the Whole meeting of Council:

'THAT Council endorse the proposed Building Bylaw #5900, 2021 as attached to the report titled Building Bylaw Update dated November 5, 2021 from the Manager, Building and Licensing which, if adopted, will repeal and replace Building and Plumbing Bylaw #4900;

AND FURTHER, that Council endorse the implementation schedule of the BC Energy Step Code as described in the report titled Building Bylaw Update dated November 5, 2021 from the Manager, Building and Licensing;

AND FURTHER, that Council endorse the proposed amendments to Fees and Charges #3909, as attached to the report titled Building Bylaw Update dated November 5, 2021 from the Manager, Building and Licensing.'

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council ratifies and confirms the following resolution adopted at the November 22, 2021 Committee of the Whole meeting of Council:

'THAT Council direct Administration to amend Part 15 (Energy Conservation and GHG Emission Reduction) of the proposed Building Bylaw #5900, by adding buildings regulated by Part 3 of the Building Code, to be designed and constructed to meet the minimum performance requirements specified in Step 1 of the Step Code as of July 1, 2022.'

NEW BUSINESS

Correspondence:

2022 REGULAR COUNCIL MEETING DATES (0530-01) Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council receives for information the memorandum titled "2022 Regular Council Meeting Dates" dated November 10, 2021, respectfully submitted by the Manager, Legislative Services;

AND FURTHER, that Council directs that Administration to amend the 2022 Regular Council Meeting Date Calendar to change the May 24 meeting to May 30, 2022.

CARRIED

Councillor Fehr declared a conflict of interest as his employer, Turning Point Collaborative Society, is an applicant for a Council Discretionary Grant. Councillor Fehr left the meeting at 3:27 pm.

COUNCIL DISCRETIONARY GRANT APPLICATION – OCTOBER INTAKE (1850-02) Moved by Councillor Gares, seconded by Councillor Anderson:

THAT Council approves the recommendations regarding the Council Discretionary Grants from the Finance Committee as follows:

- 1. THAT Council **deny** a Council Discretionary Grant to Air Rescue One Heli Wrench Society in the amount of \$10,000 with a three-year commitment totaling \$30,000 as the City has limited funds for disbursement.
- 2. THAT Council **deny** a Council Discretionary Grant to Men's Shed Vernon in the amount of \$2,000 as an application has already been submitted in 2021.
- 3. THAT Council **approve**, on a one-time basis, a Council Discretionary Grant to Okanagan Quality Life Society in the amount of \$6,000 to provide first aid re-certification for their 56 volunteer boat captains.
- 4. THAT Council **approve**, on a one-time basis, a Council Discretionary Grant to Okanagan Science Centre in the amount of \$10,000 to build a special exhibit to promote hearing awareness in the community.
- 5. THAT Council **deny** a Council Discretionary Grant to Okanagan Screen Arts Society in the amount of \$8,750 as the City has limited funds for disbursement.

- 6. THAT Council **deny** a Council Discretionary Grant to Shuswap Okanagan Treatment Centre Society in the amount of \$8,800 as the City has limited funds for disbursement.
- 7. THAT Council **deny** a Council Discretionary Grant to Turning Points Collaborative Society in the amount of \$20,000 as the City has limited funds for disbursement.
- 8. THAT Council **approve**, on a one-time basis, a Council Discretionary Grant to Vernon & District Riding Club in the amount of \$5,070 to purchase sand for sand rings.
- 9. THAT Council **approve**, on a one-time basis, a Council Discretionary Grant to Vernon & District Immigrant and Community Services Society in the amount of \$2,030 to produce the Vernon Multicultural Market as a one-day event in the Spring of 2022.
- 10. THAT Council **deny** a Council Discretionary Grant to Vernon Girls Trumpet Band in the amount of \$4,265 as an application has already been submitted in 2021.
- 11. THAT Council **deny** a Council Discretionary Grant to Vernon Lawn Bowling Club in the amount of \$19,486 due to incomplete submitted financial statements.
- 12. THAT Council **deny** a Council Discretionary Grant to Vernon Pickleball Association in the amount of \$5,000 as an application has already been submitted in 2021.
- 13. THAT Council **deny** a Council Discretionary Grant to 223 Red Lion Squadron Sponsoring Committee as a specific request of funds was not indicated on their application.
- 14. THAT Council **deny** a Council Discretionary Grant to Sleep in Heavenly Peace as the application was not complete.

CARRIED

Councillor Fehr returned to the meeting at 3:28 pm.

PROPOSED
AMENDMENTS TO
REGIONAL STERILE
INSECT RELEASE
PROGRAM TAXATION
(1970-13:67)

Moved by Councillor Mund, seconded by Mayor Cumming:

THAT Council receive the internal memorandum titled "Proposed Amendments to Regional Sterile Insect Release Program Taxation" dated November 9, 2021 from the Manager, Financial Operations and that Council direct Administration to provide feedback to the Regional District of North Okanagan supporting the proposed amendments.

NORTH OKANAGAN HOUSING STRATEGY (6441-20)

Moved by Councillor Gares, seconded by Councillor Fehr:

THAT Council refer its input and comments, together with the Affordable Housing Advisory Committee input, as outlined in the memorandum titled "North Okanagan Regional Housing Strategy" dated November 10, 2021 and respectfully submitted by the Economic Development Planner, to the Regional District of North Okanagan Board of Directors:

AND FURTHER, that Council direct Administration to update the City's Housing Strategy to include the applicable actions provided in the Regional Hosing Strategy for its consideration, following the endorsement of the Regional Housing Strategy by the Regional District of North Okanagan Board of Directors.

CARRIED

PADDLEWHEEL PARK BOAT LAUNCH ENFORCEMENT (4000-02)

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council receive the memorandum titled "Paddlewheel Park Boat Launch Enforcement" dated November 10, 2021, respectfully submitted by the Manager, Protective Services for information;

AND FURTHER, that Council direct Administration to bring forward amendments to the Parks and Public Places Bylaw #5057 to regulate public use of the Paddlewheel Park boat launch

CARRIED

LEGISLATIVE MATTERS

Bylaws:

ADOPTION • 5845

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Bylaw #5845 "Sewer User Rates (Rates Increases) Amendment Bylaw Number 5845, 2021", a bylaw to increase residential, multi-family, commercial and public institution sewer user rates, be adopted.

CARRIED

FIRST, SECOND AND THIRD READING

5876

Moved by Councillor Quiring, seconded by Councillor Gares:

THAT Bylaw #5876 "Recreation and Parks Services Fees and Charges (2022) Amendment Bylaw Number 5876, 2021", a bylaw to amend "Recreation and Parks Services Fees and Charges Bylaw Number 5472, 2013", be read a first, second and third time.

5877 <u>Moved</u> by Councillor Gares, seconded by Councillor Mund:

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 read a first, second and third time.

CARRIED

COUNCIL INFORMATION UPDATES

Councillor Mund:

Attended:

- BC Games occurring in 98 days
- Winter Carnival light up
- Finance Committee
- Parking downtown is free until Dec. 18
- Thank you to those that have donated to North Valley Gymnastics.

•

Councillor Anderson:

No report

Councillor Gares:

Winter Carnival light up has happened in Spirit Square

Councillor Fehr

Attended:

- Affordable Housing Advisory Committee
- Recreation Centre Day care facility ground breaking
- Silver Star multi-use path ground breaking
- Kick off of the Salvation Army Kettle campaign
- Council to Council meeting

Councillor Quiring:

Attended:

- Attended RDNO via Zoom
- Please support Movember

Mayor Cumming:

Attended:

- Silver Star Off-Road trail ground breaking
- Recreation Centre and Lakers childcare facility ground breaking
- Okanagan Village Housing Society ground breaking
- Advisory Planning Committee
- Pre-Budget with MP Mel Arnold
- Council to Council meeting
- Remembrance Day Ceremony

- OKIB working group
- OBWB stewardship meeting
- Climate Ambassadors celebration
- RDNO Committee of the Whole
- RDNO
- Policing conversation with Pensioners Society
- Emergency meeting with Ministers regarding flooding
- Salvation Army Kettle Bell kick-off
- Torch light up for BC Winter Games

INFORMATION ITEMS

Council received the following information items:

- **A.** Minutes from the following Council Committees:
 - i) Affordable Housing Advisory, July 8, 2021
 - ii) Affordable Housing Advisory, August 26, 2021
 - iii) Finance, September 9, 2021
 - iv) Tourism Commission, October 20, 2021
 - v) Advisory Planning, October 26, 2021

CLOSE

Mayor Cumming closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 3:53 pm and requested a motion to move to In Camera.

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RESOLUTION TO CLOSE MEETING

Moved by Councillor Mund, 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:

(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

RECONVENE

Mayor Cumming reconvened the Regular Open Meeting at 3:56 pm.

CLOSE

Mayor Cumming closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 3:56 pm.

CERTIFIED CORRECT:

Mayor	Corporate Officer

THE CORPORATION OF THE CITY OF VERNON

MINUTES OF A SPECIAL REGULAR OPEN MEETING HELD MONDAY, NOVEMBER 29, 2021 2022 – 2026 FINANCIAL PLAN

PRESENT: Mayor V. Cumming

Councillors: K. Gares, K. Fehr, A. Mund

S. Anderson, B. Quiring (9:15 am)

Staff: W. Pearce, Chief Administrative Officer

D. Law, Director, Financial Services

A. Stuart, Manager, Financial Planning & Reporting K. Poole, Director, Community Lands, Safety &

Administration

K. Austin, Manager, Legislative Services

J. Nicol, Deputy Corporate Officer

C. Poirier, Manager, Communications & Grants

J. Rice, Director, Operation Services

K. Walsh, Financial Analyst

K. Flick, Director, Community Infrastructure & Development

D. Ross, Director, Recreation Services

S. Melenko. Information Tech.*

D. Lind, Fire Chief, Vernon Fire & Rescue

Supt. S. Baher, OIC, Vernon RCMP*

J. Barrie, Admin. Assistant, Vernon Fire & Rescue*

R. Friesen, Deputy Fire Chief*
A. Hofsink, Deputy Fire Chief*

M. Dowhaniuk, Manager, Infrastruture*

K. Kryszak, Manager, Parks & Public Spaces Maintenance*

M. Beauregard, Manager, Building Services*

R. Strobel, Manager, Fleet Services*

S. Irwin, Manager, Utilities*

S. Kozin, Manager, Vernon Water Reclamation Centre*

*present as required

Others: Media and Members of the public

CALL TO ORDERMayor Cumming called the meeting to order at 9:01 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 Syilx People of the Okanagan Nation.

AGENDA ADOPTION

Moved by Councillor Mund, seconded by Councillor Gares:

THAT the Agenda for the November 29, 2021, Special Regular Open Meeting of Council be adopted.

CARRIED

NEW BUSINESS

Councillor Quiring entered the meeting at 9:15 pm.

2022 - 2026 FINANCIAL PLAN

The Chief Administrative Officer provided an overview of the proposed Budget for 2022.

The following points were reviewed:

- In 2021, Council resolved to defer the 1.9% Infrastructure Levy and to include the levy in the 2022 budget
- Council directed Administration to present an operating budget of no greater than 2%
- Proposed operating budget comes in at 2.17% and does its best to maintain service levels
- Most challenging item is the RCMP Contract commitments
- The increase of 9% on contract rates has resulted in an approximate increase of \$1M in the budget
- RCMP Officer salaries will be in line with other jurisdictions
- There are nine proposed service level increases
- Operating budget 2.17%, RCMP budget increase of 2.32% to maintain Officer levels
- This budget focuses on community safety
- Non-Market Growth from BC Assessment is 1.68% overall tax rate is proposed to be 7.66%, there are two other options:
 - Defer one service level increase Fire Apparatus Reserve: or
 - 2. Defer Fire Apparatus Reserve and Infrastructure Levy and extend Infrastructure Reserve Program to 2024.

The Director, Financial Services reviewed the process proposed for review of the 2022 – 2026 Financial Plan and the Memo previously distributed. The Manager, Financial Planning & Reporting provided an overview of Taxation Base spreadsheet.

DIVISIONAL BUDGET REVIEWS

Council invited Administration to proceed with their review of the Divisional Budgets.

RCMP

Superintendent Shawna Baher, Officer in Charge, RCMP reviewed the RCMP Budget.

PAGE 3 SPECIAL REGULAR BUDGET MEETING –

November 29, 2021

Moved by Councillor Quiring, seconded by Councillor Mund:

THAT Council **receives and endorses** the 2022 RCMP Divisional Budget, in the amount of \$10,962,787, as presented.

CARRIED

FIRE RESCUE SERVICES

The Fire Chief reviewed the Fire Rescue Services Budget.

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council **receives and endorses** the 2022 Fire Rescue Services Divisional Budget, in the amount of \$7,025,371, as presented.

CARRIED

CHANGE REQUEST – FIRE RESCUE SERVICES

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council approves the following 2022 Change Request for Fire Rescue Services:

3917 *Two new Firefighters

\$218,925 (Taxation)

CARRIED

OPERATION SERVICES

The Director, Operation Services, reviewed the Operating Budget for Operation Services.

Councillor Anderson left the meeting at 10:30 am and returned at 10:32 am.

CHANGE REQUEST – OPERATION SERVICES

Moved by Mayor Cumming, seconded by Councillor Fehr:

THAT Council approves the following 2022 Change Request for Operation Services:

3915 *Civic Memorial Park

\$39,000 (Taxation)

PAGE 4 SPECIAL REGULAR BUDGET MEETING –

November 29, 2021

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council **receives and endorses** the 2022 Operation Services Divisional Budget, in the amount of \$10,980,191, as presented.

CARRIED

RECESS Mayor Cumming called a brief recess at 10:55 am.

RECONVENEMayor Cumming reconvened the meeting at 11:00 am.

PRESENT: Mayor V. Cumming

Councillors: K. Gares, K. Fehr, A. Mund

S. Anderson, B. Quiring

Staff: W. Pearce, Chief Administrative Officer

D. Law, Director, Financial Services

A. Stuart, Manager, Financial Planning & Reporting

K. Poole, Director, Community Lands, Safety & Administration

K. Austin, Manager, Legislative Services

J. Nicol, Deputy Corporate Officer

C. Poirier, Manager, Communications & Grants

J. Rice, Director, Operation Services

K. Walsh, Financial Analyst

K. Flick, Director, Community Infrastructure & Development

D. Ross, Director, Recreation Services

S. Melenko, Information Tech.*

D. Lind, Fire Chief, Vernon Fire & Rescue

M. Dowhaniuk, Manager, Infrastructure*

*present as required

PUBLIC INPUT (11:00 am)

Mayor Cumming called for Public Input on the 2022 to 2026 Financial Plan at 11:00 am.

1. Catherine Lord

- Concerned about the proposed 7.66% tax increase
- Median income for Vernon households is \$34,455, 29% of households are rented, many are on fixed pensions and participate in the 'Better at Home' Program', food prices are also expected to increase
- Concern for these people if they need to bear a 7.66% tax increase as they may need to choose between food and household expenses
- Recommends that 1.9% Infrastructure Levy gets deferred again this year with restart next year
- Climate change has shown that many residents have

relied on City staff and volunteers and staff increases are warranted

- Encourage Council to consider Option 3 a 4.98% tax increase with the Infrastructure Levy and Fire Apparatus Levy deferred until next year
- Council should also lead by example urge Council to attend conferences via Zoom rather than in-person as a cost-saving measure.

Mayor Cumming called a second, third, and final time for representation from the public, and there being none, Mayor Cumming closed the Public Input on the 2022 to 2026 Financial Plan until 3:00 pm.

CAPITAL BUDGET The Manager, Infrastructure reviewed the 2022 proposed Capital

Budget.

RECESS Mayor Cumming called a recess at 12:00 pm.

RECONVENE Mayor Cumming reconvened the meeting at 1:00 pm.

PRESENT: Mayor V. Cumming

Councillors: K. Gares, K. Fehr, A. Mund

B. Quiring, S. Anderson (1:05 pm)

Staff: W. Pearce, Chief Administrative Officer

D. Law, Director, Financial Services

A. Stuart, Manager, Financial Planning & Reporting

K. Poole, Director, Community Lands, Safety & Administration

K. Austin, Manager, Legislative Services

J. Nicol, Deputy Corporate Officer

C. Poirier, Manager, Communications & Grants

J. Rice, Director, Operation Services

Supt. S. Baher, OIC, RCMP K. Walsh, Financial Analyst

K. Flick, Director, Community Infrastructure & Development

D. Ross, Director, Recreation Services

S. Melenko. Information Tech.*

D. Lind, Fire Chief, Vernon Fire & Rescue

M. Dowhaniuk, Manager, Infrastructure*

D. Lees, Manager, Protective Services*

G. Gaucher, General Manager, Municipal Support Services*

B. Bandy, Manager, Real Estate*

K. Satchell, Manager, Information Services*

L. Walker, Manager, Recreation Customer Services*

S. Mitchell, Manager, Recreation Facilities*

S. Wright, Manager, Community Recreation Programs*

G. Lefebvre, Manager, Aquatics*

D. Pridham, Manager, Recreation Operations*

*present as required

CAPITAL BUDGET

The Manager, Infrastructure continued to review the 2022 proposed Capital Budget.

Councillor Anderson entered the meeting at 1:05 pm.

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council **receives and endorses** the following 2022 Capital Projects as follows:

- 2022-01 BUILDING FACILITY RENEWAL in the amount of \$730,000
- 2022-02 PRIORITY DRAINAGE IMPROVEMENT in the amount of \$865,333
- 2022-03 TRENCHLESS STORM & CULVERT REHAB in the amount of \$1,200,000
- 2022-04 STORM MAINTENANCE VARIOUS LOCATIONS in the amount of \$450,000
- 2022-05 SILVER STAR RD MULTI-USE PATH PHASE 2 in the amount of \$2,010,000
- $2022-06\ 31^{ST}\ AVE-29^{TH}\ STREET\ TO\ 30^{TH}\ STREET\ in\ the$ amount of \$1,014,297
- 2022-07 37TH AVENUE 31ST STREET TO HWY 97 in the amount of \$433,000
- 2022-08 INFRASTRUCTURE PROGRAM SUPPORT in the amount of \$675,903
- 2022-09 LAND AQUISITION in the amount of \$200,000
- 2022-10 CAPITAL DESIGN in the amount of \$1,508,000
- 2022-11 TRANSPORTATION & ORGANIZATION ASSET MANAGEMENT PLANS in the amount of \$272,500
- 2022-12 PIPE VIDEO INSPECTION in amount of \$45,000
- 2022-13 CIVIC PARK PHASE 2 in the amount of \$280,000
- 2022-14 LAKEVIEW POOL REVITALIZATION in the amount \$356,124
- 2022-15 PARKS INFRASTRUCTURE RENEWAL in the amount of \$55,000
- 2022-16 CEMETERY ENTRANCE in the amount of \$350,000
- 2022-17 CEMERTERY IMPROVEMENTS ON MAPLE AVENUE in the amount of \$100,000
- 2022-18 TRENCHLESS SANITARY SEWER REHAB in the amount of \$500,000
- 2022-19 PRIORITY SANITARY REPLACEMENT in the amount of \$500,000
- 2022-20 TRONSON ROAD FORCE MAIN REPLACEMENT in the amount of \$2,120,000

- 2022-21 SANITARY FLOW MONITORING & MODELLING in the amount of \$50,000
- 2022-22 SANITARY TRUNK MAIN INSPECTION in the amount of \$80,000
- 2022-23 OKANAGAN LANDING SANITARY SEWER MUNICIPAL FEE in the amount of \$1,370,000
- 2022-24 SPRAY IRRIGATION ASSET RENEWAL in the amount of \$810,000
- 2022-25 VERNON WATER RECLAMATION CENTRE ASSET RENEWAL in the amount of \$335,000
- 2022-26 ROAD MAINTENANCE VARIOUS in the amount of \$125,000
- 2022-27 PAVEMENT OVERLAYS VARIOUS in the amount of \$250,000
- 2022-28 VERNON AIRPORT HELI-PADS in the amount of \$254,000
- 2022-29 ROCK SLOPE STABILIZATION in the amount of \$180,000
- 2022-30 TRANSPORTATION SAFETY IMPROVEMENTS
 VARIOUS LOCATIONS in the amount of \$125,000
- 2022-31 LAKE ACCESS SITE OKANAGAN LANDING ROAD BOAT LAUNCH in the amount of \$880,000
- 2022-32 TRANSIT INFRASTRUCTURE IMPROVEMENTS
 & SIDEWALK RAMPS VARIOUS LOCATIONS in the amount of \$145,000.

CARRIED

COMMUNITY INFRASTRUCTURE & DEVELOPMENT

The Director, Community Infrastructure & Development reviewed the Operating Budget for Community Infrastructure & Development.

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council **receives and endorses** the 2022 Budget for Community Infrastructure & Development Division, in the amount of \$4,538,363, as presented.

CARRIED

CHANGE REQUEST – COMMUNITY INFRASTRUCTURE & DEVELOPMENT

Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT Council approves the following 2022 Change Request for Operation Services:

3920 *Climate Action Position

\$129,338 (Taxation)

PAGE 8 SPECIAL REGULAR BUDGET MEETING –

November 29, 2021

RECREATION SERVICES

The Director, Recreation Services reviewed the Operating Budget for Recreation Services.

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council **receives and endorses** the 2022 Budget for Recreation Services Division, in the amount of \$2,590,691 as presented.

CARRIED

ADOPTION • 5876

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Bylaw #5876 "Recreation and Parks Services Fees and Charges (2022) Amendment Bylaw Number 5876, 2021", a bylaw to amend "Recreation and Parks Services Fees and Charges Bylaw Number 5472, 2013", be adopted.

CARRIED

LAKERS CLUBHOUSE

Moved by Councillor Anderson, seconded by Councillor Mund:

THAT Council **receives and endorses** the 2022 Budget for Lakers Clubhouse, in the amount of \$16,284, as presented.

CARRIED

HUMAN RESOURCES

The Director, Human Resources reviewed the Operating Budget for Human Resources.

Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT Council **receives and endorses** the 2022 Budget for Human Resources Division, in the amount of \$1,747,784, as presented.

CARRIED

ADMINISTRATION/ COUNCIL

The Chief Administrative Officer, reviewed the Operating Budget for Administration / Council.

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council **receives and endorses** the 2022 City Administration Division Budget, in the amount of \$935,953, as presented.

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SPECIAL REGULAR BUDGET MEETING -

November 29, 2021

FINANCIAL SERVICES

The Director, Financial Services reviewed the Operating budget for Financial Services.

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council approve an additional 2022 grant to Historic O'Keefe Ranch, in the amount of \$75,000, to be funded from the Casino Reserve

CARRIED

Moved by Councillor Gares, seconded by Councillor Quiring:

THAT Council **receives and endorses** the 2022 Budget for Financial Services, in the amount of \$2,329,943, as presented.

CARRIED

COMMUNITY SAFETY, LANDS & ADMINISTRATION

The Director, Community Safety, Lands & Administration reviewed the Operating Budget for the Community Safety, Lands & Administration Division.

Moved by Councillor Fehr, seconded by Councillor Anderson:

THAT Council **receives and endorses** the 2022 Budget for Community Lands, Safety and Administration Division, in the amount of \$5,112,161, as presented.

CARRIED

CHANGE REQUESTS – COMMUNITY SAFETY, LANDS & ADMINISTRATION

Moved by Councillor Mund, seconded by Councillor Anderson:

THAT Council approves the following 2022 Change Request for Community Safety, Lands & Administration:

3940 *RCMP Support Services 2022 Priorities \$231,556 (Taxation)

CARRIED

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council approves the following 2022 Change Request for Community Safety, Lands & Administration:

3919 *Communications Officer \$103,029 (Taxation)

PAGE 10 SPECIAL REGULAR BUDGET MEETING –

November 29, 2021

RECESS

Mayor Cumming called a short recess at 2:48 pm.

RECONVENE

Mayor Cumming called for Public Input on the 2022 to 2026 Financial Plan at 3:00 pm.

1. Dawn Tucker

- Appreciate Staff's clear presentations
- Would like Council to consider implementing the 1.9% Infrastructure Levy for this year
- Residents understand that RCMP members are needed
- The more we defer, the more it will cost in the future
- Cannot afford to defer the Infrastructure Levy as we have seen what is happening in Merritt and Abbotsford, it will affect the residents in other ways if we defer
- There will also be other costs increase from the Cultural Centre and the Active Living Centre
- Speculates that Infrastructure Levy will run more than two additional years
- Doesn't recommend delaying the Fire Apparatus Levy as it won't lessen the cost later
- Cost of borrowing will likely increase in the future
- Please consider these items when you decide on the budget.

Mayor Cumming called a second, third, and final time for representation from the public, and there being none, Mayor Cumming closed the Public Input on the 2022 to 2026 Financial Plan at 3:09 pm.

CHANGE REQUEST – COMMUNITY INFRASTRUCTURE & DEVELOPMENT

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council reconfirms the following 2021 Change Request for Community Infrastructure and Development:

2868 (2021) *Current Planner \$116,610 (Taxation)

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SPECIAL REGULAR BUDGET MEETING -

November 29, 2021

CHANGE REQUESTS – OPERATION SERVICES

Moved by Councillor Anderson, seconded by Councillor Mund:

THAT Council approves the following 2022 Change Request for Operation Services:

3916 *Enhanced Turf Cleaning (\$45,000 equipment purchase)

\$83,000 (\$38,000 Taxations, \$45,000 Casino Reserves)

CARRIED

Moved by Councillor Anderson, seconded by Councillor Fehr:

THAT Council approves the following 2022 Change Request for Operation Services:

3921 *Administrative Assistant - Operations \$94,675 (taxation)

CARRIED

CHANGE REQUEST – FIRE RESCUE SERVICES

Moved by Mayor Cumming, seconded by Councillor Anderson:

THAT Council **defer** the 2022 Change Request for Fire Rescue Services:

3918 *Fire Apparatus Reserve \$350,000 (Taxation)

CARRIED

Moved by Councillor Mund, seconded by Councillor Anderson:

THAT Council **endorses** the 2022 budget, as presented within the 2022 – 2026 Financial Plan, with the inclusion of all amendments directed by Council resolution, and includes the continuation of the 1.9% annual cumulative infrastructure levy.

CARRIED, with Mayor Cumming opposed

Mayor Cumming closed the meeting at 3:29 pm.

CERTIFIED CORRECT:

CLOSE		
		
	Mayor	Corporate Officer



Why am I here today?

- Talk about the importance and benefits of source water protection and the challenges we are facing in providing safe drinking water
- Introduce you to a new toolkit that compiles solutions to those challenges
- Suggest what you can do as an elected official to support source water protection

2 1

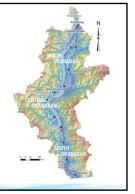
The Okanagan Basin Water Board

• Founded more than 50 years ago

3

• Focus on projects and programs that benefit the Okanagan watershed as a whole





Meet the Directors

















4

6

Source water protection what it is and why it matters ...

• Source water protection is the safeguarding of the quality and

- quantity of drinking water sources (rivers, streams, lakes, reservoirs, springs, groundwater) and their contributing areas
- Source water protection is the first barrier in the multi-barrier 'source-to-tap' approach to minimize impacts to human health
- Drinking water sources can be easily contaminated and long-term issues can develop that are costly or even impossible to remediate
- Source water protection also delivers cumulative socio-economic benefits and ecological services

Challenges

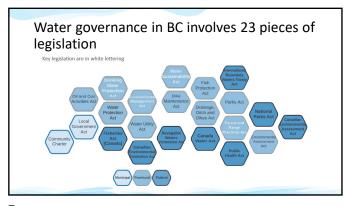
- Multi-use watersheds = many players, many sources of contamination
- Land development = more impermeable surfaces, less infiltration
- Climate change = more frequent landslides and erosion, flooding, increased runoff, wildfire
- · Complicated legislative framework = conflicting mandates, gaps in authority

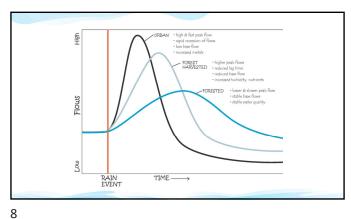


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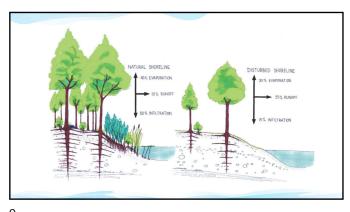
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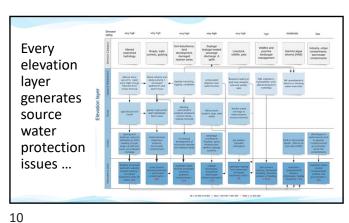
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The toolkit supports an informed, coordinated, and collaborative approach to source water protection

- ✓ Clarifies the source protection planning process saves water suppliers TIME and MONEY and makes regulators happy
- ✓ Compiles and delivers best practices
- ✓ Enables communities to draw on successes and lessons learned of others
- Helps communities understand and use their jurisdiction to protect water sources
- Teaches communities how to build awareness and gain support (political and public)

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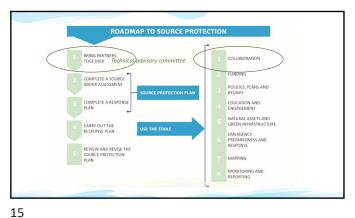
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Templates https://sourcewaterprotectiontoolkit.ca/#templates

Technical advisory committee

- Provincial ministries, First Nations, neighbouring water suppliers, health agencies, academia, industry & business sectors, conservation groups, recreation clubs
- Keys to success:
 - ✓ Terms of reference
 - ✓ Tangible actions and deliverables
 - Accountability and commitment
 - Regular meetings
 - ✓ Strong coordination



What can you do as an elected official?

16

- Improve your water literacy understand why source protection is important and learn basic water quality and quantity concepts
- Understand water governance: roles and responsibilities
- Understand why it is important to engage with other levels of government and stakeholders
- Understand sustainable financing and how asset management, full cost recovery, water metering/pricing, performance measurement, and continuous improvement supports it
- Support staff when they are working on source protection initiatives
- AGLG Perspectives Series Dec 2018 Considerations for Local Government Elected Officials Primer on Drinking Water Management in British Columbia

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City of Vernon

E-Scooter Pilot Program December 2021 Update

Vernon snapshot: By the numbers

Ridership Statistics

13,400

Users signed up with Neuron in Vernon



Average trip distance



Trips taken since July 29th (day of launch in Vernon)



3-day, weekly and monthly passes used in Vernon since launch

User Rating and Trip Duration / Distance

18,800

Users have rated their ride on a Neuron e-scooter



Is the average rating on Neuron's services



Users have rated their ride as 4 or 5 on a Neuron e-scooter

161,600 km

Total trip distance over the past season



Neuron Local Impact for 2021



of all Neuron trips replaced a car trip

59%

of users made a purchase at either the start and/or the end of their most recent trip

19%

of trips taken on Neuron would not have happened if Neuron was not available

93%

of users believe Neuron has created a positive impact for the city

60%

of users said they use e-scooters to visit restaurants/cafes and explore the city

53%

of users use e-scooters to commute



Riding rules

- Must be 16 years of age reduced from 18
- Do not ride under the influence
- Helmets are mandatory
- Be the only rider and not carry any passengers (e.g. children or pets)
- Make way for pedestrians
- Do not use a device that will distract you (e.g. earbuds, phone)
- Abide by local traffic rules
- Park responsibly



Riding area expansion



- Vernon's riding area has expanded including most of East Hill and a larger section of the community near Bella Vista Road
- The increased riding area is part of ongoing efforts to improve service



Update: Taking safety seriously

- In total, 9 'slow riding', 10 'no riding' and 22 'no parking' zones have been implemented in collaboration with the City and local stakeholders
- Along with staff, collaborate with local stakeholders to optimize routes for accessibility
- Incentives provided for helmet use and responsible parking practices
- Rider and public education programs continued throughout the operating season
- Ongoing in-app and electronic communication and education on safe riding (e.g. helmet use, age requirements, one person per e-scooter)



Community safety initiatives



- In addition to the Vernon e-scooter launch event, which outlined Vernon's safety rules, Neuron hosted #ScootSafe events every month
- All events include interactive one-on-one safety briefings and quizzes
- In October, Neuron launched its first ever Helmet Safety Awareness Week to increase rider awareness of the importance and mandatory nature of wearing a helmet in Vernon



Looking to 2022

- Neuron anticipates the launch of the 2022 operating season to occur in March (weather permitting)
- The 2022 riding season will include the launch of e-bikes, making Vernon one of the first cities to have both e-scooters and e-bikes in Canada
- Riders can expect continued focus on helmet safety in 2022, and ongoing riding rule education programs and events
- Monthly #ScootSafe events throughout the 2022 riding season



Community impact

- It's been extremely exciting to see how Vernon residents and visitors have embraced Neuron Mobility's e-scooters to shop, commute or explore the community. We are excited to see Neuron's plans roll out for 2022 and the increased benefits the e-scooter network will provide Vernon and the economy.
 - Dan Proulx, General Manager, Greater Vernon Chamber of Commerce
- We have seen the Neuron e-scooters being utilized throughout Downtown Vernon, since the program's inception. Many of our businesses and services have enjoyed more traffic via these environmentally friendly forms of transportation. Exploring our area has become easier for a newer demographic.
 - Peter Kaz, Marketing Manager, Downtown Vernon Association



Thank you.

Questions + Further Discussion

Ankush Karwal

General Manager, Canada

Isaac Ransom

Head of Government Relations, Canada

Chris Carroll

Vernon City Manager





ADMINISTRATION UPDATES December 13, 2021 REGULAR COUNCIL MEETING

File: 0550-05

COMMUNITY INFRASTRUCTURE AND DEVELOPMENT SERVICES

Kin Race Track

Land use and park concept planning has begun for the new Kin Race Track Park. On November 22, 2021, Public Engagement Phase 1 launched with a survey on www.engagevernon.ca that will be open for public feedback until December 18, 2021. The survey provides an opportunity for the public to share their comments and ideas on what activities, amenities and "look and feel" elements they would like to see in the park. A report will be brought forward to the Regular Meeting of January 10, 2022 with two concept options for the park for Council's consideration.

Development Working Group

The Development Working Group membership is being finalized, with the first meeting of the group expected in the new year. Concurrently, Administration continues to implement recommendations from the Development Application Process Review. The next update of the Development Application Process Review will be included as part of the 2021 fourth quarter update and year end results by the Manager, Economic Development and Tourism at the Regular Meeting of February 14, 2022.

Jumpstart Inclusive Playground at Marshall Field

Construction of the Jumpstart inclusive playground is complete (see pictures below), with tree planting, turf and irrigation planned for completion in the spring. With support and funding from local Associate Canadian Tire Dealer Jack D'Amico, Canadian Tire Jumpstart Charities contributed the professionally designed inclusive playground and its rubber safety surfacing. The City's contribution to the project has included the site, survey, site preparation, temporary fencing and security during construction, concrete walkways/mini plaza, washroom accessibility upgrades, benches, accessible picnic tables, and inspections.







Permaculture Garden Removal

In 2019, the Vernon Permaculture Group received a City of Vernon sustainability grant to start a seed and nut library for the community. The following is quoted from the application:

The Vernon Permaculture community seeks to plant, educate, and facilitate establishing a community-owned library of grafting stock, seeds, and starts spread throughout the neighborhoods, back yards, and public spaces. This project would establish a map of existing resources, increasing them with food forest installs and actions this year. The library and food forest installations would be available to those in need at no cost, and the food generated would stay on site with excesses donated to the food bank. We would do what we love - garden and educate - promoting fully organic actions and practices, while ensuring a genetic base and sustainability model to continue with for years to come. Individual property owners are signing up to co-house the materials, and volunteers are already in place.

After this grant was awarded, the group requested support from the City to determine a location. They were looking for a site with visibility for this demonstration project. Two sites were selected: one at City Hall and one at the former Xerendipity Garden, behind the Okanagan Science Centre. The group committed to maintain the gardens and remove them as requested.

Over the time the garden has been in place, a number of complaints have been received, primarily relating to the appearance of the garden which surrounds the RCMP Office sign. The concerns were passed along to the group who did some additional maintenance, set up opportunities to engage on the garden and was developing signage.

In early summer of 2021, at the direction of the Chief Administrative Officer, the group was requested to meet with City staff to discuss removal or relocation of the garden.

These discussions were delayed by the onset of the fire season. In late fall, an agreement was made to provide some extra time for the removal of the garden, with replanting to be scheduled in the spring of 2022. Administration has now met with the group and are supporting them to find a new location for the permaculture garden on the City Hall block.

OPERATION SERVICES

Facilities

Mural Maintenance

In 2005 the City and the Downtown Vernon Association agreed to establish and administer a fund for the maintenance of the downtown murals. Both parties contribute \$5000 annually to the Mural Maintenance Reserve. The reserves projected balance for January 1, 2022 is \$97,366. There are 28 murals included in the mural inventory. Since the execution of the agreement, the contribution to reserves has exceeded the required maintenance. As the murals age, it is expected that the cost of repairs and maintenance will significantly increase. City Administration is working closely with representatives of the DVA to establish a maintenance plan for 2022 and will report back to Council next spring.

Public Works

Pot holes

Pot holes reported on Commonage road, Bench Road and 42nd Avenue at 27th Street have been repaired.

BC Hydro LED Streetlight Conversion

In addition to City owned street lights, the City also leases approximately 1600 street lights on wooden poles from BC Hydro. A contractor working for BC Hydro began replacing these streetlights with LED's on November 30, 2021. The anticipated completion date of the BC Hydro replacement program is January 31, 2022. City Administration worked closely with BC Hydro to ensure that the lighting type and color are consistent with the recently installed City owned LED streetlights.

Parks

Goose Control

In 2021 Council approved the expenditure of \$40,000 for a goose "Kill" program. Council later redirected this funding to a "Kill to Scare" program and enhanced beach cleaning. The "Kill to Scare" program was not able to proceed this year as the permits have not been approved by Provincial staff. Administration have been working with the Province regarding the submission details. The remaining budget for this program is approximately \$25,000. Administration will be requesting that Council carry over the remaining funds to facilitate the "Kill to Scare" program in 2022.

THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY:

Michelle Austin

Current Planner

COUNCIL MEETING: REG ⊠ COW □ I/C □

COUNCIL MEETING DATE: December 13, 2021

REPORT DATE: November 25, 2021

FILE: 3360-40 (General\RPT)

SUBJECT:

IMPACTS OF PROVINCIAL TERMINATION OF ALL LAND USE CONTRACTS

PURPOSE:

To advise Council of the impacts of the Province terminating all Land Use Contracts (LUCs) on June 30, 2024, including such impacts on example residential and commercial properties.

RECOMMENDATION:

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.

ALTERNATIVES & IMPLICATIONS:

1. 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 retain a consultant to develop a comprehensive strategy to determine the lawfulness of the existing uses of each property subject to a land use contract; to make recommendations for bringing non-compliant uses into compliance; and, to initiate and complete necessary re-designations and rezonings, 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.

Note: This alternative would be contrary to the usual approach to development where property owners initiate land use applications. There are many non-conforming properties (not due to LUCs being terminated) within the City of Vernon that continue to be used effectively. As each property nears redevelopment, Administration's proposal under the "Recommendation" is to work with each applicant on the appropriate designation and zoning to fit their needs at the time. This approach has been

utilized successfully to date in discharging LUCs. This alterative would also require funds over and above those within the Department's operating budget.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

- 1. Land use Contracts (LUCs) were widely used in B.C. from 1971 to 1977. They were intended to provide more flexibility than traditional zoning. The terms of an LUC were negotiated between the owner and municipality and often included zoning, development permits, subdivision layouts and servicing agreements in one document. If a property lies within the boundaries of an LUC, all land use regulations are prescribed in the LUC, despite any municipal bylaw, even zoning.
- 2. The enabling legislation for LUCs was repealed in 1978 because, in some municipalities, virtually every development application became a negotiation over off-site amenities and development activity was being seriously impaired.
- 3. On June 30, 2024, Section 547 (1) of the Local Government Act (LGA) terminates all LUCs that remain in force as of that date. When this occurs, municipal bylaws governing use and development of lands formerly under an LUC will automatically apply, such as the Official Community Plan (OCP) and Zoning Bylaw. The charge registered on title is deemed to be discharged as of the date of the termination of the land use contract. For the last several years, Administration has been working with applicants on a case-by-case basis to discharge land use contracts when a property comes forward for redevelopment.
- 4. By June 30, 2022, Section 547 (2) of the LGA requires all municipalities to adopt zoning for all affected lands to replace LUCs upon their termination. There are 48 LUCs in place within the City of Vernon regulating the use and development of 449 parcels (Attachment 1). To the best of Administration's knowledge, using the City's Geographic Information Systems software, all properties currently under an LUC have underlying replacement zoning. As such, this requirement is fulfilled.
- 5. Section 549 of the LGA requires the City of Vernon to give written notice of termination by June 30, 2022 to each owner whose land is subject to an LUC that will be terminated. The notice must state where and the times and dates when zoning regulations that will apply to the land are available for public inspection.
- 6. Section 528 of the LGA affords "legal non-conforming status" to land uses that existed at the time the applicable zoning bylaw (i.e. Zoning Bylaw #5000) was adopted. This means that a non-conforming use may be continued under certain conditions. Non-conforming uses are not intended to continue indefinitely. The purpose of the statutory provisions is that non-conforming uses should ultimately be discontinued to bring the parcel into compliance with the current zoning scheme. If a non-conforming use is discontinued for a period of six months or more, any subsequent use of the land, building or other structure becomes subject to the Zoning Bylaw. Expansion of the use is also limited to within an existing building, provided no structural alterations occur.

7. To better understand the potential impacts of this sweeping termination of LUCs on affected properties, Administration has selected a few properties (Attachment 2) to illustrate as shown in Table 1, below. Table 1 compares the actual use of select properties with the current OCP designation and underlying replacement zoning, looking for incompatibilities as a starting point to determine possible implications and next steps.

Table 1

Civic Address	LUC#	OCP Designation	Zoning	BC Assessment Description	Actual Use	Conformance with Zoning	Implications/ Options
2810 35 St	#2252, 1974	RHD- Residential High Density & Park	RH3- High-Rise Apartment Residential	Commercial – Motel & Auto Court	Schell Motel	Non-conforming Motel not a permitted primary use Hotel/motel accommodation allowed as a secondary use	Property can continue to be used for a motel as long as the use does not lapse for six months or more Property could be redeveloped to comply with RH3 Zone OCP designation could be amended to Commercial and rezoned to a commercial zone allowing "motels" as a primary use
4303 Pleasant Valley Rd	#2389, 1975	RLD- Residential Low Density	R2- Large Lot Residential	Commercial- Store & Service Commercial	Pleasant Valley Funeral Home	Non-conforming Funeral Services not a permitted use	Property can continue to be used for funeral services as long as the use does not lapse for six months or more Property could be redeveloped to comply with R2 Zone OCP designation could be amended to Commercial and rezoned to a commercial zone allowing "funeral services" as a primary use
3100 34 Ave	#2304, 1976	Community Commercial	C5- Community Residential	Parking (lot only, paved or gravel-com)	Paved parking lot (Vantage One Credit Union)	Conforming Non-accessory parking is a primary use	No action required
1802 45 Ave	#2530, 1976	PUBINS- Public & Institutional	P3-Private Institutional	Schools & universities, college or tech school	Seventh Day Adventist Church & School	Conforming Educational services – private is a primary use	No action required

8. As Table 1 above shows, there are properties and uses under an LUC within the City of Vernon that, upon termination of the LUC, will comply with the underlying replacement zoning and not require action by the property owner or City. However, there are also properties and uses that will contravene the underlying replacement zoning and ultimately require rezoning or redevelopment, though they can continue to be used under "legal non-conforming" protection status until the use is discontinued for six months or more.

- 9. In order to determine the most appropriate course for each property subject to a land use contract termination, Administration presents the following questions to determine the best course of action.
 - a) Did the actual use conform to the LUC when Zoning Bylaw #5000 was adopted? In instances where the actual use does not conform to the underlying replacement zoning, it is important to determine whether the use was legal to begin with and can be given "legal non-conforming" status.
 - b) Does the actual use conform to the underlying replacement zoning? If yes, then no changes are required. If no, and it has been deemed "legal non-conforming", then it can continue to exist under certain conditions. If no, and the use has been deemed "illegal", then the property should be rezoned to allow the actual use, or redeveloped to comply with the current zoning.
 - c) Is the underlying replacement zoning consistent with the OCP designation? If not, this should be reviewed and resolved through the OCP Review process in 2022 to ensure use of the property is consistent with the City's long term vision for the use of the property.
- 10. Despite "legal non-conforming" or "illegal" status, for properties where the actual use is not permitted under the zoning, Administration should inform the owners about the implications and encourage them to contact Administration for direction on how to bring the use into compliance.
- 11. Alternatively, the City of Vernon could initiate necessary re-designations and rezonings itself using Planning Staff or by retaining a consultant to complete the project.

C. Attachments:

Attachment 1 – Location Maps of LUCs Attachment 2 – Aerial and Zoning Maps of Select Properties

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

The subject recommendation is related to the following goals/action items in Council's Strategic Plan 2019 – 2022:

Review and stream line residential development approval process.

E. Relevant Policy/Bylaws/Resolutions:

- 1. There are 48 LUCs in place throughout the City of Vernon regulating the use and development of 449 parcels.
- 2. These 449 parcels have underlying replacement zoning under Zoning Bylaw #5000.

BUDGET/RESOURCE IMPLICATIONS:

Budget and resource implications of Administration's Recommendation include staff time to prepare notices and materials for public inspection and printing and mailing costs. Depending on Council direction, budget and resource implications for Alternative Recommendations #1 and #2 vary. Hiring a consultant will have greater budget implications. Utilizing Planning Staff will have greater capacity implications, affecting workloads and land use application processing times.

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Prepared by:	Approved for submission to Council:
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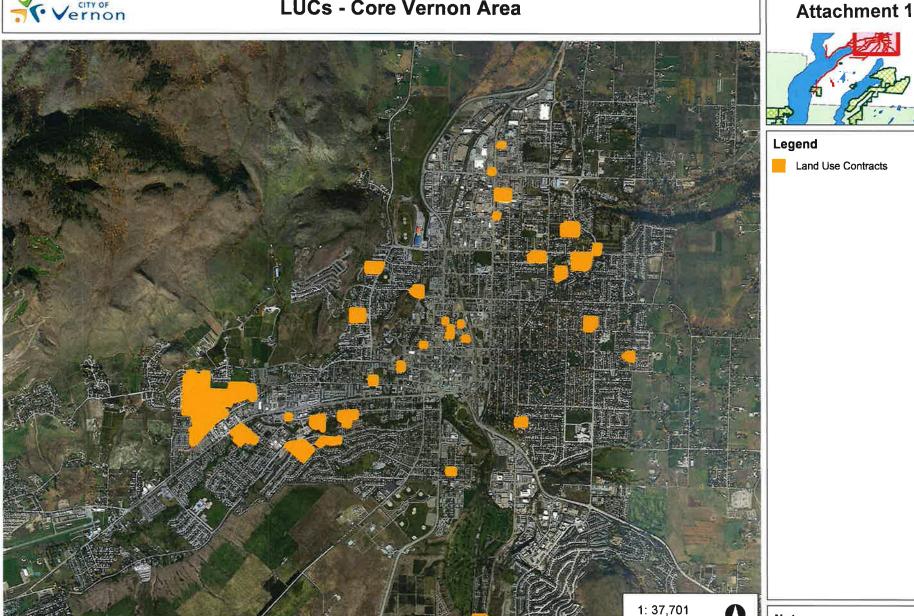
Director, Community Infrastructure and Development

REVIEWED WITH		
 □ Corporate Services □ Bylaw Compliance □ Real Estate □ RCMP □ Fire & Rescue Services □ Human Resources □ Financial Services □ COMMITTEE: □ OTHER: 	 □ Operations □ Public Works/Airport □ Facilities □ Utilities □ Recreation Services □ Parks 	 ☑ Current Planning ☐ Long Range Planning & Sustainability ☐ Building & Licensing ☐ Engineering Development Services ☐ Infrastructure Management ☐ Transportation ☐ Economic Development & Tourism

\\gw1\groups\3000-3699 LAND ADMINISTRATION\3360 ZONING AND REZONING\40 Land Use Contracts\General - NOT FOR LF DOCS\RPT\2021_LUC Termination Strategy\211125_ma_Report to Council_LUC Strategy.docx



LUCs - Core Vernon Area



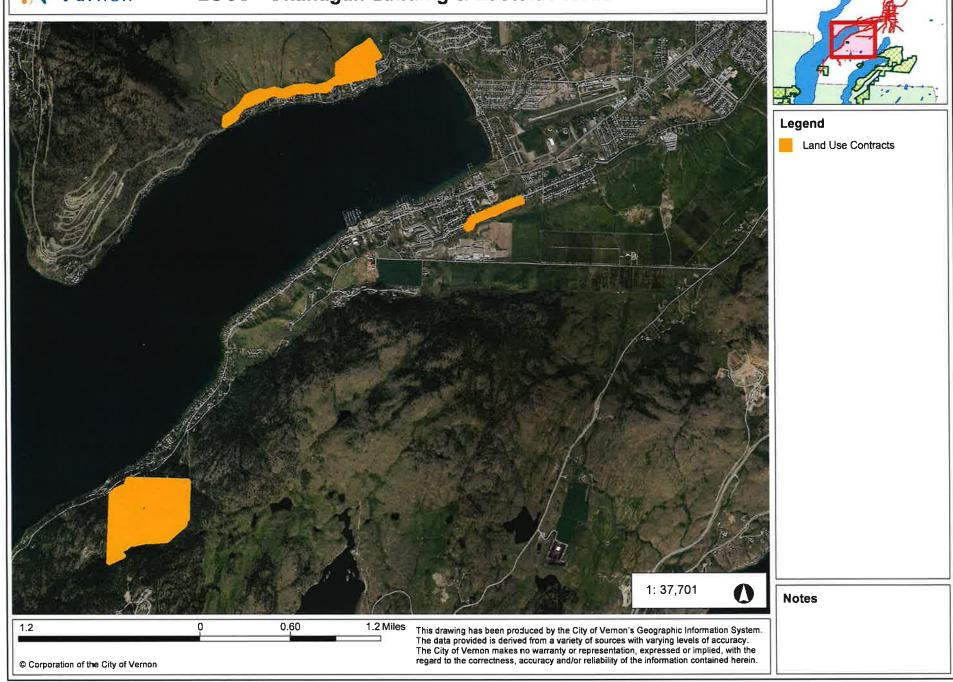
0.60 1.2 Miles © Corporation of the City of Vernon

This drawing has been produced by the City of Vemon'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.

Notes

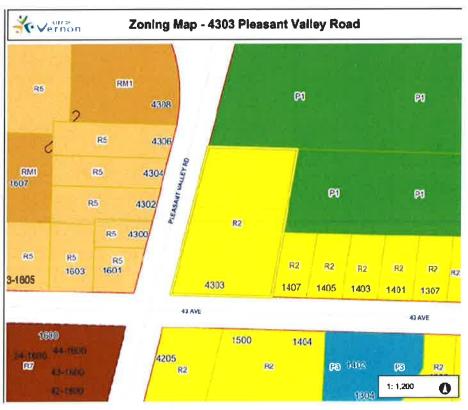


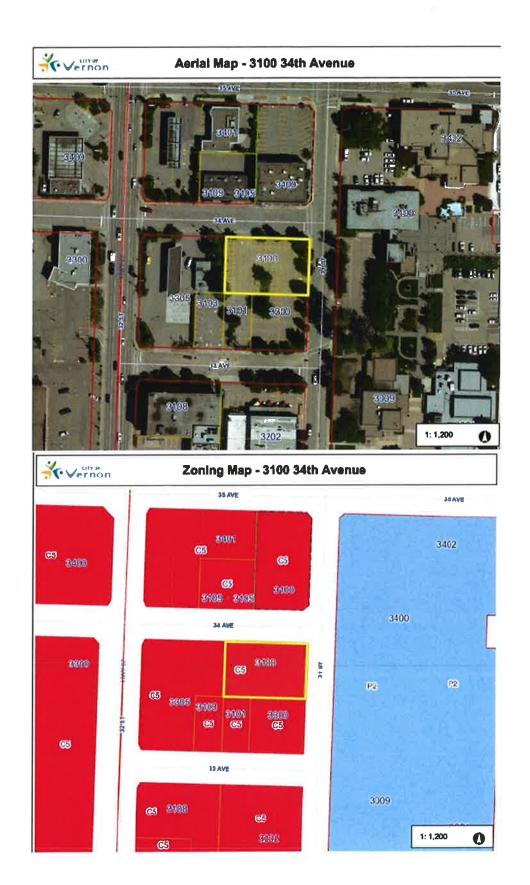
LUCs - Okanagan Landing & Eastside Road







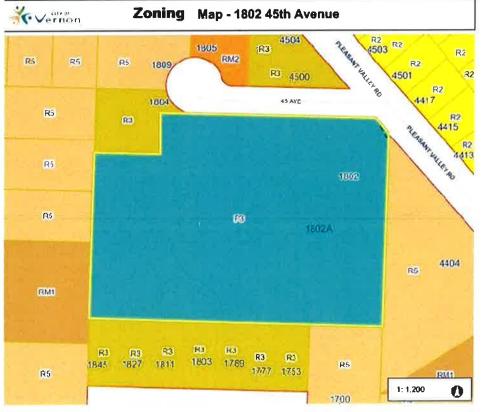






Aerial Map - 1802 45th Avenue







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: December 13, 2021

REPORT DATE: December 3, 2021

FILE: 4330-01

SUBJECT: REVIEW OF RETAIL CANNABIS LICENSING REGULATIONS

PURPOSE:

To review the retail cannabis store licensing regulations subsequent to Council's resolution to place a cap of six on the number of retail cannabis stores in the primary business improvement area and the completion of Council's two year moratorium on the acceptance of applications for retail cannabis stores, as well as Council's direction to establish a prohibition on retail cannabis stores within a 500m proximity buffer of other retail cannabis stores, delegation of approval authority to Administration and the City's current licensing fee structure.

RECOMMENDATION:

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 in the report titled *Review of Retail Cannabis Licensing Regulations* dated December 3, 2021 and respectfully submitted by the Current Planner.

ALTERNATIVES & IMPLICATIONS:

- 1. THAT Council direct Administration to bring forward the following amendment bylaws for Council's consideration at the January 24, 2022 Regular Meeting of Council as outlined in the report titled *Review of Retail Cannabis Licensing Regulations* dated December 3, 2021 and respectfully submitted by the Current Planner:
 - a. Amend Zoning Bylaw #5000 to include a 500m proximity buffer prohibition on retail cannabis stores from other retail cannabis stores;
 - b. Amend Delegation of Authority Bylaw #5727 to include the delegation of Council's authority to make recommendations and comments on Provincial applications for a retail cannabis store licence in response to referrals provided by the Liquor and Cannabis Regulation Branch;
 - c. Amend Fees and Charges Bylaw #3909 to reduce application and licensing fees associated with Cannabis Retail Stores; and
 - d. Amend Business Licence Bylaw #5480 to include a lapse provision for applications that are not active for a period of twelve months.

Note: This alternative would see the process delegated to Administration, the establishment of a 500m proximity buffer prohibition on retail cannabis stores from other retail cannabis stores, reduction of application and licensing fees and instituting a lapse provision for inactive applications. Additional restrictions regarding proximity to sensitive uses would not be addressed.

2. THAT Council receive for information the report titled "Review of Retail Cannabis Licensing Regulations" dated December 3, 2021 and respectfully submitted by the Current Planner.

Note: This alternative would see the current approval process and fee structure remain unchanged.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

Background

- 1. In January 2019, the City began accepting and processing applications for retail cannabis stores. All retail cannabis store applications are referred to Council to provide the City's recommendation to the Liquor and Cannabis Regulation Branch (LCRB). To meet the Provincial requirements for public consultation, all retail cannabis store applications are referred to properties within 30 metres of the subject property. Comments received for each proposed location are forwarded to Council for consideration with the retail cannabis store application.
- 2. The vast majority of retail uses are not adjudicated by Council. Regulations pertaining to retail cannabis store applications are largely the domain of the Province, with the exception of the location, as well as any terms and conditions contained in a business licence bylaw. The scope of Council's, and the City's, involvement in the licencing process is very similar to the process for obtaining or modifying a liquor licence.
- 3. Council has passed several resolutions which will be the focus of this report, as follows:
 - Limited the number of retail cannabis stores within the Primary and Secondary Business Improvement Area (BIA) to a maximum of six;
 - Placed a two year moratorium on consideration of new applications not with the LCRB as of July 29, 2019;
 - Removed the Secondary BIA from the maximum of six retail cannabis stores and directed Administration to process applications received prior to July 29, 2019; and
 - Directed Administration to bring forward amendments to Zoning Bylaw #5000 to institute a 500m proximity buffer prohibition between retail cannabis store locations and amendments to Delegation of Authority Bylaw #5727 to delegate authority to Administration to make recommendations and comments to referred applications for retail cannabis store licences in compliance with City bylaws.
- 4. As the two year moratorium was in place until July 29, 2021, Administration has not accepted applications unless otherwise directed by Council. Since the moratorium has expired, no new applications have been received.
- 5. There are thirteen retail cannabis store locations operating within the city in the following areas (Attachment 1):
 - a. North Vernon Neighbourhood Plan Area east of highway 97 (5 stores);
 - b. City Centre Neighbourhood Plan Area in the Principal BIA (3 stores though 6 have been approved by Council);

- c. Kalamalka Lake Road between Polson Mall and Vernon Golf Course (2 stores);
- d. Along 25th Avenue between OK Landing Plaza and the industrial lands to the north east (2 stores); and
- e. Along 32nd Street (Hwy 97) south of Vernon Square (1 store).

One additional retail cannabis store is nearing completion (Building Permit has passed occupancy inspection requirements) and is waiting on final approvals from the Province before commencing operations at the Fruit Union Plaza.

- 6. Council has passed a resolution permitting a maximum of six licences within the Principle Business Improvement Area (BIA) and has provided resolutions of support for six proposed locations in this area. Two years have passed since Council provided supporting recommendations to LCRB. To date, only three of the locations are in operation. As a result of the six-licence maximum within the Principal BIA and the three businesses that have received the City's approval but not commenced operations, there are three vacancies that the City cannot fill. It is recommended that businesses that have been approved, but not commenced operation, be given thirty days to demonstrate to the City that their applications are active or their respective resolutions of support from Council will be rescinded. Moving forward, it is recommended that approvals be rescinded if an applicant's file becomes dormant for a period exceeding twelve months from the date of Council's resolution of support.
- 7. Due to the relinquishment of a 95 year prohibition (1923 2018) on the cultivation and distribution of cannabis, a significant amount of excitement was created amongst cannabis enthusiasts and entrepreneurs to establish a business in the young legal market. This resulted in over 20 applications to the City for cannabis retail stores in a relatively short period of time. In response, Council passed a resolution to place a two-year moratorium on the acceptance of new applications. This resulted in an effective cooling off period that has allowed the market to stabilize and grow out of its infancy, as well as provide the City with the opportunity to monitor the impacts, or lack thereof, on the business environment and social fabric of the community.
- 8. Bylaw Enforcement has indicated that since retail cannabis stores have become legal and fully licensed, complaints and bylaw infractions have been minor in nature and generally limited to the placement of signage contrary to the City's Sign Bylaw #4489. This is a common infraction with retail businesses in any sector.

Zoning Bylaw Review

- 9. Retail Cannabis Sales is a principal use in the following zoning districts in Zoning Bylaw #5000:
 - C3 Mixed-Use Commercial
 - C4 Street-Oriented Commercial
 - C5 Community Commercial
 - C6 Village Commercial
 - C7 Heritage Business District
 - C8 Central Business District
 - C9 Regional Commercial
 - C10 Tourist Commercial
 - C11 Service Commercial
 - C12 Convention Hotel Commercial
 - RTC Resort Commercial
 - CD1 Comprehensive Development Area
 - CD5 Comprehensive Development Area

- 10. Administration recommends that the resolution establishing a maximum of six locations in the Principal BIA be rescinded as the 500m proximity buffer prohibition is far more restrictive and would likely only permit a maximum of one or two locations in the Principal BIA. This regulation would change the status of locations within the Principal BIA to legally non-conforming until only retail cannabis stores outside of a 500m proximity buffer from any other retail cannabis stores remains. Should any one of the existing retail cannabis stores cease operations for a period of time greater than six months, they would lose their legal non-conforming status and a licence to operate a retail cannabis store would no longer be permitted in their current location. Additionally, this same methodology would apply to all of the existing cannabis retail stores in operation throughout the City altering their legal status and prohibiting additional licences in the area.
- 11. Another consideration when establishing, and subsequently enforcing, the 500m proximity buffer prohibition is that it would have the effect of disrupting the existing consolidation of locations occurring in commercial centres and incentivise the disbursement of retail cannabis stores throughout the City. This has the potential to see retail cannabis stores appear in locations that could be perceived as less than appropriate (e.g., if the only available commercial location that is outside of the 500m proximity buffer is near a school or other area containing vulnerable populations, a retail cannabis store may make application for a licence at that location simply to meet the established 500m buffer). As there are no other regulations to inform the decision making process, the location of the proposed store would likely be approved.
- 12. Administration has completed a spatial analysis of retail cannabis stores currently operating. Based on the proposed 500m proximity buffer prohibition, there are approximately 155 remaining properties with zoning in place that would allow a cannabis retail store as a principal use. This analysis does not consider the financial viability of the potential locations or any zoning amendment applications that may create more parcels of land in zoning districts that contain cannabis retail store as a principal use.

Delegation of Authority Review

- 13. The City has been delegated a significant amount of authority and discretion in relation to the approval or denial of retail cannabis store licences. When a notice of application from LCRB is received by the City, they may:
 - Choose not to make a recommendation (in this case the LCRB application is denied);
 - Recommend non-support of an application (in this case the LCRB application is denied); or
 - Recommend to support an application (LCRB has discretion whether or not to issue the licence).

If the City chooses to make comments or recommendations on a potential licensee's application, it must gather the views of residents. Details on the consultation process, as well as rationale demonstrating how the results were considered in formulating the recommendation, are required to be submitted to the Province as part the City's response to the application referral from LCRB.

- 14. The City has regulatory powers to impose restrictions through zoning regulations with respect to location of retail cannabis stores, as well as to impose terms and conditions on their operation by establishing terms and conditions in a business licence bylaw.
- 15. Administration utilizes bylaws and policies to guide its decision making to establish a fair process for applicants and consistency in its decisions. As Retail Cannabis Sales is established as a principal use on properties within the City, and the only regulation is to restrict the location retail cannabis stores via the proposed 500m proximity buffer prohibition, Administration would not be in a position to decline an application for any other grounds including if the location abuts a sensitive use without encountering

scrutiny and pushback. Without establishing a framework to inform Administration's decisions, applicants may presume that decisions made by Administration are arbitrary in nature and any decision to provide a recommendation of non-support to the LCRB would be appealed to Council. Reciprocally, if Administration provides a recommendation of support, opponents of the proposed location may feel the same and subsequently bring a delegation to Council requesting that the decision be overturned. In either circumstance, without a regulatory framework in place to guide the decision-making process, the reduction in processing time and efficiency desired to be achieved through the delegation of authority may actually result in a net loss.

16. As such, it is recommended that Administration bring forward a report to the Regular Meeting of January 24, 2022 for Council's consideration that provides regulatory options to inform the decision making process in the evaluation future retail cannabis store applications in an equitable and transparent manner that is respectful of sensitive uses. Following Council's direction, Administration can bring forward the entire package of related amendments including the Zoning Bylaw, Delegation of Authority Bylaw, Fees and Charges Bylaw and Business Licence Bylaw.

Licensing Fee Review

17. In reviewing the current retail cannabis licensing fee structure at the City, Administration conducted a review of licensing fees in twelve communities throughout the Okanagan region. The results of this research are identified in Table 2 below.

Table 2 – Regional Cannabis Licensing Fee Review

Community	Application Fee	Licence Fee	Notes		
Vernon	\$5,000	\$2,000			
Kamloops	\$1,600	\$5,000	Considering reducing fees		
Salmon Arm	\$1,000 (Fee for Council Approval)	Based on sq. ft. size of retail location	Same as other retail businesses		
Enderby	\$3,000	\$1,500	Application fees has been reduced from \$5,000		
Armstrong	\$150	\$75	\$80 inspection fee for commercial buildings		
Coldstream	No cannabis retail				
Lake Country	N/A	\$530.75			
Kelowna	\$25	\$9,465 plus \$510 processing fee	Total \$10,000		
Peachland	Retail \$5,000 Cultivation micro \$2,500 Cultivation standard \$5,000	\$500	Application fees were established for cost recovery on the development of regulations. Fees are to be reduced once cost recovery is achieved.		
Summerland	\$1,500	\$400			
Penticton	\$2,750 (Fee for Council Approval)	\$185			
Oliver	N/A	\$200			
Osoyoos	Site specific rezoning	\$500			

- 18. Licensing fees within the Okanagan vary greatly with Kelowna holding the highest annual cost at \$9,975. From the perspective of resource utilization, the amount of administrative resources required for processing a typical cannabis retail store application is between that of a Development Variance Permit and a Zoning Amendment application: \$1,100 and \$1,400 respectively. (It is noted that both of the these are being reviewed through the lens of a cost recovery or a "user pay" model which is likely to result in an increased application fee for both in the future.) Administration recommends amending Fees and Charges Bylaw #3909 to align the application fee with similar processes, as well as to adjust the annual licensing fee to align with the same rate applied to a retail liquor store (variable based on m² of retail space from \$125-\$800 annually).
- 19. Should Council wish to proceed with the currently proposed methodology to regulate retail cannabis stores within the City by instituting the 500m proximity buffer prohibition without additional regulations regarding proximity to sensitive uses, Administration would bring back the following amending bylaws to the January 24, 2022 Regular Meeting for Council's consideration of First and Second Readings:
 - Amend Zoning Bylaw #5000 to include a 500m buffer prohibition on retail cannabis stores;
 - Amend Delegation of Authority Bylaw #5727 to include the delegation of Council's authority to make recommendations and comments on applications for Cannabis Retail Store in response to referrals provided by the LCRB;
 - Amend Fees and Charges Bylaw #3909 to reduce application and licensing fees associated with retail cannabis stores; and
 - Amend Business Licence Bylaw #5480 to include a lapse provision for applications that are not active for a period of twelve months.

C. Attachments:

N/A

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

The retail cannabis business licensing process involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- > Streamline red tape to facilitate more development
- > Evaluate and seek Council direction on the impact of retail cannabis stores Downtown

E. Relevant Policy/Bylaws/Resolutions:

1. At its Regular Meeting of October 26, 2020, Council passed the following resolution arising from a Notice of Motion:

"THAT Council directs Administration to review and bring back amendments to the current Cannabis bylaw, while we currently hold a moratorium on further applications, for the purpose of strengthening such bylaw in order to limit the amount of Cannabis retailers that are within a 500m radius of each other;

WHEREAS Council has already seen substantial requests for cannabis application since legalization whereby many storefronts are within close proximity to other retailers;

AND WHEREAS, this regulation will naturally manage the market so that Council will not need to implement further regulatory caps;

AND FURTHER, that Council delegates the authority of issuance of cannabis permits to Administration IF the applicants meet the criteria set out in the bylaw."

2. At its Regular Meeting of November 25, 2019, Council passed the following resolution:

"THAT Council remove the Secondary BIA from the April 23, 2019 Council resolution which limited the number of cannabis shops within the Secondary and Primary BIA area to six licensed cannabis retail shops, and direct Administration to process applications for cannabis retail uses in the Secondary BIA area that were received prior to July 29, 2019."

3. At its Regular Meeting of September 3, 2019, Council subsequently endorsed the following resolution:

"THAT Council directs Administration to provide a report to Council regarding any Retail Cannabis Licence (RCL) applications that were in progress when the City of Vernon moratorium was placed on RCL applications."

4. At its Regular Meeting of July 29, 2019, Council adopted the following resolution:

"THAT Council directs Administration to place a **two-year moratorium** on consideration of new (applications not currently in progress with the Province of BC as of July 29, 2019) Cannabis Retail Store Applications."

5. At its Regular Meeting of April 23, 2019, Council passed the following resolution:

"THAT Council directs Administration to limit the number of Cannabis Shops within the Primary and Secondary BIA area of the City of Vernon to six (6) Licensed Cannabis Retail Shops;

AND FURTHER, that Administration monitor and report back in one year's time."

BUDGET/RESOURCE IMPLICATIONS:

Amendments to the Business Licence Fees, as referenced in this report, would reduce the Business Licence revenue by approximately \$16,800 – \$24,500 annually.

Prepared by:

X Mos Jan	_	
Matt Faucher, Current Planner Community Infrastructure and De	velopment	
X Kim Flick, Director Community Infrastructure and De	Will Pearce, Co	Submission to Council: CAO B.DEC.2021
REVIEWED WITH		
 ☑ Corporate Services ☑ Bylaw Compliance ☐ Real Estate ☐ RCMP ☐ Fire & Rescue Services ☐ Human Resources ☐ Financial Services ☐ COMMITTEE: ☐ OTHER: 	 □ Operations □ Public Works/Airport □ Facilities □ Utilities □ Recreation Services □ Parks 	 ☑ Current Planning ☐ Long Range Planning & Sustainability ☑ Building & Licensing ☐ Engineering Development Services ☐ Infrastructure Management ☐ Transportation ☑ Economic Development & Tourism
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Cannabis Retail Locations within the City of Vernon

Store Count	Name of Location	Address of Location	Valid Business License
1	AR Cannabis Store	1800 Kalamalka Lake Road	Yes
2	BC Cannabis Store	2401 58 AVE - Unit 300A	Yes
3	Black Crow Cannabis	2808A 48 AVE	Yes
4	Blended Buds	5601 Anderson Way - Unit #114	Yes
5	Flora Cannabis	5301 25 AVE - Unit #107	Yes
6	Hive Cannabis	3301 30 AVE - Unit #102	Yes
7	Kalamalka Cannabis	1220 Kalamalka Lake Road	Yes
8	Quantum 1 Cannabis	4200 32 STREET	Yes
9	Spiritleaf	2500 53 AVE - Unit #102	Yes
10	The Greenhorn	4513 25 AVE	Yes
11	Vernon Cannabis Store #1	2813 35 STREET	Yes
12	Vernon Cannabis Store #2	3004 31 STREET	Yes
13	Vernon Cannabis Store #3	3107 48 AVE	Yes



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE**: 4320-20 (LL000101)

PC: Kim Flick, Director, Community Infrastructure and DATE: November 22, 2021

Development

Keri-Ann Austin, Corporate Officer

FROM: Roy Nuriel, Economic Development Planner

SUBJECT: VERNON TOWNE THEATRE - LIQUOR PRIMARY LICENCE APPLICATION

Arising from its Regular Meeting of October 25, 2021, the Liquor and Cannabis Regulation Branch (LCRB) was advised 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.

Unfortunately, the resolution that was endorsed by Council did not specify the capacity and the hours of liquor sales proposed for the Vernon Towne Theatre. This must be addressed in the resolution. As provided in their liquor primary licence application (Attachment 1), the requested person capacity for the theatre is a total of 470 persons, 150 persons for the lobby area and 320 persons for the auditorium area. The requested hours of liquor sales are Sunday through Saturday from 2:00 p.m. to 11:00 p.m., seven days per week. Both the capacity and the hours of liquor sales are not expected to negatively impact the community and do not present any particular concerns to the City.

Administration recommends that Council ratifies the updated resolution to LCRB and rescind its resolution from the Regular Meeting of October 25, 2021.

RECOMMENDATION:

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 72

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;

Respectfully submitted:

Sinner 1

Roy Nuriel Economic Development Planner

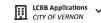
ATTACHMENTS:

Attachment 1 – Application for a liquor primary licence

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(http://www2.gov.bc.ca/)



Liquor and Cannabis Licensing

Provide Comment on Liquor Primary Application

\$2,200 application fee to be paid on submission. \$2,200 first-year licensing fee to be paid when the licence is issued.

Renewal fees are based upon annual liquor sales.

Some endorsements may have an application or annual fee.

If you leave this page, the information you input will be saved. You can continue later from the

BEFORE STARTING THE APPLICATION

The term "local government" is a defined term in our Act and may also include: municipal government, city hall, regional district, local trust, etc. governing the geographic area where your proposed establishment is located. In certain areas, the approving authority may be First Nation. For the purpose of this guide we will

Off-Site Sales Endorsement

If you wish to apply for Off-Site Sales endorsement, please contact us.

Establishment Name

The proposed establishment name and signage must be approved by the Branch and must be consistent with the class of licence being applied for by accurately reflecting the nature of the business. Your signs must also comply with local government bylaws,

Hours of Liquor Service

Identify the start and end times of your proposed hours of liquor service for each day of the week. You should request the maximum hours of liquor service that you are most likely to require. If licensed, you may open or close at any time within the approved hours. Maximum hours of liquor service permitted by the Branch are 9 AM to 4 AM. Contact your LG/IN to ask about bylaws regarding operating hours.

Dual Licence

Food Primary and Liquor Primary licences may overlap the exact same service area provided they have different hours of liquor service. Both licences must be held by the same owner. The Food Primary must operate in the exact same space as the Liquor Primary.

Liquor Primary on Treaty First Nation Land

If your proposed establishment is located on Treaty First Nation land, please contact the Liquor and Cannabis Regulation Branch at 1-866-209-2111 to inquire about additional requirements.

Catering Endorsement

A Catering Endorsement allows you to provide food and liquor service at catered events hosted by other people. Catered events must be primarily held "off-site" (away from the licensed establishment). You must have the infrastructure and personnel necessary to provide catering services. You must also have a commercial kitchen and a food service permit from your local health authority. If you wish to have a catering endorsement, submit the separate application after you complete this application. This endorsement has an annual licensing fee of \$100.

Third-Party Operator

A licensee who does not reside in B.C. or who will not be present to manage the day-to- day business of their restaurant may hire a third party operator. If your intention is to have a third party operator run your business on your behalf, complete the Third Party Operator Application and after you submit this application.

You are also encouraged to read the LP (https://www2.gov.bc.ca/assets/gov/employment-business-andeconomic-development/business-management/liquor-regulation-licensing/guides-andmanuals/liquorprimary-handbook.pdf Terms and Conditions Handbook

(https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business- $\underline{management/liquor-regulation-licensing/guides-and-manuals/liquor \underline{primary-handbook.pdf})} to \ understand$ the responsibilities of LP licensees.

Show less

If an LG/IN is the applicant, the Branch will gather community input and consider the regulatory criteria; the LG/IN is not permitted to conduct public input or provide comments on their own application. This is to prevent conflicts of interest. The applicant must pay any costs incurred to obtain the views of residents.

If you have any questions about this application, call the Liquor and Cannabis Regulation Branch (LCRB) toll-free at: 1 866 209 2111.

ablishment names are subject	to approval by LCRB	
ADDRESS		
he proposed location of the lic	ensed establishment:	
Address *		
2910 30th Avenue		
City *	Province	Postal Code *
Vernon	British Columbia	V1T2B7
Country		
Canada	oment on Treaty First Natio	on Land?
	The property's PID may be found The trible to the property	d on
is the proposed establish	The property's PID may be found	d on and Survey Authority
Is the proposed establish Yes No Parcel Identifier (PID)	The property's PID may be found The title to the property Through the B.C. Land Title a	d on and Survey Authority om BC Assessment

LETTER OF INTENT

Term & Condition to be changed	
Liquor service is event driven.	
Describe reason for change	

Provide a letter describing your proposed establishment, Your letter must include:

- Describe the primary focus of your business including any functions and services your establishment will provide if liquor service is not the primary business focus.
- If liquor service is not the primary business focus (e.g. retail store or spa): identify the operating hours of your primary business and whether or not the business focus will shift to liquor service at a set time of day.
- Identify all types of entertainment that may be offered in your establishment (e.g. films, darts, DJ booth, dance floor, exotic dancing, gambling, karaoke, live music, pool)
- Describe the type of food service your establishment will offer. Liquor primary establishments must provide, at a minimum, a variety of hot or cold snacks and non-alcoholic beverages during all hours of operation.
- Describe the composition of the neighbourhood (e.g. commercial, residential, industrial).
- Describe the potential for noise and other types of disturbance.
- Describe the measures you will implement to ensure nearby residents are not disturbed by your establishment or patrons of your establishment.
- Identify any requests for licensing options and/or endorsements (see below).
- Include any other information that may be relevant to your application
- Include in your Letter of Intent any requests for the following licensing options. For more information on these options, see the Liquor Primary Terms & Conditions Handbook (https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-

$\underline{management/liquor-regulation-licensing/guides-and-\underline{manuals/liquorprimary-handbook.pdf})}.$

Event Driven

Liquor service is offered in conjunction with events only (e.g., live theatre, concert, movie, home show, wedding reception, private party), Event-driven licences are generally issued to concert halls, convention centres, theatres, arenas/stadiums, rental halls, etc.

Hawking

Licensed stadiums can apply for permission to have mobile vendors (i.e. hawkers), subject to policy requirements. Please identify this request in your letter of intent and specify if hawkers will operate in the stands and/or concourse.

Minors

If liquor service is not the primary focus of the business, you may be eligible to have minors in the service area(s) of the establishment subject to certain restrictions, Minors are never permitted in a service area when adult entertainment (i.e. gaming or exotic dancing) is available. In your letter of intent, please specify why minors should be allowed in the service area(s),

If liquor service is the primary focus of the business, you may request Family Food Service (FFS), FFS allows minors, accompanied by a parent or guardian, in all liquor service areas until 10 PM when meal service is available, To apply for FFS, please <u>download and complete the FFS Appendix</u>

(https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/businessmanagement/liquor-regulation-licensing/forms/guide_for_lp_app.pdf).

ocated, Suggestions will be pr	rovided after you type the first three characters of the name,
ocal Government/Indi	genous Nation
Vernon	
Selected Local Gover	nment/Indigenous Nation
Website: https://verno	n ca (https://vernon.ca)
Please review the information	n at https://yernon.ca) to ensure you meet the tion with your local government. You may need to contact them prior to
Police Jurisdiction	
Vernon RCMP	
Selected Police Jurison Name: Vernon RCMP	diction
ESTABLISHMENT CONTAC	T DETAILS used to contact your establishment:
Establishment Email	
Okanagan Screen Arts@gma	iL
Establishment Phone	
(778) 475-4100	
/ill the establishment h	ave a patio?
APPLICATION DETAILS	
	atio service area(s) bounding is sufficient: control patron entry and exit, and
) * To visually and physicall	y define the service area.
In opening this patio a	rea you confirm that: se measures to maintain care and control over the service area and conduct.
Docaribo the location of	of the patlo in relationship to the interior service area. *

	te In Progress Not Started
If construction I	has not yet started or is in progress, when do you expect it to be
yyyy-mm-dd	
☐ The patio is cur	rently the subject of a Temporary Expanded Service Area (TESA) Authorization
Indicate the mo	onths you expect to operate the patio (note: If approved, your patio
	for the full year, within the limits of LG/IN bylaws and permits):
January	
February	
March	
April April	
☐ May	
June	
July	
August	
September	
October	
November	
December	
Describe how p	patrons will access the patio (ie. from interior). *
	re to carry liquor through any unlicensed areas to get to the patio?
Liquor will be c	arried through any unlicensed area to get to the patio.
Liquor will be o	
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□ Liquor will be c	arried through any unlicensed area to get to the patio.
□ Liquor will be c	arried through any unlicensed area to get to the patio. Explain. Only servers are permitted to carry liquor through unlicensed through unlicensed to carry liquor through unlicensed to carry

ESTABLISHMENT TYPE

 $Identify \ the \ establishment \ type \ that \ best \ fits \ your \ proposed \ LP \ business, for \ example:$

 Aircraft 	 Community Centre 	 Live Theatre 	 Recreation Facility
Airport Lounge	Concert Hall	 Lounge 	Rental Hall
 Aquarium 	 Convention Centre 	 Military Mess 	 Resort
 Art Gallery 	 Cooking School 	 Movie Theatre 	 Retail Store
■ B&B/Hotel	 Cultural Centre 	 Museum 	: Spa
 Bingo Hall 	 Fishing Lodge 	 Night Club/Cabaret 	Stadium
Brew Pub	 Golf Course 	 Private Club 	· Train Station
Casino	 Hair Salon 	 Public House (Pub) 	 University/College
or when liquor may be	served (see <u>guide (https://</u>	www2.gov.bc.ca/assets/go	ther or not minors are permitted v/employment-business-and- (forms/guide_for_lp_app.pdf)).
Establishment Typ	e *		

Photos or renderings of the establishment's signage

The signage submitted must show the name of the establishment and all words, images and symbols used in the signage.

Floor Plan

Attach a high-quality copy of the proposed floor plan(s);

The floor plan(s) must be stamped with an occupant load for each proposed service area. The occupant load stamp must be signed and dated by the issuing authority within 1 year prior to the date of submission of this application.

Occupant load is the maximum number of persons (patrons plus staff) permitted in the service area and is generally determined by the Local Government (LG) / Indigenous nation (IN) fire and/or building authorities. If the LG/IN authority will not provide the occupant load, you must request they provide a letter confirming they do not issue occupant load and submit it with this application. The Branch will then accept your floor plan(s) with the occupant load calculation determined, and stamped/dated/signed, by a registered professional architect or engineer.

To avoid unnecessary delays in processing, do not submit this application without a current (within the last 12 months) occupant load stamp.

Plans must show all service areas and the following details:

- labels for each room
- patio(s)
- liquor service bars
- stage
- dance floor
- sound or DJ booth
- stairs, entrances and exits
- kitchen
- washrooms

Plans must also show the physical separation (e.g. pony wall or full height wall) separating the proposed service area(s) from other liquor licences or unlicensed areas. If there is another liquor licence, or another business (such as a retail store) at the same site, provide floor plans showing the other business in relation to the proposed LP establishment

SERVICE AREAS

Complete the following based on your establishment floor plan and occupant load:

Area No.	Area/Floor Level	Indoor	Patio	Proposed Capacity
1	Lobby/Hall			150
2	Auditorium			320
		Total Reque	sted Capacity:	470

Site Plan

A scaled site plan must show the following:

- location of the front entrance door of the proposed establishment
- any other buildings/businesses around the proposed establishment and the entrances to those buildings
- any relevant street names

HOURS OF SALE

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	14:01 🕶	14:01 🗸	14:00 🗸	14:01 🗸	14:01 🕶	14;0(🕶	14:00
Close	23:01 🗸	23:01 🔻	23:01 🗸	23:01 🗸	23:01 🗸	23:00	23:00

LIQUOR PRIMARY OWNERSHIP DETAILS

Please provide the following details about your application:

The applicant is the owner of the business in respect of which the licence is to be issued or will become the
owner before the licence is issued
At the time of this submission, the applicant is:
 The owner of or has an agreement to purchase the place or premises that will form the proposed
establishment, or
 The lessee or has a binding offer to lease the place or premises that will form the proposed
establishment
At the time the licence is issued, the applicant will be:
 The owner of the place or premises that forms the establishment, or
 The lessee of the place or premises that forms the establishment (term no less than 12 months).

APPLICATION CONTACT DETAILS

Please provide contact information for application.	or the contact that the LCRB should communicate with regarding this
First Name *	
Lorraine	
Last Name *	
Russell	
Title/Position	
Vice-President	
Phone Number (main) *	
Email *	
	agree that the Liquor and Cannabis Regulation Branch can use it to
communicate with you about this ap	
lor.russell262@gmail.com	

DECLARATIONS

The application must only be submitted by an individual with the authority to bind the applicant. The branch relies on the applicant to ensure that the individual who submits this application is authorized to do so. Typically, an appropriate individual in a corporation will be a duly authorized signatory who will usually be an officer or, in some cases, a director

Note: A lawyer or consultant, may NOT submit this application on behalf of the applicant.

* I understand and affirm that I am authorized to submit the application

Section 20 (1) of the Liquor Control and Licensing Act states: "The general manager may refuse to issue, renew, transfer or amend a licence if the applicant fails to disclose a material fact required by the application or makes a false or misleading statement in the application,"

* I understand and affirm that all of the information provided for this application is true and complete

LOCAL GOVERNMENT/INDIGENOUS NATION CONFIRMATION OF RECEIPT OF APPLICATION

LOCAL GOVERNMENTAL	
LG/IN	
Vernon	
Name of Official	
Craig Broderick	
Title/Position	
Manager, Current Planning	
Phone	
(250) 306-3486	
Email	
cbroderick@vernon.ca	

This serves as notice that an application for a new liquor licence is being made within your community. The Branch requests that you consider this application (application form, letter of intent, and floor plan) and provide the Branch with a resolution within 90 days of the above received date. Alternatively, LG/IN can delegate staff with the authority to provide comment.

- If there are any major issues (e.g. zoning), LG/IN may hold off signing the application until the issues
 are resolved or they have a plan to deal with the issues.
- When LG/IN is comfortable with the application proceeding, LG/IN staff will Accept the application,

The applicant will submit the application package (with all required documents) to the Branch.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.

Provide a resolution/comment with comments on:

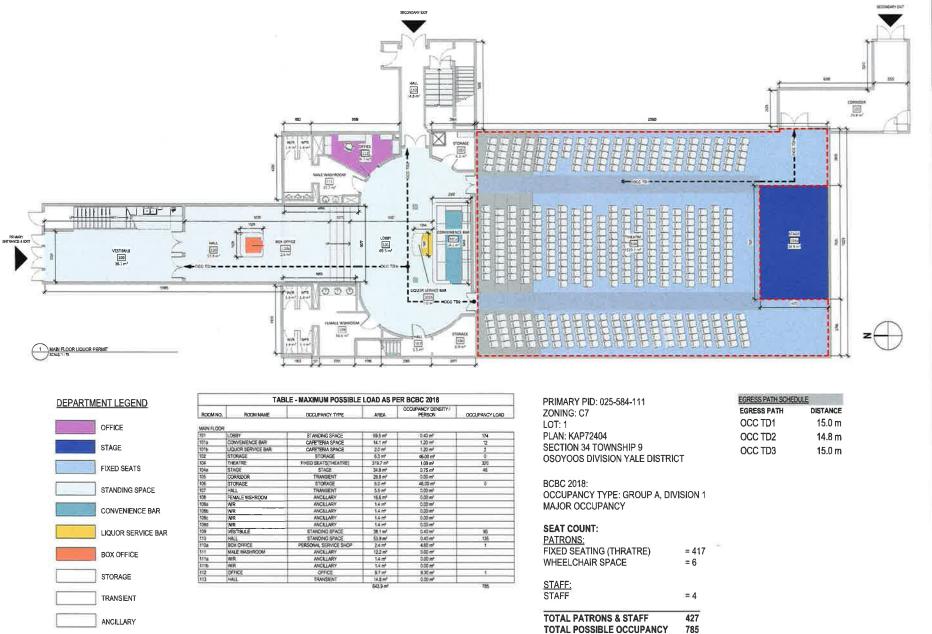
- The impact of noise on nearby residents.
- The Impact on the community if the application is approved.
- The views of residents and a description of the method used to gather views.
 The LG/IN recommendations (including whether or not the application be approved) and the reasons

The LG/IN recommendations (including whether or not the application be approved) and the reasons on which they are based.

Provide any reports that are referenced in, or used to determine, the resolution/comment. If more than 90 days are required, provide a written request for extension to the Branch. If LG/IN opts out, or is the applicant, the Branch will gather public input and contact LG/IN staff for information to assist the Branch in considering the regulatory criteria.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR <u>BROWSE</u>.
FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.
MAX FILE SIZE: 25MB.

211105 Ltr Min Public Safety CTC (004).pdf (api/file/86637660-\$101-ec11-b82c-005056838fcd/download-file/application/211105 Ltr Min Public Safety CTC (004).pdf (api/file/86637660-\$101-ec11-b82c-005056838FCD%2FLGIN%20Resolution 211105 Ltr Min Public Safety CTC%20(004).pdf (api/file/86637660-\$101-ec11-b82c-005056838FCD%20FLGIN%20Resolution 211105 Ltr Min Public Safety CTC%20(004).pdf (api/file/86637660-\$101-ec11-b82c-005056838FCD%20FLGIN%20Resolution 211105 Ltr Min Public Safety CTC%20(004).pdf (api/file/86637660-\$101-ec11-b82c-005056838FCD%20(004).pdf (api/file/86637660-\$101-ec11-b82c-005056838FCD%20(004).pdf (api/file/86637660-\$101-ec11-b82c-005056838FCD%20(004).pdf (api/file/86637660-\$101-ec11



A202a

July 15 2021 Liquor and Cannabis Regulation Branch, 400-645 Tyee Road, Victoria, BC, V9A 6X5

Re: Letter of intent, Liquor Primary Licence Application for 2910-30th Avenue, Vernon, BC V1T 2B7

Dear Sir/Madam,

Introduction:

This letter is submitted in support of the application by the Okanagan Screen Arts Society for a permanent liquor licence at the Vernon Towne Theatre (2910- 30th Avenue, Vernon, BC). The proposed licensed establishment will be a community arts venue.

Located in the heart of downtown Vernon, The Okanagan Screen Arts Society will offer a venue for film, book launches, poetry readings, live music, comedy, film festivals, plus an affordable rental venue with seating for 400 patrons. The liquor primary license will be an added amenity for the business and enhance the downtown area drawing in foot traffic.

The hours of license requested are 2pm to 11pm Monday to Sunday.

On adult only evenings- alcohol will be allowed in the lobby and auditorium.

At All ages/Family friendly events- either no alcohol served or allowed only in the lobby/service area.

At present we anticipate being open for regular programming 5 days a week. During rental events the Okanagan Screen Arts Society would be in charge of the bar.

From 2017 to 2020 the Okanagan Screen Arts hosted a Monday film night at the Vernon Towne Theatre. Each Monday a special occasion liquor permit was acquired and wine was served to patrons. Alcohol was served responsibly and without any issues.

Description of primary business focus:

The proposal is a film/arts hub located at 2910-30th Ave, Vernon, BC. The primary focus will be film, live music, speakers, book launches, special events such as film festivals.

Tourism benefits:

Vernon is already a tourist destination drawing domestic and international travelers to the area for recreational opportunities. It also draws people to the area for education, work and quality of life. The proposed liquor primary for the Okanagan Screen Arts Society is within the already walkable downtown Vernon.

Benefits to the Community:

A liquor primary for The Vernon Towne Theatre would benefit the community in the following ways:

- -added amenity for residents and visitors
- -source of additional tax revenue for the provincial and federal government
- -Employment and volunteer opportunities for Vernonites
- -Further diversifying the hospitality venues available in the area
- -Involvement in community sponsorships and organizations
- -support local filmmakers, artists and musicians by providing an affordable performance venue **Other business focuses:**

There will be no other business operating on the premises.

Description of entertainment that will be offered:

Entertainment and activities offered will be film, music, speakers, other auditorium based activities.

Description of food service the establishment will offer:

The establishment will offer a variety of hot and cold snacks and non-alcoholic beverages during all hours of liquor service.

Traffic in the Vicinity:

The proposed Arts venue will not negatively impact traffic in the area. The location is well serviced with public transit. Nearby streets have ample street parkingThere are two parking lots located nearby.

Description of the composition of the neighbourhood:

The neighbourhood is primarily commercial buildings. The proposed primary liquor license would be in an area zoned for a variety of retail, restaurants, commercial as well as liquor primary establishments. There is no residential use in near proximity.

Potential for noise and other Disturbance:

The business is on one level with no exterior windows other than the doorway and is surrounded on all sides by commercial buildings. The second floor of the building is all offices. The front street is used for parking. A train track is located within one block.

Measures that will be implemented to ensure nearby residents are not disturbed by Okanagan Screen Arts acquiring a liquor primary license:

The business is located in a commercial zone that is designated for such use; the proposed hours of operation comply with the city's business license bylaw. The entirety of the activities will occur indoors.

Requests for licensing options and/or endorsements:

The Okanagan Screen Arts will not request any licensing options or endorsements

The Information that may be relevant to the application:

The society's scope is to operate an arts venue for film, music and arts based events. See attached floor plan for square footage and layout.

The proposed licensed area consists of the lobby and auditorium. As mentioned previously at all ages events and during the daytime the wine bar would be closed.

Occupancy space is one level with 3 exits.

The floor space is up to fire code with 9 fire extinguishers throughout. The 3 exits are clearly lit and marked.

Washrooms- 4 female stalls, and 2 male stalls and 2 urinals.

Beverages offered will be both alcoholic [wine, beer and cider] and non alcoholic. Alcohol will be served by trained serve-it-right people only.

If any additional information is required do not hesitate to get in touch.

Sincerely,

Lorraine Russell, Vice President

Cursell

Okanagan Screen Arts Society/Vernon Towne Theatre

Business # 78840 4937 BC0001

2910-30th Avenue, Vernon BC V1T 2B7

n ", ,



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO:

Will Pearce, Chief Administrative Officer

FILE:

0485-01

PC:

Kim Flick, Director, Community & Development

DATE: December 1, 2021

FROM:

Kevin Poole, Director

Community Safety, Lands, and Administration

SUBJECT: Truth and Reconciliation

At its Regular meeting of June 28, 2021 Council requested Administration provide a recommended approach to the Truth and Reconciliation Commission's (TRC) Call to Action 43 (Canadian Government and United Nations Declaration on the Rights of Indigenous Peoples) and Action 57 (Professional Development and Training for Public Servants). Administration reported back on July 19, 2021 with the Professional Development and Training that has been undertaken to date and advised Council that further research was required in regards to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

UNDRIP Background

UNDRIP was adopted by the United Nations (UN) in September 2007. The Declaration is the most comprehensive international instrument on the rights of indigenous peoples. In December 2020, the Government of Canada introduced legislation to implement the Declaration. On June 21, 2021, Bill C-15 received Royal Assent. The Declaration contains guidance for building societies that ensure full equality and rights of Indigenous peoples. UNDRIP includes 46 articles and covers topics such as culture, identity, religion, language, health, education and community.

www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP E web.pdf

DRIPA Background

The Province of British Columbia passed the Declaration of the Rights of Indigenous Peoples Act (DRIPA) into law in November 2019. The Act establishes the UN Declaration as the Province's framework for reconciliation. The legislation sets out a process to align BC's laws with the UN Declaration over time. The Province is the first jurisdiction in Canada to adopt this type of legislation.

DRIPA requires the Province to implement an action plan in order to meet the objectives of the UN Declaration. In June 2021, the Province released a draft five year action plan addressing self-determination and inherent right of self-government, title and rights of Indigenous peoples, ending Indigenous-specific racism and discrimination, and social, cultural and economic well-being of Indigenous peoples. (engage.gov.bc.ca/app/uploads/sites/667/2021/06/Declaration Act -

<u>Draft Action Plan for consultation.pdf</u>). It is anticipated that the final version of the action plan will be released early in 2022.

Local Government

The Union of British Columbia Municipalities (UBCM) is a policy-based organization that represents local governments in BC. On July 30, 2021, UBCM provided a submission to the Province on the draft action plan for DRIPA (www.ubcm.ca/sites/default/files/2021-08/DRIPA%20Action%20Plan%20Submission.%20Jul%2030.pdf).

UBCM strongly supports the goals identified within the draft action plan. UBCM's submission highlights many areas within the plan that have bearing on local government jurisdiction and recommended that the Province should provide meaningful opportunities for local government engagement. The submission also highlights programs, such as the Community to Community Forum (C2C), that provide an opportunity for local government to participate in reconciliation efforts at a local level. The submission emphasized that local government is the closest level of government to First Nations citizens and therefore has a relationship that is much different than that of provincial or federal governments.

Municipalities are however, creations of the Province. As such, the Province sets out the legislative framework, through the *Local Government Act* and the *Community Charter*, in which municipalities are governed and operate. At this point, there have not been any changes to these two pieces of legislation as a result of DRIPA. However, as the Province begins to implement their action plan in 2022, it is anticipated that local government will have a significant role to play in truth and reconciliation efforts.

Local Context

The City of Vernon has a long history of working in collaboration with the Okanagan Indian Band (OKIB). Starting in the late 1990s the two communities began participating in C2C meetings. These bi-annual meetings between OKIB and City Councils continue today with the most recent C2C meeting held on November 10, 2021.

In 2017, the communities decided to make the relationship a larger priority and participated in the Community Economic Development Initiative (CEDI). This three year partnership program sought to increase collaboration between the municipal and Indigenous governments resulting in shared economic prosperity. The City and OKIB partnership was one of nine within Canada at that time.

Over the duration of the program, CEDI coordinated five joint workshops between OKIB and City Councils to share economic development priorities, build relationships, gain an understanding of governance models and begin to work on joint economic development and tourism initiatives.

The successes of the partnership include the signing of a Relationship Accord on October 13, 2018 and the creation of a joint Working Group consisting of Mayor Cumming, Councillor Mund, Councillor Sheldon Louis and Councillor Ryan Oliverius, along with staff support from OKIB and the City. CEDI also assisted in fostering relationships between OKIB and the Regional District of North Okanagan (RDNO), which led to an agreement between the two parties for the maintenance of Sandy

Beach (Canoe Bay) along with the installation of an interpretive sign at the south end of the beach supported in part by CEDI program funding.

Although participation in the CEDI partnership is complete, the relationship and collaboration has continued through a revised and ongoing Working Group established early in 2021.

Next Steps

There are numerous examples of local governments working collaboratively with First Nations throughout BC as they move forward on the path of truth and reconciliation. Many of these partnerships, including the OKIB and Vernon relationship, have been highlighted in a joint initiative by the Province, UBCM and the First Nations Summit in the "Pathways to Collaboration" case studies. These, along with other collaborations, highlight reconciliation efforts that include communications and protocol agreements, strategic accords, economic partnerships, servicing agreements, land use planning, participation on regional district boards, joint tourism projects, education, and renaming initiatives.

The relationship with OKIB has been identified within the 2019-22 Council Strategic Plan as a priority. Administration recommends the continued commitment to open and honest dialogue with OKIB be led through the existing Working Group structure. The Working Group, through their monthly meetings, can jointly identify priority areas of interest and opportunity. These could then be discussed with broader Council representation at the bi-annual C2C meetings. This structure should support additional joint initiatives that further truth and reconciliation efforts at a local level.

RECOMMENDATION:

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.

Respectfully submitted:

Kevin Poole



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO

FILE: 7700-13

PC:

Kevin Poole, Director, Community Safety, Lands

DATE: November 26, 2021

and Administration

FROM:

Doug Ross, Director, Recreation Services

SUBJECT: ACTIVE LIVING CENTRE - PLANNING TIMELINE AND FUNDING OPTIONS

Council, at their meeting held on Monday, October 4, 2021 asked for additional information on the timeline leading up to the proposed assent voting for the Active Living Centre and to provide the framework for a two-tiered fee system should our neighbouring communities choose not to participate in the project and that the City of Vernon move forward independently.

Assent Voting

This memo along with the attached Gantt chart (Attachment 1) provides a timeline and the tentative key milestones leading up to the proposed assent voting to be held in conjunction with the municipal election on Saturday, October 15, 2022.

The timeline, from the Council meeting of Monday, December 13, 2021, until the 2022 municipal election is forty-four weeks. Within this timeframe a number of key milestones must occur. Administration had previously provided some of the following tentative high-level milestones and has now added the date of May 9, 2022 for our community partners, the District of Coldstream and Electoral Areas B & C to notify the City of their decision regarding participating in the proposed Active Living Centre:

May 9, 2022- Decision from Community Partners

May 9, 2022 - Council decision to proceed with assent voting

May 30, 2022 - Prepare and provide a loan authorization bylaw for Councils review.

June 13, 2022 - Bylaw receives three readings by Council and is submitted, along with all relevant background information, to the Inspector of Municipalities for review and approval.

June 13 – August 5, 2022 - Review and approval by the Inspector of Municipalities of the loan authorization bylaw (can take up to 8 weeks or longer during a normal year).

July 25 - August 5, 2022 - Approved loan authorization bylaw received by the City.

August 15, 2022 - Council sets the assent voting question to be put before the electorate and confirms the date of the assent voting in conjunction with the general election.

August 15 – October 14, 2022 – Communications Campaign

The timeline described above is for an assent voting conducted by the City of Vernon and for the development and operation of the proposed Active Living Centre independent of the District of Coldstream and Electoral Areas B & C of the Regional District. Having the community partners supporting and involved in the proposed Active Living Centre is still very much the preferred option. During the Recreation Master Plan process, citizens of Greater Vernon overwhelmingly indicated that, when possible, they wanted the jurisdictions in the Greater Vernon area to work together to provide recreation opportunities for residents¹.

Elected officials from the District of Coldstream and Electoral Areas B & C of the Regional District were recently provided with a presentation by the Mayor of Vernon regarding the proposed Active Living Centre and a number of questions were generated following the presentation. Administration has been and will continue to collect and provide information so that questions are answered with the goal of establishing a level of knowledgeable support for the elected officials and to have all parties move forward with the proposed project.

The current Recreation Facilities & Programming Agreement states that if neighbouring jurisdictions were to participate in the proposed facility, an assent voting process would be conducted through the Regional District and if successful, all participating jurisdictions would contribute funds towards both debt servicing and operational costs of the proposed facility as they currently do within the existing Recreation Agreement. The citizens of our neighbouring communities would then pay a contribution annually through their municipal taxes and would receive equal access to the new facility.

Two-Tiered Fee System

Should the District of Coldstream and Electoral Areas B & C of the Regional District choose not to participate in the proposed Active Living Centre project, the City of Vernon may consider developing and operating the facility with a two-tiered fee system in order to help recoup some of the facility costs through patrons who are not otherwise supporting the facility through their municipal taxes. Residents of Vernon would pay discounted user fees as they will be supporting the facility through their municipal taxes. The following is a high-level framework for a two-tiered system.

Should neighbouring jurisdictions chose not to participate in the project to develop the Active Living Centre, a portion of the cost of debt servicing and operational costs would be funded by individuals and family users of the facility from outside of Vernon through differential higher user fees and memberships. At the time of establishing the two-tiered system, a calculation would be made based on the number of anticipated user visits to the facility to determine what the differential higher fees and the membership fees would be. The differential fees and membership fees would need to be reviewed annually.

Annual memberships for individuals and families would provide benefits equal to those of City of Vernon residents; early registration dates, lower entry fees for programs and services, access to discounted passes, access to the affordable access pass for those financially disadvantaged, access to community rates for booking of facilities, etc. It must be noted that operating a two-tiered system is not ideal, would be challenging to administer and would require additional staff time to monitor and evaluate, but would be necessary to recoup the required funds.

Fee for Service Agreement

An alternative option of contributing through a "Fee for Service Agreement" may also be possible should neighbouring jurisdictions decide to participate in the proposed facility after the facility is developed. The fee for service option would see neighbouring jurisdictions provide a financial contribution to the City of Vernon to assist with the debt servicing and operational costs and would provide their citizens with equal access to the facility. The fee for service may be based on the jurisdiction's overall assessment base, population, anticipated user interest or other factors.

As above, the preferred option is for our neighbouring communities to choose to be part of the proposed project and to incorporate the Active Living Centre into the Greater Vernon Recreation Facilities & Programming Agreement. Alternatively, neighbouring jurisdictions can choose the option to contribute through a *Fee for Service Agreement* or choose not to participate and for the City of Vernon to establish a two-tiered differential fee structure. The possibility exists that a combination of the above options could occur. Ultimately, the decisions on how to proceed and whether citizens of Greater Vernon have equal access to the new facility will be made by the respective elected officials.

RECOMMENDATION:

THAT Council, receive the memorandum titled "Active Living Centre - Planning Timeframe and Funding Options" 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.

Respectfully submitted:

Doug Ross

Director, Recreation Services

1. Recreation Master Plan – What We Heard Report (Direct mail respondents 79% strongly agree, 17% somewhat agree. Online respondents 85% strongly agree, 12% somewhat agree)



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO:

Will Pearce, Chief Administrative Officer

FILE:

0482-03-04

PC:

Kevin Poole, Director, Community Safety, Lands

DATE: December 8, 2021

and Administration

FROM:

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

SUBJECT:

CULTURAL FACILITY LOAN AUTHORIZATION BYLAW CONSENT OF

PARTICIPATING AREA

The Board of the Regional District of North Okanagan (RDNO) passed the following resolutions at their meeting held November 17, 2021:

"That as recommended by the Greater Vernon Advisory Committee, the following parameters of the Greater Vernon Multi-Purpose Cultural Facility (Facility) be confirmed:

- the Facility will include:
 - museum;
 - art gallery; and
 - flexible community / presentation space;
- the archives and reading room will remain in current location within the City of Vernon civic complex;
- the Facility will provide a minimum functional area for museum, art gallery and presentation space, to be confirmed by stakeholder sign-off;
- the land to be acquired for the Facility will be 30,200 ft2 of the Vernon Block; and.
- the Facility will be a minimum of two (2) stories, with architectural interest and the ability to support Category "A" Moveable Cultural Property Designation: and further.

That staff be directed to amend the Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021, from a maximum borrowing of \$25 million to a maximum borrowing of \$28 million, with elector approval to be obtained by an alternative approval process for the entire proposed service area following confirmation of being able to achieve a minimum functional area for museum, art gallery and presentation space to be confirmed by stakeholder and local jurisdiction sign-off."

AND

"That Third Reading of Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 be rescinded; and further.

That Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 be given Third Reading, as amended; and further,

That Bylaw No. 2910, 2021 be forwarded to the participants for consent; and further,

That upon receipt of consent of the participants, Bylaw No. 2910 be forwarded to the Inspector of Municipalities for approval."

As outlined in the letter from the RDNO (Attachment 1), Bylaw No. 2910, if adopted, would repeal the existing authority under "Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2786" adopted concurrently with "Greater Vernon Cultural Service Establishment Bylaw No. 2785" in November 2018.

RECOMMENDATION:

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**.

Respectfully submitted:

Attachments:

- 1. Letter from the RDNO dated November 24, 2021
- 2. RDNO Staff Report dated November 17, 2021

Attachment 1



REGIONAL DISTRICT NORTH OKANAGAN

MEMBER MUNICIPALITIES: CITY OF ARMSTRONG CITY OF ENDERBY

VILLAGE OF LUMBY CITY OF VERNON

ELECTORAL AREAS: "B" - SWAN LAKE "C" - BX DISTRICT

"E" - CHERRYVILLE

"F" - ENDERBY (RURAL)

DISTRICT OF COLDSTREAM

TOWNSHIP OF SPALLUMCHEEN

"D" - LUMBY (RURAL)

OFFICE OF:

CORPORATE AND ADMINISTRATIVE SERVICES

OUR FILE No.: 3900.2910

November 24, 2021

VIA EMAIL

City of Vernon District of Coldstream Electoral Areas "B" and "C" K. Austin, Manager, Legislative Services & Corporate Officer

J. Graham, Director of Corporate Administration

L. Mellott, General Manager Electoral Area Administration

Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910 Re:

At the regular meeting of the Board of Directors held on November 17, 2021 the Board passed the following resolutions:

That the following parameters of the Greater Vernon Multi-Purpose Cultural Facility (Facility) be confirmed:

- the Facility will include:
 - o museum,
 - art gallery, and
 - flexible community / presentation space;
- the archives and reading room will remain in current location within City of Vernon civic complex;
- the Facility will provide a minimum functional area for museum, art gallery, and presentation space, to be confirmed by stakeholder sign-off;
- the land to be acquired for the Facility will be 30,200 ft2 of the Vernon Block;
- the Facility will be a minimum of two (2) stories, with architectural interest and the ability to support Category "A" Moveable Cultural Property Designation; and further.

That staff be directed to amend the Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021, from a maximum borrowing of \$25 million to a maximum borrowing of \$28 million, with elector approval to be obtained by an alternative approval process for the entire proposed service area following confirmation of being able to achieve a minimum functional area for museum, art gallery and presentation space to be confirmed by stakeholder and local jurisdiction sign-off.

That Third Reading of Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 be rescinded; and further,

That Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 be given Third Reading, as amended; and further,

That Bylaw No. 2910, 2021 be forwarded to the participants for consent; and further, That upon receipt of consent of the participants, Bylaw No. 2910 be forwarded to the Inspector of Municipalities for approval.

Letter to: Participants From: Corporate Services Subject: Bylaw No. 2910, 2021 File No.: 3900.2910 Dated: November 24, 2021 Page 2 of 2

As a result of the above resolutions, the bylaw has been amended to authorize the borrowing of up to \$28 million to facilitate a portion of the funding required for the acquisition of lands and construction of the Greater Vernon Multi-Purpose Cultural Facility with repayment of the debt over a twenty (20) year term. Bylaw No. 2910 also proposes to repeal the existing authority under Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2786 adopted concurrently with Greater Vernon Cultural Service Establishment Bylaw No. 2785 in November 2018.

Pursuant to Section 406 and consequently 349(1)(b) of the of the *Local Government Act* the bylaw requires the consent of at least 2/3 of the participants in the service prior to the Bylaw being submitted to the Inspector of Municipalities for approval to proceed with an Alternate Approval Process. Please find attached a draft consent form for consideration of your Council or Electoral Area Director, as well as a copy of the bylaw. If you would like Tannis Nelson, Assistant Manager, Parks, Recreation and Culture to attend your Council meeting to answer any questions, please contact her at tannis.nelson@rdno.ca.

In order to ensure efficient processing, Regional District staff will advance bylaws to the Inspector of Municipalities for approval thirty (30) days from the date of this letter, providing consent has been received from 2/3 of the participants. Please advise if you anticipate any delays in responding to the above requests.

Please contact our office if you require any further information. Thank you for your early attention to this matter.

Yours truly,

Ashley Bevan

Deputy Corporate Officer

/ab

Enc. Draft Resolution / Consent Form

Bylaw No. 2910

REGIONAL DISTRICT OF NORTH OKANAGAN

CONSENT on behalf of Insert municipal participating area

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 **Insert legal name of municipality** does hereby consent, in writing, on behalf of the electors of the **Insert legal name of municipality**, to the Board of the Regional District of North Okanagan adopting **Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021**.

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2910

A bylaw to authorize the borrowing of \$28,000,000 to facilitate a portion of the funding required for the acquisition of lands and construction of the Greater Vernon Multi-Purpose Cultural Facility with repayment of the debt over a twenty (20) year term

WHEREAS pursuant to section 406 [Regional district loan authorization bylaws] of the Local Government Act, and section 179 [Loan authorization bylaws for long term borrowing] of the Community Charter, the Board of the Regional District of North Okanagan may, by a Loan Authorization Bylaw, borrow money for any purpose of a capital nature;

AND WHEREAS this Bylaw relates to the *Greater Vernon Cultural Service Establishment Bylaw No. 2785, 2018* to provide for facilitation of a portion of the financing required for the acquisition of lands and construction of a Greater Vernon Multi-Purpose Cultural Facility building for the Greater Vernon Cultural Service:

AND WHEREAS the Board has requested and the Regional District proposes to borrow a sum not exceeding twenty eight million dollars (\$28,000,000), with repayment of the debt over a term up to twenty (20) years, to facilitate a portion of the funding required for the acquisition of lands and construction of a building for the Greater Vernon Cultural Service;

AND WHEREAS the participating area is all of the District of Coldstream, City of Vernon and Electoral Areas "B" and "C" of the Regional District of North Okanagan;

AND WHEREAS the Board has, by resolution, provided that approval of the electors be given by alternative approval process within the entire Service Area;

AND WHEREAS pursuant to section 345 [Approval by alternative approval process] of the Local Government Act and section 86 of the Community Charter participating area approval has been obtained within the entire service area for borrowing money for any purpose of a capital nature to finance the acquisition of lands and construction of a Greater Vernon Multi-Purpose Cultural Facility building;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which this bylaw is adopted;

NOW THEREFORE the Board of the Regional District of North Okanagan, in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

CITATION

1. This Bylaw may be cited as "Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021".

LOAN AUTHORIZATION

- 2. The Regional District of North Okanagan is hereby empowered and authorized to borrow upon the credit of the Regional District a sum of twenty-eight million dollars (\$28,000,000).
- 3. The debt incurred in this Loan Authorization Bylaw relates specifically to the *Greater Vernon Cultural Service Establishment Bylaw No.* 2785, 2018.

- 4. To acquire such real property, easements, rights of way, licences, rights or authorities as may be requisite or desirable for or in connection with the construction of the Greater Vernon Multi-Purpose Cultural Facility.
- 5. The maximum term for which a debenture debt may be issued to secure the debt created by this bylaw is for a term not to exceed twenty (20) years.

REPEAL

6. Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2786, 2018 is hereby repealed.

Read a First, Second and THIRD Time	this	22nd	day of	September, 2021
Consent of the Participants in accordance with Section 349(1)(b) of the <i>Local Government Act</i>	this	4th	day of	October, 2021
Third Reading Rescinded	this	17th	day of	November, 2021
Read a Third Time, as amended	this	17th	day of	November, 2021
Consent of the Participants in accordance with Section 349(1)(b) of the Local Government Act	this		day of	, 2021
Approved by the Inspector of Municipalities	this		day of	, 2021
Received Elector Approval by Alternative Approval Process	this		day of	, 2021
ADOPTED	this		day of	, 2021

Chair	Deputy Corporate Officer
Kevin Acton	Ashley Bevan



STAFF REPORT

TO:

Board of Directors

File No:

3900.2910

FROM:

Corporate Services

Date:

November 17, 2021

SUBJECT:

Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw

No. 2910, 2021

RECOMMENDATION 1:

That Third Reading of Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 be rescinded; and further,

That Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 be given Third Reading, as amended; and further,

That Bylaw No. 2910, 2021 be forwarded to the participants for consent; and further,

That upon receipt of consent of the participants, Bylaw No. 2910 be forwarded to the Inspector of Municipalities for approval.

RECOMMENDATION 2:

That staff be directed 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.

SUMMARY:

Discussions held at the November 3, 2021 Greater Vernon Advisory Committee meeting led to a recommendation to amend the loan authorization amount for the Greater Vernon Cultural Facility from a maximum of \$25 million to a maximum of \$28 million as a result of elevated construction costs indicated by the project manager, Colliers Project Leaders.

DISCUSSION:

The Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910 received three readings at the September 22, 2021 Board of Directors meeting. Bylaw No. 2910 was to authorize up to \$25 million for the acquisition of lands and construction of a Greater Vernon Multi-Purpose Cultural Facility. Participant consent for the bylaw was provided by the Electoral Area Directors and Member Municipal Councils and the bylaw was forwarded to the Inspector of Municipalities for approval on October 4, 2021.

Report to: Board of Directors From: Corporate Services

File No.: 3900.2910 Date: November 17, 2021 Re: Greater Vernon Cultural Centre - Loan Authorization Bylaw Page 2 of 3

At their November 3, 2021 meeting, the Greater Vernon Advisory Committee heard from Colliers Project Leaders that the construction costs have increased beyond the original inflationary budget for inflation for the Greater Vernon Multi-Purpose Cultural Facility and, subsequently, the following recommendation was passed:

That it be recommended to the Board of Directors, the following parameters of the Greater Vernon Multi-Purpose Cultural Facility (Facility) be confirmed:

- the Facility will include:
 - o museum,
 - o art gallery, and
 - flexible community / presentation space (approximately 200 seats);
 - the archives and reading room will remain in current location within City of Vernon civic
 - the Facility will provide a minimum functional area for museum, art gallery, and presentation space, to be confirmed by stakeholder sign-off;
 - the land to be acquired for the Facility will be 30,200 ft² of the Vernon Block; and,
 - the Facility will be a minimum of two (2) stories, with architectural interest and the ability to support Category "A" Moveable Cultural Property Designation; and further,

That staff be directed to amend the Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021, from a maximum borrowing of \$25 million to a maximum borrowing of \$28 million, with elector approval to be obtained by an alternative approval process for the entire proposed service area following confirmation of being able to achieve a minimum functional area for museum, art gallery and presentation space to be confirmed by stakeholder and local jurisdiction sign-off.

In follow up to the above recommendation, staff are recommending Third Reading of Bylaw No. 2910 be rescinded, and the bylaw as amended to increase the borrowing maximum from \$25 million to \$28 million be given Third Reading, forwarded to the participants for consent, and then to the Inspector of Municipalities for approval.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

Statutory procedural requirements to adopt a Loan Authorization Bylaw through an Alternative Approval Process would include the following:

- 1. First, Second and Third Readings of Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 by the Board; September 22, 2021
- Consent of the Participants (2/3 required); October 4, 2021
- 3. Rescind Third Reading;
- Third Reading, as amended of Bylaw No. 2910 by the Board;
- Consent of the Participants (2/3 required);
- 6. Statutory approval by the Inspector of Municipalities;
- 7. Participating Area Approval by an Alternative Approval Process; and,

File No.: 3900.2910 Date: November 17, 2021 Page 3 of 3

8. Upon receiving approval of the electors, Bylaw No. *Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021* can be Adopted by the Board.

FINANCIAL/BUDGETARY CONSIDERATIONS:

If adopted, the proposed bylaw will replace the existing loan authorization bylaw. Based on the 2021 tax base, the annual tax impact of borrowing \$28 million is approximately \$49 per year for twenty years for the average residential property with an assessed value of \$504,000. This equates to a residential tax rate of about \$0.098 per \$1,000 of taxable value of land and improvements.

During the 2018 referendum process for the existing bylaw, the annual debt payment equated to a residential tax rate of approximately \$0.11 per \$1,000 of taxable assessment, or \$48 per year on an average residential property valued at \$433,000.

The \$3 million increase in the loan authorization bylaw does not materially increase the tax impact for the average taxpayer due to new growth and development within the Greater Vernon service area during the last few years and a modest decline in the interest rate assumption.

It should be noted that loan authorization bylaws do not result in the immediate borrowing of long term debt, but rather provide the authority to do so within the next five years. If the bylaw is adopted, no borrowing will occur until the subsequent adoption of a security issuing bylaw or a temporary borrowing bylaw.

Submitted by:

Reviewed and endorsed by:

Ashley Beyan

Deputy Corporate Officer

Stephen Banmen

General Manager, Finance

Approved for Inclusion

David Sewell

Chief Administrative Officer

N/s

THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, Chief Administrative Officer

FILE:

4200-2021-03

PC:

Kevin Poole, Director, Community Safety, Lands

DATE:

December 8, 2021

and Administration

FROM:

Keri-Ann Austin, Chief Election Officer

SUBJECT:

2021 BY-ELECTION OFFICIAL RESULTS

Pursuant to Section 158 of the Local *Government Act*, the Chief Elections Officer must submit a report of the election results to the local government which must include a compilation of the information on the ballot accounts for the election (Attachment 1).

Voting opportunities were as follows:

Advance

- November 24, 2021, Shubert Centre (8:00 am to 8:00 pm)
- November 25, 2021, City Hall (4:00 pm to 8:00 pm)
- November 27, 2021, City Hall (9:00 am to 4:00 pm)
- December 1, 2021, City Hall, (8:00 am to 8:00 pm)
- December 2, 2021, City Hall, (8:00 am to 8:00 pm)

General Voting Day – December 4, 2021 (8:00 am to 8:00 pm)

- Priest Valley Gymnasium
- Vernon Senior Secondary School
- Ellison Elementary School
- Community Baptist Church

Mail Ballot Voting

 Packages were available for pick up by November 12 and could be returned up to 8:00 pm on December 4, 2021

The official declared results for the office of Councillor are as follows:

DURNING, Teresa	443
LORD, Catherine	429
STRANKS, Ed	244
HENDY, Stephanie	108
DEMERS, Kevin	103
MORROW, Jamie	83
FRANKS, Sherrilee	76
OLESEN, Erik	59
EVANS, Flora	53
GOURLEY, Arthur	28
WYLIE, Andy	6

Total Ballots Issued to Voting Places		<u>9,301</u>
Total Ballots issued to Electors	1658	
Total Ballots Spoiled and Re-issued	3	
Total Ballots Unused at Voting Places	7639	
Total Ballots Rejected	1	
		<u>9,301</u>

2021 Estimated Electors 34,573 Voter Turnout 4.8%

Recommendation:

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

Keri-Ann Austin

Chief Election Officer

Attachment 1 – 2021 Summary Ballot Balance Sheet

THE CORPORATION OF THE CITY OF VERNON

2021 SUMMARY BALLOT BALANCE SHEET

Ballots issued to each voting place				
Mail Ballots	50			
Advance November 24, 2021	500			
Advance November 25, 2021	100	1		
Advance November 27, 2021	150	4		
Advance November 27, 2021 Advance December 1, 2021	250	1		
Advance December 2, 2021	250	3		
Priest Valley Gym	2001	1		
Vernon Senior Secondary	2000			
Ellison School	2000			
	2000			
Community Baptist Church TOTAL	9301			9301
Ballots Issued to Voters	0001			
(as per Summary Sheets)				
Mail Ballots	29			
	202	1		
Advance November 24, 2021	49			
Advance November 25, 2021		1		
Advance November 27, 2021	130	1		
Advance December 1, 2021	178			
Advance December 2, 2021	233			li li
Priest Valley Gym	191			
Vernon Senior Secondary	238			
Ellison School	301			
Community Baptist Church	107			
TOTAL	1658		1658	
Ballots Spoiled (as per Summary Sheets)		Ballots Rejected (as		
		per Summary Sheet)		
Mail Ballots	0			
Advance November 24, 2021	1	1		
Advance November 25, 2021	0			
Advance November 27, 2021	0			
Advance December 1, 2021	1			
Advance December 2, 2021	0		Ì	
Priest Valley Gym	0			
Vernon Senior Secondary	0			
Ellison School	0		ľ	
Community Baptist Church	1			
TOTAL	3	1	4	
Ballots Unused at voting places				
(as per final ballot calculations)				
Mail Ballots				
IIVIAII BAIIOIS	21			
	21 296			
Advance November 24, 2021	296			
Advance November 24, 2021 Advance November 25, 2021	296 51			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021	296 51 20			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021 Advance December 1, 2021	296 51 20 71			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021 Advance December 1, 2021 Advance December 2, 2021	296 51 20 71 17			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021 Advance December 1, 2021 Advance December 2, 2021 Priest Valley Gym	296 51 20 71 17 1810			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021 Advance December 1, 2021 Advance December 2, 2021 Priest Valley Gym Vernon Senior Secondary	296 51 20 71 17 1810 1762			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021 Advance December 1, 2021 Advance December 2, 2021 Priest Valley Gym Vernon Senior Secondary Ellison School	296 51 20 71 17 1810 1762 1699			
Advance November 24, 2021 Advance November 25, 2021 Advance November 27, 2021 Advance December 1, 2021 Advance December 2, 2021 Priest Valley Gym Vernon Senior Secondary	296 51 20 71 17 1810 1762		7639	9301

Chief Elections Officer

Deputy Chief Elections Officer



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO:

Will Pearce, CAO

FILE:

8300-10

PC:

Kim Flick, Director Community Infrastructure and

DATE:

November 26, 2021

Development

FROM:

Angela Broadbent, Active Transportation Coordinator

SUBJECT: ELECTRIC KICK SCOOTER USER SURVEY RESULTS

Purpose

To inform Council of the results of a user survey conducted by Neuron Mobility in October 2021 and how the results of the user survey, as well as ridership data, compare to the goals of the electric kick scooter pilot program.

Key Findings

The electric kick scooter pilot program is intended to provide Vernon residents and visitors with a new and sustainable way to get around our community. The following chart compares the goals of the program with key findings from the user survey and ridership data from July 29, 2021 (launch day) to November 21, 2021.

Pilot Program Goal	Result
Reduce greenhouse gas emissions.	 65,654 trips were taken by Neuron scooters for a total of 160,800 km travelled. The survey indicated that 40% of trips replaced car trips.
Improve transportation choice.	 13,338 people signed up for the app. 1,399 people purchased passes (3-day, weekly, and monthly passes were available). Neuron users report that 19% of trips taken would not have happened without the service.
Complement public transit service.	 21% of trips were made outside of transit service hours. 1,100 trips started or ended at the Downtown Transit Exchange, and 350 trips started or ended at the northern transit exchange at the Village Green Centre. The survey indicated that 10% of trips replaced transit trips.
Improve health and wellbeing.	 93% of users surveyed believe that the program has had a positive impact on the community.
Support tourism and the economy.	 60% of users reported using electric kick scooters to visit restaurants and explore the city. 59% of users report making a purchase at the start or end of their most recent trip.

Heat Map

The heatmap (Figure 1) indicates where trips by Neuron scooters ended between July and November, 2021. Notably, popular destinations included the City Centre, commercial areas in the North End and along 25th Avenue, and the Downtown and northern transit exchanges.

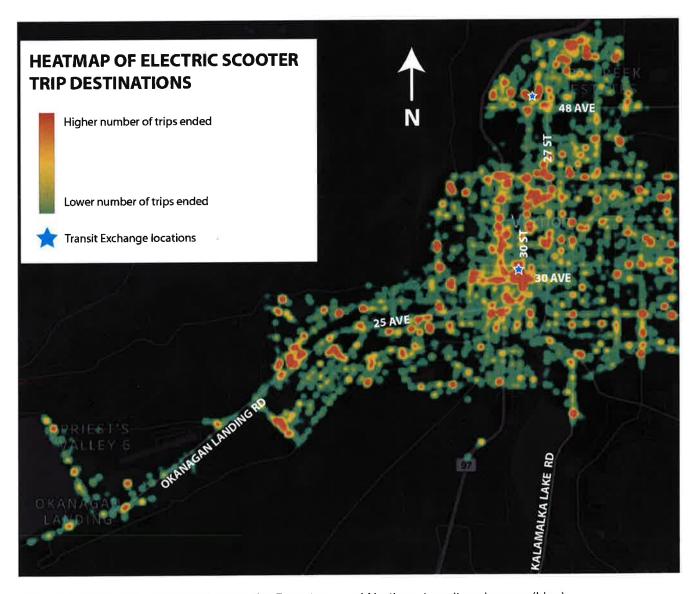


Figure 1: Trip End Heat Map showing the Downtown and Northern transit exchanges (blue).

Next Steps

Neuron Mobility service ended for the season on November 28, 2021. Service will resume in 2022 for the second year of their two year contract. The exact date that service will resume is subject to weather conditions.

Future user surveys and other forms of data collection will be conducted on a regular basis to help evaluate the success of the pilot program over time. Data will be collected in accordance with the monitoring requirements set out by the Ministry of Transportation and Infrastructure

through the Motor Vehicle Act Pilot Program and will include surveys of additional stakeholder groups.

RECOMMENDATION:

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.

Respectfully submitted:

X Angelo Bwatbal

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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: December 13, 2021

REPORT DATE: December 3, 2021

FILE: ZON00374 (3360-20)

SUBJECT:

REZONING APPLICATION FOR 4408 25 STREET

PURPOSE:

To review the application to rezone the subject property from R5 – Fourplex Housing Residential to R4 – Small Lot Residential in order to provide for a future single family bareland strata development.

RECOMMENDATION:

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.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not 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.

Note: Denial of the rezoning application would have the properties retain the R5 – Fourplex Housing Residential zone and the development could not move forward as proposed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 23, 2021, the Advisory Planning Committee passed the following resolution:

"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;

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. "

B. Rationale:

- The subject property is located at 4408 25th
 Street (Figures 1 and 2) and is approximately 1,263m² (0.312 ac) in area.
 There is currently a single detached dwelling, above ground pool and a number of secondary structures located on the lot.
- The application proposes to rezone the property from R5 – Fourplex Housing Residential (Attachment 1) to R4 – Small Lot Residential (Attachment 2).
- The land is designated as Residential Low Density within the Official Community Plan (OCP), which could allow up to a maximum of 30 units per hectare (12 units per acre). The proposed rezoning to R4 complies with the Residential Low Density designation.
- 4. The R4 zoning district would permit single detached and semi-detached dwellings.

The applicant is proposing to downzone the property to allow for smaller lot sizes to facilitate the development of a three lot bareland strata development including the existing house. Under the current R5 zone there is not enough land area to allow for a total of three units on-site.

 The subject property is adjacent to a similar strata development to the south located at 4406 and 4404 25th Street. The adjacent strata has access through an internal common road whereas the subject property



Figure 1: Property Location Map



Figure 2: Aerial View of Property

common road, whereas the subject property is proposing to provide access to two of the strata lots directly from the lane. The applicant's concept plan is illustrated in Attachment 3.

6. Administration supports the proposed development as it provides sensitive infill that increases the availability of housing stock close to services and amenities. The proposed three lot strata subdivision is complementary to the character of the surrounding area and is not anticipated to create land use conflicts in the neighbourhood. The proposal includes retaining the existing house, as well as the density permitted in the R5 Zone. The proposed rezoning to R4 is requested to authorize a change in building form and minimum lot size. To further mitigate the potential for neighbourhood conflicts, Administration recommends registration of a restrictive covenant regulating the installation of suites on future lots created through subdivision. Administration is concerned that the additional on-site parking required to

support secondary suites on these lots cannot be met and would result in residents parking on the street or in the lane. The proposed covenant would prohibit suites unless adequate parking for a suite is integrated into the house design and fully contained on-site.

C. Attachments:

Attachment 1 – R5: Fourplex Housing Residential Zone

Attachment 2 - R4: Small Lot Residential Zone

Attachment 3 - Proposed Site Plan

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

The subject application involves the following goals/actions items in Council's Strategic Plan 2019 – 2022:

Increase affordable and attainable housing

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw #5000 s. 9.5 - R4: Small Lot Residential

BUDGET/RESOURCE IMPLICATIONS:

A Public Hearing would be required to be held as part of the public consultation process identified in s. 464 of the *Local Government Act*.

Prepared by:	Approved for submission to Council:	
X Mills ary	Will Pearce, CAO	
Matt Faucher		
Planner, Current Planning	Date: 07. DECEMBER. 201	
X Gin Shil		

Kim Flick

Director, Community Infrastructure and Development

REVIEWED WITH		
☐ Corporate Services ☐ Bylaw Compliance	☐ Operations☐ Public Works/Airport	☑ Current Planning☑ Long Range Planning & Sustainability
☐ Real Estate	☐ Facilities	□ Building & Licensing
□ RCMP	☐ Utilities	
	□ Recreation Services	 Infrastructure Management
☐ Human Resources	☐ Parks	
☐ Financial Services		□ Economic Development & Tourism
☐ COMMITTEE: APC (Nov.23/21)		
□ OTHER:		

G:\3000-3699 LAND ADMINISTRATION\3360 ZONING AND REZONING\20 Applications\ZON00374\2 PROC\Rpt\211129_mf_Council Rpt_ZON00374.docx

R5

9.6 R5: Four-plex Housing Residential

9.6.1 Purpose

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached**, **semi-detached**, **duplex**, **three-plex** or **four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre**, **major** as an additional use. The R5h sub-zoning district allows for **home based business**, **major** as an additional use. (*Bylaw 5467*)

9.6.2 Primary Uses4

- care centre, major (use is only permitted with the R5c sub-zoning district)
- duplex housing
- four-plex housing
- group home, major
- semi-detached housing
- single detached housing
- three-plex housing
- seniors housing

9.6.3 Secondary Uses

- boarding rooms
- care centres, minor
- home based businesses, minor
- home based businesses, major (in single detached housing only) (use is only permitted with the R5h sub-zoning district)
- secondary suites (in single detached housing only)
- seniors assisted housing
- seniors supportive housing

9.6.4 Subdivision Regulations

- Minimum lot width is 20.0m, except it is 22.0m for a corner lot.
- Minimum lot depth is 30.0m.
- Minimum lot width for single detached housing is 14.0m, except it is 16.0m for a corner lot.
- Minimum lot area for single detached housing is 450m².
- Minimum lot area is 700m², except it is 800m² for a corner lot, or 10,000m² if not serviced by a community sewer system. (Bylaw 5339)

9.6.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	350m²	400m ²	10.0m	12.0m
Three-Plex Housing	235m²	285m²	7.0m	9.0m
Four-Plex Housing	175m²	225m²	7.0m	9.0m

9.6.6 Development Regulations

 Maximum site coverage is 40% and together with driveways, parking areas and impermeable surfaces shall not exceed 50%.

- Maximum floor space ratio is 0.6.
- 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 4.0m, except it is 6.0m for a garage or carport to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum side yard is 2.0m for a 1 or 1.5 storey portion of a building or a secondary building or structure and 2.5m for a 2 or 2.5 storey portion of a building, except it is 4.0m from a flanking street unless there is a garage accessed from the flanking street, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. 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 setback for shared interior party walls shall be 0.0m. The minimum side yard setback for single detached housing is 1.5m, except it is 4.0m from a flanking street unless there is a garage accessed from the flanking street, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk.
- Minimum rear yard is 6.0m for a 1 or 1.5 storey portion of a building and 7.5m for a 2 or 2.5 storey portion of a building, except it is 1.0m for secondary buildings.
- 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.
- Maximum density is 30 units per gross hectare (12 units/gross acre).
- Maximum four dwelling units located in a building, with each unit having a minimum width of 6.5m. (Bylaw 5339)

9.6.7 Other Regulations

- In order for bareland strata developments 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.
- A minimum area of 25m² of **private open space** shall be provided per **dwelling**.
- Where development has access to a rear lane, vehicular access to the development is only permitted from the 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.
- 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** as specified in each **zone**.
- For multi-unit residential housing, one **office** may be operated for the soul purpose of the management and operation of the multi-unit residential **development**.
- 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)

R4

9.5 R4: Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre**, **major** as an additional use. The R4h sub-zoning district allows for **home based business**, **major** as an additional use. (Bylaw 5467)

9.5.2 Primary Uses

- care centre, major (use is only permitted with the R4c sub-zoning district)
- single detached housing
- semi-detached housing (Bylaw 5715)

9.5.3 Secondary Uses

- boarding rooms
- bed and breakfast homes (in single detached housing only) (Bylaw 5498)
- care centres, minor
- home based businesses, minor
- home based businesses, major (use is only permitted with the R4h sub-zoning district)
- secondary suites (in single detached housing only)

9.5.4 Subdivision Regulations

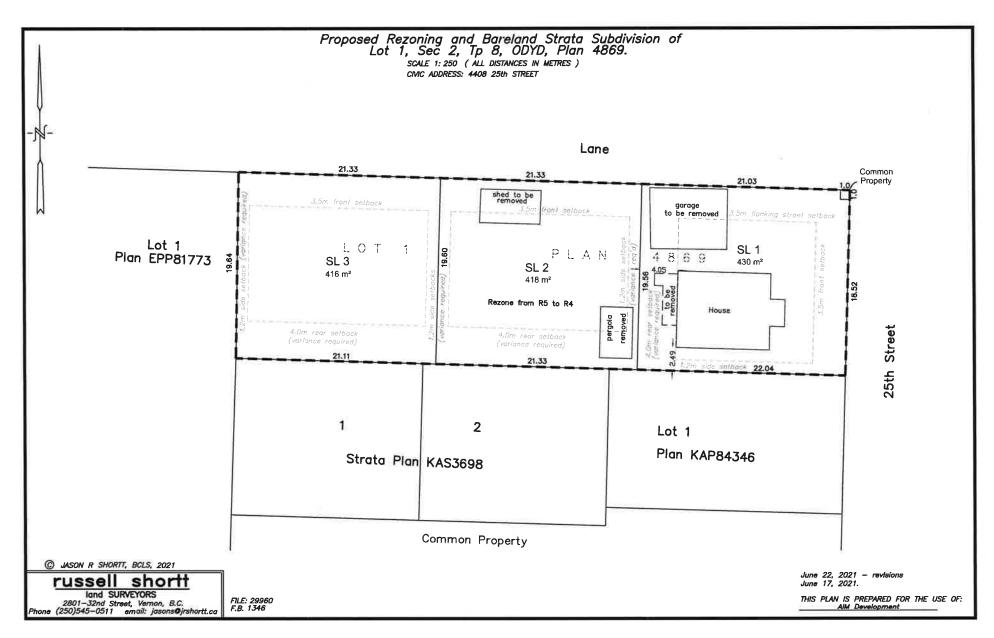
- Minimum lot width is 10.0m, except it is 14.0m for a corner lot.
- Minimum lot area is 320m², or 10,000m² if not serviced by a community sewer system.

9.5.5 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 structures.
- Minimum front yard is 3.5m.
- Minimum side yard is 1.2m for a 1 or 1.5 storey portion of a building and 1.5m for a 2 or 2.5 storey portion of a building, except it is 3.5m from a flanking street. Where there is no direct vehicular access to the rear yard or to an allached garage or carport, one side yard shall be at least 3.0m.
- For party wall semi-detached housing one side yard, not flanking a street, may be reduced to 0.0m. There shall be no windows or doors on the side of the dwelling without the side yard.
- Minimum rear yard is 6.0m for a 1 or 1.5 storey portion of a building and 7.5m for a 2 or 2.5 storey portion of a building, 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.

9.5.6 Other Regulations

- There shall be no more than one single detached house or one semi-detached unit per lot. (Bylaw 5715)
- Where development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- 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 as specified in each zone.
- 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)





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY:

Matt Faucher, Planner

COUNCIL MEETING: REG \boxtimes COW \square I/C \square

COUNCIL MEETING DATE: December 13, 2021

REPORT DATE: December 3, 2021 **FILE**: 3340-20 (OCP00085 & ZON00363)

SUBJECT:

OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENT APPLICATIONS FOR

6141 HIGHWAY 97, 6162 PLEASANT VALLEY ROAD AND 5975 LEFOY ROAD

PURPOSE:

To review the Official Community Plan and zoning amendment applications for the properties located at 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road which propose changes to the future land use designations and zoning districts of the site in order to permit future development, as well as accommodate a future road network.

RECOMMENDATION:

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).

ALTERNATIVE RECOMMENDATION:

THAT Council not support presenting the proposed 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).

Note: Denial of the OCP and rezoning application would have the properties retain their current OCP designations and zoning districts. The development could not move forward as proposed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 9, 2021, the Advisory Planning Committee passed the following resolution:

"THAT Council support presenting the proposed 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), as follows:

- 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);

for the properties located at 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road".

B. Rationale:

1. The subject properties, located at 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road (Figure 1 and 2), are approximately 6.2 ha (15.4 ac), 0.53 ha (1.3 ac) and 3.4 ha (8.4 ac) respectively, with a combined total area of approximately 10.12 ha (25 ac). 6162 Pleasant Valley Road was brought into the City through a boundary extension in 2014 and retains its Regional District of North Okanagan (RDNO) Official Community Plan (OCP) and zoning designations. The subject properties are located in the North Vernon Neighbourhood Plan Area and are commonly know as the former Anderson Ranch site.

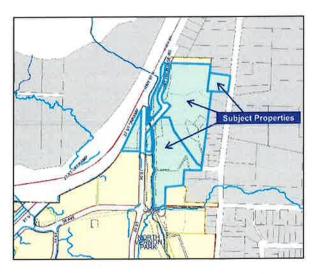


Figure 1 - Subject Properties Location

- 2. The subject properties contain the following designations on the OCP Land Use map:
 - i. 6141 Highway 97:
 - i. CCOM Community Commercial
 - ii. RMD Residential Medium Density
 - iii. PARK Parks and Open Space
 - ii. 6162 Pleasant Valley Road:
 - i. NORD-RES Single Family Residential
 - iii. 5975 Lefoy Road:
 - i. RMD Residential Medium Density
 - ii. PARK Parks and Open Space
- 3. 6141 Highway 97 and 5975 Lefoy Road have frontage and access along 20th Street, as well as along Stickle Frontage Road with 6162 Pleasant Valley Road having frontage and access from Pleasant Valley Road. Both 6141 Highway 97 and 5975 Lefoy Road have completed Demolition Permits (BP007160 and BP007161 respectively). 6162 Pleasant Valley Road contains a single family dwelling.
- 4. The subject properties are located at the northern boundary of the City with Highway 97 and Stickle Frontage Road, as well as BX Creek to the west, RDNO commercial properties to the north, RDNO rural residential properties and Pleasant Valley Road to the east, with a mix of residential, park and commercial properties within City boundaries to the south.



Figure 2 - Subject Properties Aerial

- 5. The Ministry of Transportation and Infrastructure (MoTI) has undertaken an environmental assessment as a part of the 20th Street Connector (Stickle intersection project). Additionally, MoTI requires the following to support the application:
 - Registration of a restrictive covenant prohibiting the development of any fast food restaurants or gas service stations on Lots N and R;
 - That the new intersection and 20th Street extension to Pleasant Valley Road be designed and constructed; and
 - That 20th Street be upgraded to a two lane paved roadway.
- 6. The subject properties are encumbered by a number of rights-of-way and covenants that would need to be reviewed and potentially amended or discharged through the subdivision process. This would include alignment of dedicated lands to the existing and proposed roadways, as well as to accommodate the multi-use pathway and trails to the park located on top of the knoll.

Proposed Official Community Plan Amendments

7. The applicant is proposing to amend the OCP and zoning districts which would create split future land use and zoning districts on the subject properties. Should the proposed changes be approved by Council, the owner intends to make application to subdivide the properties along the boundaries of the proposed zoning districts. For the purpose of this report, and for ease of discussion, the split zone areas will be referred to as their proposed lot identifier. The existing and proposed OCP designations are illustrated in Attachment 1. The existing and proposed zoning districts are illustrated in Attachment 2.

8. Information on the existing land use designations and the proposed zoning amendments are illustrated in Figures 3 and 4, as well as summarized in Table 1 using the following abbreviations:

OCP Designations (alphabetically):

- CCOM Community Commercial
- RES (NORD) Residential (Regional District of North Okanagan)
- RMD Residential Medium Density
- PARK Parks and Open Space

Zoning Designations (lowest to highest density / intensity of use):

- P1 Parks and Open Space
- A3 Rural Small Holdings
- R1 (NORD) Residential Single Family (Regional District of North Okanagan)
- R4 Small Lot Residential
- R5 Fourplex Housing Residential
- RM2 Multiple Housing Residential
- RH1 Low Rise Apartment Residential
- RH2 Stacked Row Housing Residential
- C3 Mixed Use Commercial
- C11 Service Commercial

Figure 3 – Proposed Official Community Plan Land Use Designations

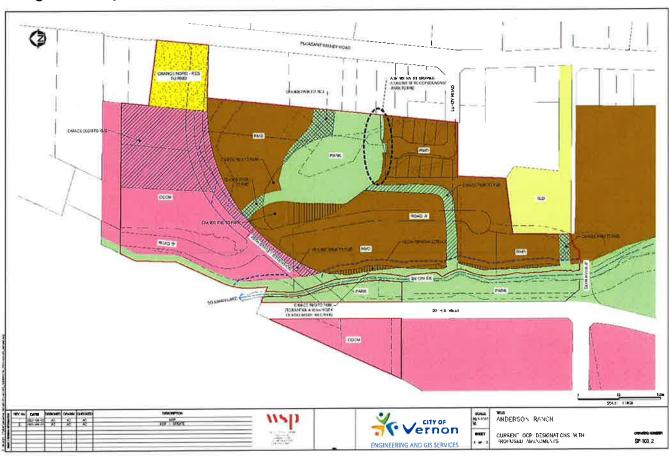


Figure 4 – Proposed Zoning Districts

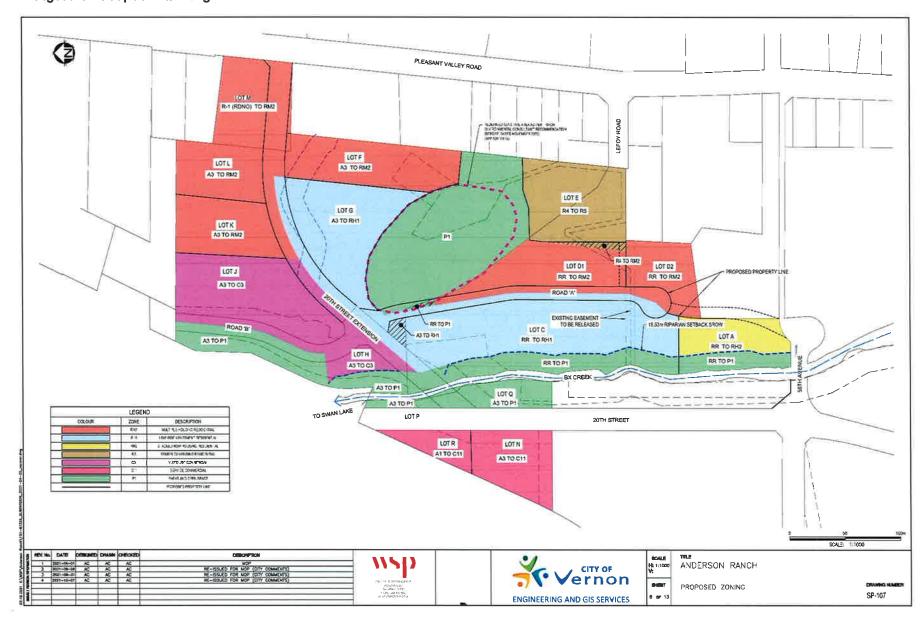


Table 1: Summary of Proposed OCP and Zoning Designations

Proposed Lot ID	Current OCP	Proposed OCP	Current Zoning	Proposed Zoning
Lot A	RMD	PARK to RMD (58 Ave)	A3	RH2
	PARK	RMD to PARK (BX Creek)		P1 (SPEA*)
Lot C	RMD	PARK to RMD (Pathway)	A3	RH1
	PARK	RMD to PARK (BX Creek)		P1 (SPEA*)
	CCOM	CCOM to RMD (Adjustment		
		to align with proposed lot		
		boundary)		
Lot D1	RMD	PARK to RMD (Pathway)	A3	RM2
	PARK		R4	
Lot D2	RMD	No Change	A3	RM2
Lot E	RMD	PARK to RMD (Adjustment	R4	R5
	PARK	to align with parcel boundary)		
Lot F	RMD	PARK to RMD (Adjustment	A3	RM2
	PARK	to align with ESA** and knoll		
		slope)		
Lot G	RMD	PARK to RMD	A3	RH1
	PARK	RMD to PARK		
	CCOM	(Adjustment to align with		
		ESA** and knoll slope)		
	1	CCOM to RMD (Adjustment		
		to align with parcel boundary)	10	00
Lot H	CCOM	CCOM to PARK (BX Creek)	A3	C3
	PARK			00
Lot J	CCOM	CCOM to PARK (BX Creek)	A3	C3
	PARK	0001111 0110	40	DMO
Lot K	CCOM	CCOM to RMD	A3	RM2
Lot L	CCOM	CCOM to RMD	A3	RM2
Lot M	RES (NORD)	RES (NORD) to RMD	R1 (NORD)	RM2
Lot N	CCOM	No Change	A3	C11
Lot P	PARK	No Change	A3	P1
Lot Q	PARK	No Change	A3	P1
Lot R	CCOM	No Change	A3	C11
Knoll	RMD	RMD to PARK	A3	P1
* 01 11	PARK			

^{*} Streamside Protection and Enhancement Area (SPEA)

^{**} Environmentally Sensitive Area (ESA)

^{9.} Attachment 3 provides a copy of each zone proposed as part of the amendment application.

^{10.} OCP Amendment Application #00085 proposes a mix of densities on the subject properties, as well as identifies areas to be designated as parks to protect environmentally sensitive areas and create amenity space for the public and future residents. The Residential Medium Density land use designation allows for up to 110 units/ha (44.5 units/ac) with a mix of forms including townhouse, low-rise apartment (up to 16.5m in height) and mixed use buildings. While the OCP land use designations broadly govern the maximum densities in each area, the proposed zoning districts refine the form and densities of permitted development on the site.

- 11. The applicant has completed an environmental assessment of the site to identify environmentally sensitive areas surrounding the knoll, as well as along BX Creek and an unnamed tributary running through the site from Pleasant Valley Road into BX Creek. The proposed OCP amendment realigns the park designation surrounding the knoll to incorporate the identified environmentally sensitive areas, as well as slopes greater than 30%. Additionally, the Park designation along BX Creek is proposed to be realigned in accordance with the results of the environmental assessment to protect the area from future development pressures and preserve natural ecosystem values.
- 12. The application proposes to change the existing NORD OCP designation of 'Residential' to the City's OCP designation of Residential Medium Density on 6121 Pleasant Valley Road. Additionally, the application proposes to change a part of the Core Commercial OCP designation on proposed lots K and L to Residential Medium Density.
- 13. Zoning Amendment Application #00363 proposes a mix of densities and built forms on the subject properties in alignment with the existing and proposed OCP future land use designations. The highest densities proposed in the application are RH1 Low-Rise Apartment Residential (maximum density of 1.5 FSR plus possible density bonusing) and RH2 Stacked Row Housing Residential (maximum density of 110 units/ha plus possible density bonusing) which are situated to the south side of the proposed 20th Street extension (Lot G RH1) and between proposed 'Road A' to the east, the Park designation along BX Creek to the west and 58th Avenue to the south (Lots A RH2 and C RH1).
- 14. To the east of 'Road A', Lots D1 and D2 are proposed as RM2 Multiple Housing Residential (maximum density of 72 units per ha plus possible density bonusing) with an adjustment on the eastern portion of Lot D1 to align the existing R4 zone with the proposed property line of Lot E.
- 15. The application proposes to change the zoning district of Lot E from R4 Small Lot Residential to R5 Fourplex Housing Residential with a maximum density of 30 units/ha, a maximum of 0.6 FAR and a maximum of four (4) dwelling units per building.
- 16. The north eastern portion of the subject properties (Lots F, K, L and M) are proposed as RM2 Multiple Housing Residential with a maximum density of 72 units/ha plus possible density bonusing.
- 17. To the north of the 20th Street extension, Lot J is proposed as C3 Mixed Use Commercial which is in accordance with the existing OCP designation of Community Commercial. The P1 Parks and Open Space zoning district is proposed along the western property line of Lot J abutting BX Creek. The application also proposes the construction of 'Road B' providing an additional separation from BX Creek and creating street frontage for mixed use structures along the west side of the lot.
- 18. Along 20th Street, Lots P and Q are proposed to be zoned P1 Parks and Open Space, as well as the western portions of Lots A and C abutting BX Creek. The application proposes the C11 Service Commercial zoning district on Lots N and R. The applicant has agreed to register a restrictive covenant on Lots N and R prohibiting drive-through services, drive-through vehicle services and gas bars from being established on the site.
- 19. Should the OCP and zoning amendment bylaws be approved by Council, the applicant plans to subdivide the properties and commence construction of a phased development. At full buildout, which is anticipated to be completed over the next decade, the applicant proposes to construct approximately 419 residential dwellings and 2,140 m² of commercial space as stated in the Anderson Ranch Master Development Plan, dated May 11, 2021 and prepared by WSP.

- 20. The applicant proposes to adjust the existing trail network on the subject properties to support the development as well as public access to the knoll area parkland. Details on the proposed plan for access and trails would be confirmed as part of the subdivision process. Additionally, in 2015 the applicant provided RDNO with a right-of-way through the subject properties for the development and use of a trail along the eastern side of BX Creek to the Highway Frontage Road. As part of that agreement, RDNO is responsible to develop the trail and assume all liability for the right-of-way and trail. RDNO has requested to extend the trail across the 20th street extension and along the east side of proposed 'Road B'. As part of the agreement (Attachment 4), the City has agreed to include the land contained in the existing rightof-way along BX Creek as part of the 5% park dedication calculation as required under Section 510 of the Local Government Act (park dedication requirement of subdivision). It is noted in the agreement that the ROW granted to RDNO on lot 4 exceeds the maximum amount of 5% required to be dedicated under Section 510(5) of the Local Government Act whereas the area provided on Lot 5 does not meet the 5% threshold. The additional land requested by RDNO would be secured as part of the dedication for 'Road B' allowing for the continuation of the multi-use trail to the boundary of the City. It is Administration's position that any additional parkland acquisition, including the area surrounding and on top of the knoll would be dedicated to the City at no cost as a condition of adoption of the zoning amendment bylaw. However, the applicant has indicated that they wish to be compensated at fair market value for any lands that exceed the 5% dedication requirement at subdivision. In order to quantify the amount of land in question that would exceed the 5% requirement, surveys of the land would need to be completed. This would take place and a resolution reached prior to consideration of adoption of the OCP and zoning amendment bylaws.
- 21. The application proposes to add two additional roads on the subject properties (Roads 'A' and 'B'), as well as upgrade Stickle Frontage Road and complete the 20th Street extension to Pleasant Valley Road including intersection upgrades (identified as a DCC project). To provide access to Lot E, the applicant proposes to extend Lefoy Road and create a cul-de-sac with the required turning radius for emergency service vehicles. Emergency access would also be provided from the end of Road 'A' to 58th Avenue through Lot A and 5902 Pleasant Valley Road. The property owner of 5902 Pleasant Valley Road has indicated they agree with the proposal and are working out the details with the applicant.
- 22. An Archaeological Overview Assessment (AOA) and Preliminary Field Review (PFR) was conducted by Ursus Heritage Consulting in conjunction with Zach Wilson (Okanagan Indian Band) on August 24, 2020. The report dated September 25, 2020, identifies one confirmed archaeological site located within the development area and five areas within the development area are assessed as having high potential for the presence of archaeological sites. The remainder of the subject properties are considered to have low archaeological potential.
- 23. To support the applications for the OCP and Zoning Amendments, the applicants prepared the following reports and studies:
 - i. Anderson Ranch Master Development Plan May 11, 2021, prepared by WSP
 - ii. Archaeological Overview Assessment and Preliminary Field Reconnaissance September 25, 2020, prepared by Ursus Heritage Consulting
 - iii. Anderson Ranch Environmentally Sensitive Area Assessment November 2020, prepared by Triton Environmental Consultants
 - iv. Anderson Ranch Traffic Engineering Review April 16, 2021, prepared by CTQ Consultants

24. While generally supportive of the application, both Administration and RDNO have noted potential concerns with the proposed Residential Medium Density designation and proposed RM2 zoning district on Lots K, L and M abutting existing commercial and low density residential uses within the RDNO. This would be explored further after hearing from the public through the public consultation process.

C. Attachments:

Attachment 1 – Existing and Proposed OCP Designations

Attachment 2 – Existing and Proposed Zoning Districts

Attachment 3 – Proposed Zones

Attachment 4 – ROW Agreement for RDNO Multi-Use Pathway

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:

- > Acquisition of natural park areas on mountaintops
- > Work with RDNO on the acquisition of natural parkland in the City
- > Promote transit oriented mixed-use development

E. Relevant Policy/Bylaws/Resolutions:

- 1. The subject property is in the North Vernon Neighbourhood Plan area.
- 2. The OCP has the following applicable policies related to the subject application:
 - 7.3 Support the development of the City Centre District, neighbourhood centres and designated multiple family areas to the densities outlined in the OCP to build compact, complete neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.
 - 10.5 Require development to design and construct all offsite infrastructure including roads, water, wastewater and storm systems with consideration for life cycle costs, sustainability and maintenance.

The OCP also identifies the following maximum densities and associated housing forms for the Low and Medium Density Residential land use designations:

- Low Density Residential: 30 units per hectare (12 units per acre) includes single family, semi-detached and rowhouses
- Medium Density Residential: 110 units per hectare (44.5 units per acre) includes townhouses, low-rise apartments and mixed-use developments
- 3. Zoning Bylaw #5000:
 - 8.03 A3 Rural Small Holdings
 - 9.06 R5 Fourplex Housing Residential
 - 9.11 RM2 Multiple Housing Residential
 - 9.12 RH1 Low Rise Apartment Residential
 - 9.13 RH2 Stacked Row Housing Residential
 - 10.03 C3 Mixed Use Commercial
 - 10.11 C11 Service Commercial
 - 12.01 P1 Parks and Open Space

BUDGET/RESOURCE IMPLICATIONS:

☐ OTHER:

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ADMINISTRATION\3340

OFFICIAL

COMMUNITY

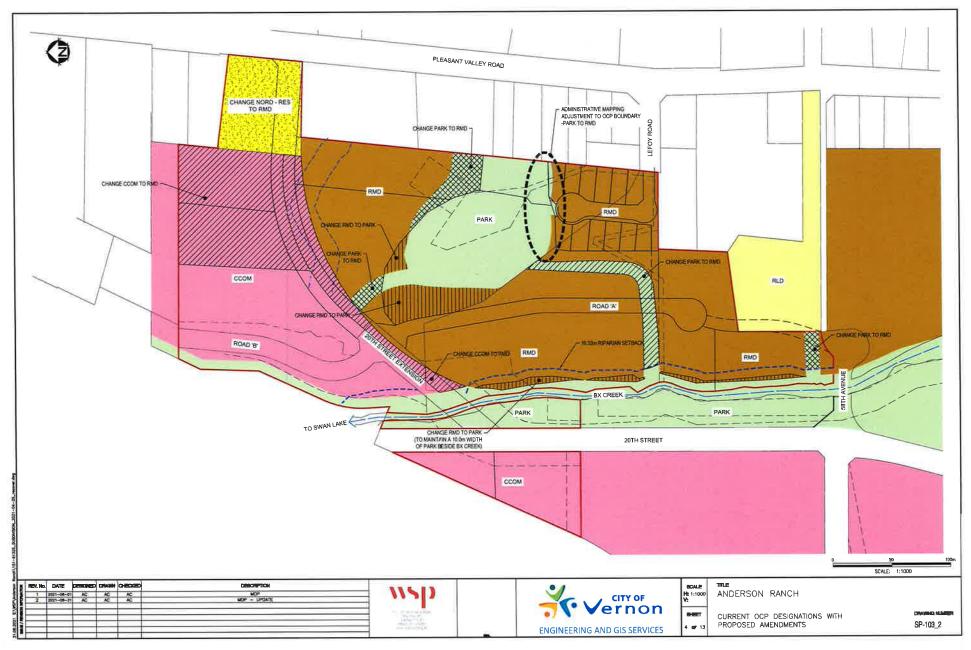
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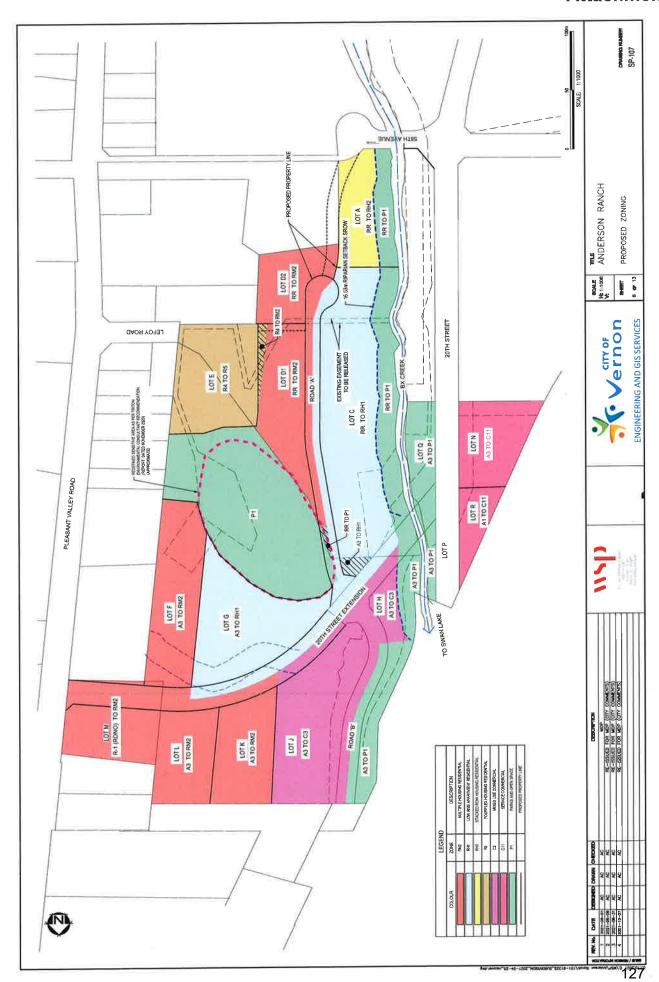
Additional costs for land acquisition and the implementation of legal instruments may be required as determined during the rezoning and subdivision approval process.

Prepared by:	Approved for su	ubmission to Council:
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Matt Faucher		
Planner		
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Kim Flick Director, Community Infrastructure	and Development	
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REVIEWED WITH		
 □ Corporate Services □ Bylaw Compliance □ Real Estate □ RCMP ⋈ Fire & Rescue Services □ Human Resources □ Financial Services ⋈ COMMITTEE: APC (Nov 9/21) 	 □ Operations □ Public Works/Airport □ Facilities □ Utilities □ Recreation Services □ Parks 	 ☑ Current Planning ☑ Long Range Planning & Sustainability ☑ Building & Licensing ☑ Engineering Development Services ☐ Infrastructure Management ☑ Transportation ☑ Economic Development & Tourism

Applications\OCP00085\2

AMENDMENTS\20





A3

8.3 A3: Rural - Small Holdings

8.3.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre**, **major** as an additional use. (Bylaw 5467)

8.3.2 Primary Uses

- agriculture
- animal clinics, major
- animal clinics, minor
- aquaculture
- campsites, tourist
- care centre, major (use is only permitted with the A3c sub-zoning district)
- emergency protective services
- farmers' market
- golf courses
- greenhouses and plant nurseries
- quide and tour services
- single detached housing
- stables and riding academies
- utility services, minor impact
- zoo or botanical gardens

8.3.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- bed and breakfast homes (in single detached housing only) or agri-tourist accommodation
- boarding rooms (Bylaw 5440)
- brewing or distilling, Class A
- care centres, minor
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- second kitchens
- secondary suites (Bylaw 5715)
- wineries and cideries

8.3.4 Subdivision Regulations

- Minimum lot width is 24.0m
- Minimum lot area is 2.0ha (5 acres)

8.3.5 Development Regulations

- The maximum site coverage is 10% for residential development, and it is 35% for agricultural structures except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- The maximum height is the lesser of 9.5m or 2.5 storeys, except it is 13.0m for secondary buildings and 16.0m for agricultural structures.

- The minimum front yard is 6.0m.
- The minimum side yard is 3.0m, except it is 6.0m from a flanking street.
- The minimum rear yard is 10.0m, except it is 3.0m for secondary buildings.
- No more than one residential unit per lot.
- Buildings housing more than 4 animals, used for processing animal products or for agriculture and garden stands shall be located no closer than 15.0m to any lot line, except no closer than 30.0m to a lot in residential zones.

8.3.6 Other Regulations

- Farm and animal products processing is allowed provided that a minimum of 50% of the products are produced on-site.
- When a **home based business** of any type involves the cutting and wrapping of wild game and/or the butchering of domestic meat, the **lot** must have a minimum **lot area** greater than 0.33ha (0.6 acre).
- Single wide mobile homes shall not be located on lots smaller than 2.0ha (5 acres) and double wide mobile homes shall not be located on lots smaller than 0.8ha (2 acres).
- Major animal clinics or kennels as well as stables and riding academies shall not be located on parcels less than 2.0ha (5 acres).
- Agricultural and garden stands selling produce grown on the site or another site operated by the same producer do not have a maximum area. The maximum gross floor area of stands selling produce that is produced off-site shall be 50.0m². For sites within the Agricultural Land Reserve, the maximum gross floor area of agricultural and garden sales for produce off-site shall be lesser of 33% of the total floor area of the agricultural or garden stand or 50.0m².
- Retail sales and other uses are subject to the BC Agricultural Land Commission Act and regulations where in the ALR.
- Agri-tourist accommodation shall not be located on lots smaller than 2.0ha (5 acres) and shall not exceed 10 bedrooms, campsites or recreational vehicle pads.
- 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. Lands within the **ALR** may also be affected by additional regulations of the **Agricultural Land Commission**.
- 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)

9.6 R5: Four-plex Housing Residential

9.6.1 Purpose

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached**, **semi-detached**, **duplex**, **three-plex** or **four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre**, **major** as an additional use. The R5h sub-zoning district allows for **home based business**, **major** as an additional use. (*Bylaw 5467*)

9.6.2 Primary Uses4

- care centre, major (use is only permitted with the R5c sub-zoning district)
- duplex housing
- four-plex housing
- group home, major
- semi-detached housing
- single detached housing
- three-plex housing
- seniors housing

9.6.3 Secondary Uses

- boarding rooms
- care centres, minor
- home based businesses, minor
- home based businesses, major (in single detached housing only) (use is only permitted with the R5h sub-zoning district)
- secondary suites (in single detached housing only)
- seniors assisted housing
- seniors supportive housing

9.6.4 Subdivision Regulations

- Minimum lot width is 20.0m, except it is 22.0m for a corner lot.
- Minimum lot depth is 30.0m.
- Minimum lot width for single detached housing is 14.0m, except it is 16.0m for a corner lot.
- Minimum lot area for single detached housing is 450m².
- Minimum lot area is 700m², except it is 800m² for a corner lot, or 10,000m² if not serviced by a community sewer system. (Bylaw 5339)

9.6.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	350m ²	400m²	10.0m	12.0m
Three-Plex Housing	235m²	285m²	7.0m	9.0m
Four-Plex Housing	175m²	225m²	7.0m	9.0m

9.6.6 Development Regulations

Maximum site coverage is 40% and together with driveways, parking areas and impermeable surfaces shall not exceed 50%.

CITY OF VERNON

- Maximum floor space ratio is 0.6.
- 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 4.0m, except it is 6.0m for a garage or carport to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum side yard is 2.0m for a 1 or 1.5 storey portion of a building or a secondary building or structure and 2.5m for a 2 or 2.5 storey portion of a building, except it is 4.0m from a flanking street unless there is a garage accessed from the flanking street, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. 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 setback for shared interior party walls shall be 0.0m. The minimum side yard setback for single detached housing is 1.5m, except it is 4.0m from a flanking street unless there is a garage accessed from the flanking street, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk.
- Minimum rear yard is 6.0m for a 1 or 1.5 storey portion of a building and 7.5m for a 2 or 2.5 storey portion of a building, except it is 1.0m for secondary buildings.
- 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.
- Maximum density is 30 units per gross hectare (12 units/gross acre).
- Maximum four dwelling units located in a building, with each unit having a minimum width of 6.5m. (Bylaw 5339)

9.6.7 Other Regulations

- In order for bareland strata **developments** 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.
- A minimum area of 25m² of **private open space** shall be provided per **dwelling**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the 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.
- 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** as specified in each **zone**.
- For multi-unit residential housing, one **office** may be operated for the soul purpose of the management and operation of the multi-unit residential **development**.
- 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)

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	225m²	275m²	7.8m	9.0m
Housing				
Three-Plex Housing	150m²	200m ²	6.5m	7.8m
Four-Plex Housing	150m²	200m ²	6.5m	7.8m
Row Housing	150m²	200m²	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)



9.12 RH1: Low-Rise Apartment Residential

9.12.1 Purpose

The purpose is to provide a **zone** primarily for medium **density** apartments on urban services.

9.12.2 Primary Uses

- apartment housing
- care centres, major
- group home, major
- seniors assisted housing
- seniors housing
- seniors supportive housing
- stacked row housing

9.12.3 Secondary Uses

- home based businesses, minor
- real estate sales centres (in apartment housing only)

9.12.4 Subdivision Regulations

- Minimum lot width is 30.0m.
- Minimum lot area is 1400m², or 10,000m² if not serviced by a community sewer system.

9.12.5 Development Regulations

(a) Density:

The maximum Floor Space Ratio (FSR) is 1.50, except that:

- With a housing agreement pursuant to Section 4.9, the maximum density shall be increased by FSR 0.25; and
- 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 increased by FSR 0.25, or
- 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 FSR 0.25 by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas;

Provided that the maximum Floor Area Ratio with all bonuses shall not exceed FSR 2.00.

(b) Building Regulations:

- Maximum site coverage is 65% and together with driveways, parking areas and impermeable surfaces shall not exceed 85%.
- Maximum height is the lesser of 16.5m or 4.5 storeys, except it is 4.5m for secondary buildings and secondary structures.

RH1 - 1 of 2

- Minimum front yard is 4.5m.
- Minimum side yard is 4.5m, except it is 4.5m from a flanking street.
- Minimum rear yard is 9.0m, except it is 1.0m for secondary buildings. (Bylaw 5661)

9.12.6 Other Regulations

- 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.
- No continuous building frontage shall exceed 40.0m for a 3 to 4.5 storey building, or 65.0m for a 2 storey building. If the frontage is interrupted by an open courtyard equivalent in depth and width to the building height, the maximum continuous 4.5 storey building frontage may be 80.0m provided that no building section exceeds 40.0m.
- 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)
- 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. (Bylaw 5339)
- 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)



9.13 RH2: Stacked Row Housing Residential

9.13.1 Purpose

The purpose is to provide a **zone** primarily for medium **density row housing** on urban services to front major **streets** and civic spaces.

9.13.2 Primary Uses

- apartment housing
- care centres, major
- group home, major
- row housing
- seniors assisted housing
- seniors housing
- seniors supportive housing
- stacked row housing

9.13.3 Secondary Uses

- health services
- home based businesses, minor
- personal services
- real estate sales centres (in apartment and stacked row housing only)
- retail, convenience (Bylaw 5332)

9.13.4 Subdivision Regulations

- Minimum lot width is 30.0m. For fee simple row housing, the minimum lot width is 7.5m for interior lots and 12.0m for corner lots.
- Minimum lot area is 1400m², or 10,000m² if not serviced by a community sewer system.

9.13.5 Party Wall Subdivision Regulations

Lot Type	Minimum	Minimum Lot area		Lot width
•	interior	corner	interior	corner
Row Housing	135m²	185m²	6.5m	7.8m

9.13.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 110.0 units per gross hectare (44.5 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 125.0 units per gross hectare (51 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 25.0 units per gross hectare (10 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 65% and together with driveways, parking areas and impermeable surfaces shall not exceed 75%. (Bylaw 5332)

- Maximum height is the lesser of 16.5m or 4.5 storeys, except it is 4.5m for secondary buildings and secondary structures.
- Minimum front yard is 6.0m, except it is 4.5m for any portion 2 storeys or less.
- Minimum side yard is 3.0m for a building not over 2.5 storeys, and 6.0m for portions of a building in excess of 2.5 storeys, and 6.0m from a flanking street. The minimum side yard is 0.0m for shared interior party walls.
- Minimum rear yard is 7.5m for a building not over 2.0 storeys and it is 9.0m for any part of a building over 2 storeys. It is 1.0m for secondary buildings.
- Maximum density is 100.0 units per gross hectare (40.5 units/gross acre).

9.13.7 Other Regulations

- Convenience retail services, health services and personal services are limited to a maximum floor area of 300m² total or 50% of the gross floor area of the ground storey of the primary building, whichever is the lesser, and only permitted when developed as an integral component of and within the primary building. These uses are not permitted above the ground storey. (Bylaw 5332)
- 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 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)
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- 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**.
- No continuous **building frontage** shall exceed 45.0m for a 2 to 4 **storey building**. The **building** must be designed so as to be within one **storey** to neighbouring **development**.
- Parking shall not be constructed in the **front yard** of the property. Where the **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the 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. (Bylaw 5339)
- 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)

10.3.1 Purpose

The purpose is to provide a **zone** for the **development** of a cultural precinct with a mixture of pedestrian oriented commercial and residential **uses**.

10.3.2 Primary Uses

- apartment housing
- artist studios
- care centre, major
- commercial schools
- community recreation centres
- cultural exhibit, private
- custom indoor manufacturing
- duplex housing
- food primary establishments
- four-plex housing
- group home, major
- hostels (Bylaw 5788)
- liquor primary establishment, minor
- offices
- parks, public
- personal services
- retail stores, general
- retail store, licensee
- row housing
- second-hand dealerships
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- semi-detached housing
- single detached housing
- temporary shelter services

10.3.3 Secondary Uses

- bed and breakfast homes (in single detached housing or semi-detached housing or duplex housing only) (Bylaw 5498)
- brewing or distilling, Class A
- care centres, minor
- health services
- home based business, minor
- home based business, major

10.3.4 Subdivision Regulations

- Minimum lot width is 12.0m.
- Minimum lot area is 380m².

10.3.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	225m²	275m²	7.8m	9.0m
Four-Plex Housing	150m²	200m²	6.5m	7.8m
Row Housing	135m²	185m²	6.5m	7.8m

- Minimum lot area is 10,000m² if not serviced by community sewer system.
- Maximum site coverage is 65% and together with driveways, parking areas and impermeable surfaces shall not exceed 85%.
- Maximum density is 48 units per gross hectare (19.5 units/gross ac).
- Maximum height is the lesser of 12.0m or 2.5 storeys, except it is 4.5m for secondary buildings and secondary structures.
- Minimum front yard is 3.0m, except it is 6.0m from a garage or carport to the back of curb or sidewalk for vehicular entry, or it is 0.6m to the side of the garage and 2.6m to the front façade for side-entry garage and driveway layouts.
- Minimum side yard is 1.2m, or 0.0m for shared interior party walls, except it is 2.4m from a flanking street.
- Minimum rear yard is 6.0m, except it is 1.5m for secondary buildings. Where the
 lot width exceeds the lot depth, the minimum rear yard is 4.5m.
- Maximum 6 dwelling units located in a building, with each unit having a minimum width of 6.5m.
- No primary building shall be closer than 3.0m to another primary building.

10.3.6 Development Regulations

- Maximum commercial floor space ratio is 0.4. In addition, a residential floor space ratio of 0.3 is permitted for a total floor space ratio of 0.7.
- 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, an additional floor space ratio of 0.2 is permitted. Where all the required parking is not accommodated completely beneath the habitable space of a primary building or useable common amenity areas, the floor space ratio permitted shall be determined through multiplying the additional 0.2 floor space ratio 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 65% and together with driveways, parking areas and impermeable surfaces shall not exceed 85%.
- Maximum height is the lesser of 10.0m or 2.5 storeys.
- Minimum front yard is 4.5m, except it is 6.0 for a garage.
- Minimum side yard is 2.0m for a buildings or secondary building or structure, except it is 4.5m from a flanking street.
- Minimum rear yard is 6.0, except it is 1.5m for secondary buildings.

10.3.7 Other Regulations

- Apartment housing, seniors assisted housing and seniors supportive housing are only allowed above the first storey and requires a separate at-grade access from the commercial uses.
- A minimum area of 5.0m² of private open space shall be provided per bachelor dwelling, seniors assisted housing or seniors supportive housing unit 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**.
- Individual commercial uses shall not have a gross floor area greater than 300m².
- While vehicular access to a lot is permitted from the front, parking areas shall not be constructed in the front yard, but on the side or rear of the lot.
- For seniors assisted housing, seniors residential care 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, temporary shelters, 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. (Bylaw 5788
- 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)

10.11 C11: Service Commercial



10.11.1 Purpose

The purpose is to designate and preserve land for the accommodation of a mix of **commercial uses**, including vehicular oriented areas, not provided for in other **zones**.

10.11.2 Primary Uses

- amusement arcades, major
- animal clinics, minor
- animal clinics, major
- auctioneering establishments
- autobody repair and paint shops
- automotive and equipment repair shops
- automotive and recreation vehicle services
- broadcasting studios
- business support services (Bylaw 5441)
- call centres
- clubs, private
- commercial storage
- convenience vehicle rentals
- contractor services, limited
- custom indoor manufacturing (Bylaw 5441)
- drive-through services
- drive-through vehicle services
- emergency protective services
- equipment rentals
- flea markets
- fleet services
- food primary establishments
- funeral services
- gaming facilities (Bylaw 4967)**
- gas bar
- government agencies
- high technology research and product design (Bylaw 5441)
- household repair services
- kennels (Bylaw 5339)
- limited contractor services
- liquor primary establishment, minor
- non-accessory parking
- offices, construction and development
- participant recreation services, indoor
- pawn shops
- recycled materials drop-off centres
- retail cannabis sales (Bylaw 5731)
- retail stores, service commercial
- service stations, minor
- truck and mobile home sales/rentals
- used goods stores
- utility services, minor impact
- vehicle and equipment sales/rentals, industrial and agricultural
- warehouse sales
 - ** refer to definition for "gaming facilities" in Section 2.3.3. for limitation on number of slot machines permitted within the City of Vernon boundaries

10.11.3 Secondary Uses

- amusement arcades, minor
- carnival
- outdoor storage
- residential security/operator unit
- real estate sales office
- retail store, licensee

10.11.4 Subdivision Regulations

- Minimum lot width is 30.0m.
- Minimum lot area is 1000m²...

10.11.5 Development Regulations

- Maximum commercial floor space ratio is 1.8.
- Maximum site coverage is 60%.
- Maximum height is the lesser of 12.0m or 3.0 storeys.
- Minimum front yard is 2.0m.
- Minimum side yard is 0.0m, except it is 2.0m for any flanking street, and 4.5m when adjacent to a residential, agricultural or institutional zone.
- Minimum rear yard is 0.0m, except it is 6.0m where the abutting land is zoned or designated Residential.

10.11.6 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.

10.11.7 Temporary Commercial Use Permits

- In addition to the Primary and Secondary Uses permitted by Sections 10.11.2 and 10.11.3, Temporary Commercial Use Permits may be issued in respect of the land legally described as Lot 26, Sec. 27, Tp. 9, Plan B4869, ODYD to permit administrative offices and the retail sale of dog food and related products.
- 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)

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)



REGIONAL DISTRICT OF NORTH OKANAGAN

MEMBER MUNICIPALITIES

CITY OF ARMSTRONG DISTRICT OF COLDSTREAM CITY OF ENDERBY

VILLAGE OF LUMBY TOWNSHIP OF SPALLUMCHEEN CITY OF VERNON ELECTORAL AREAS:

"B" -- SWAN LAKE "C" -- B.X., DISTRICT "D" -- LUMBY (RURAL) "E" - CHERRYVILLE
"F" - ENDERBY (RURAL)

OFFICE OF:

PARKS, RECREATION AND CULTURE

OUR FILE No.: 6300_BXCreekFraserHall

May 19, 2015

Avanti Investments Ltd. 101-1865 Dilworth Drive, Box 374 Kelowna, BC V1Y 9T1

Attention: Don Searle

Parkwood Retirement Resort Holding Corporation Ltd. 1277 Gordon Drive Kelowna, BC V1Y4W4

Attention: Fraser Hall

City of Vernon 3400-30th Street Vernon, BC V1T 5E6

Attention: Dale Rintoul

Re: Letter of Agreement

58th Avenue Extension / Sale of portion of Lot 3, Plan KAP68038, Sec 11, TP8, ODYD

(5601-20th Street) to enable 58th Avenue public road extension

Here is the outline of our agreement with respect to preparation and execution of the various legal documents and timing of the land title office registrations to conclude our agreement with respect to your parkland dedication requirements under the applicable:

1. Parkwood Retirement Resort Holding Corporation Ltd. (the "Developer") will enter into a Development Agreement with the City of Vernon (the "City") in respect of the construction of the proposed 58th Avenue bridge across BX Creek (the "Bridge"), with the Bridge to be constructed in accordance with approved layout described in Appendix A and B, with the Developer posting security in accordance with the City's Subdivision & Servicing Bylaw; and

File No.: 6300 BXCreekFraserHall

Dated: May 19, 2015

Page 2 of 4

- On a concurrent basis, the following would be submitted for registration at the LTO:
 - (a) a road dedication plan whereby the Regional District of North Okanagan ("RDNO") dedicates road over that portion of Lot 3, Plan KAP68038 to west of the Bridge as shown on Appendix C;
 - (b) a SRW granted by Avanti Investments Ltd. ("Avanti") in favour of RDNO as a component of the BX Creek public pathway in Lots 4 and 5, Plan KAP68038 as shown Appendix E, with the SRW terms as outlined and agreed between the City and Avanti and which will form part of the 5% land dedication requirement of Lots 4 and 5 under section 941 of the Local Government Act (see note 3 below);
 - (c) a SRW in favour of RDNO as an additional component of the BX Creek public pathway in Lot 5, Plan KAP68038 as shown Appendix F and having an approximate area of 0.16 ha, and which will be purchased by RDNO from Avanti on previously agreed terms and conditions; and
 - (d) a subdivision plan in respect of Lot 4, Plan KAP68038 and Lot 1, Plan 20768 which will:
 - (i) dedicate road as generally shown on **Appendix A** for that portion of 58th Avenue from the road dedicated by RDNO (described in item 2(a) above) across BX Creek to its end at the cul-de-sac with a connection to the Rimer Road right-of-way.
 - (ii) create a separate parcel for the area shown on Appendix D which will be simultaneously transferred by the Developer to RDNO in exchange for the RDNO land being dedicated as road (described in item 2(a) above); and
 - (iii) consolidate the then remaining portion of Lot 4, Plan KAP68038 lying to the south of the newly dedicated portion of 58th Avenue with Lot 1, Plan 20768.

Please also note the following:

- the terms of this letter agreement are binding on Avanti and the Developer despite the fact that either of them may only have an option or some similar right to purchase some or all of the lands described above;
- 2. the foregoing sets out the requirements of RDNO only; the Developer and Avanti must also satisfy the requirements of the City;
- 3. the actual areas of the road dedications and SRWs will be confirmed by a BCLS, working in conjunction with the parties and their advisors;
- 4. Avanti and the Developer acknowledge and agree the SRW to be granted in accordance with item 2(b) will, upon registration of the plans and documents contemplated by this

File No.: 6300 BXCreekFraserHall

Dated: May 19, 2015

Page 3 of 4

letter, will constitute more than 5% of the area of Lot 4 and that despite section 941 of the *Local Government Act*, after the registration of such plans and documents neither RDNO nor the City will have any financial or other obligation to Avanti or the Developer, or either of them, whatsoever if the Developer or Avanti, or either of them, cease development, for any reason, of Lots 4 and 5 prior to such time as the area of the BX Creek pubic pathway SRW granted in accordance with item 2(b) constitutes 5% of the total area of the developed portion of Lots 4 and 5;

- 5. the SRW described in 2(b) and the separate parcel described in 2(d)(ii) must abut and connect to the area dedicated as road as described in 2(d)(i);
- 6. RDNO will be responsible for Items 2 (a), (b) and (c), including the costs of preparation and registration of survey plans and supporting documents;
- 7. the Developer will be responsible for Items 1 and 2 (d), including the costs of preparation and registration of survey plans and supporting documents;
- 8. despite the granting of the BX Creek public pathway SRW as described in this letter, Avanti and the Developer (to be allocated amongst them as they shall agree) must pay to the appropriate governmental authority all development cost charges as may be payable in accordance with all applicable law;
- terms of all SRW documents subject to approval of RDNO and City, acting reasonably and using standard RDNO documentation where applicable; and
- 10. all documents are to be registered in priority to all financial charges.

REGIONAL DISTRICT OF NORTH OKANAGAN

Per: 1

Authorized Signatory

David Sewell
Chlef Administrative Officer

We accept and agree to the foregoing terms and conditions set out in this letter, this __ day of May, 2015.

AVANTI INVESTMENTS LTD.

Per'

Authorized Signatory

Don Searle

File No.: 6300_BXCreekFraserHall Dated: May 19, 2015 Page 4 of 4

PARKWOOD RETIREMENT RESORT LTD.

Authorized Signatory Fraser Hall

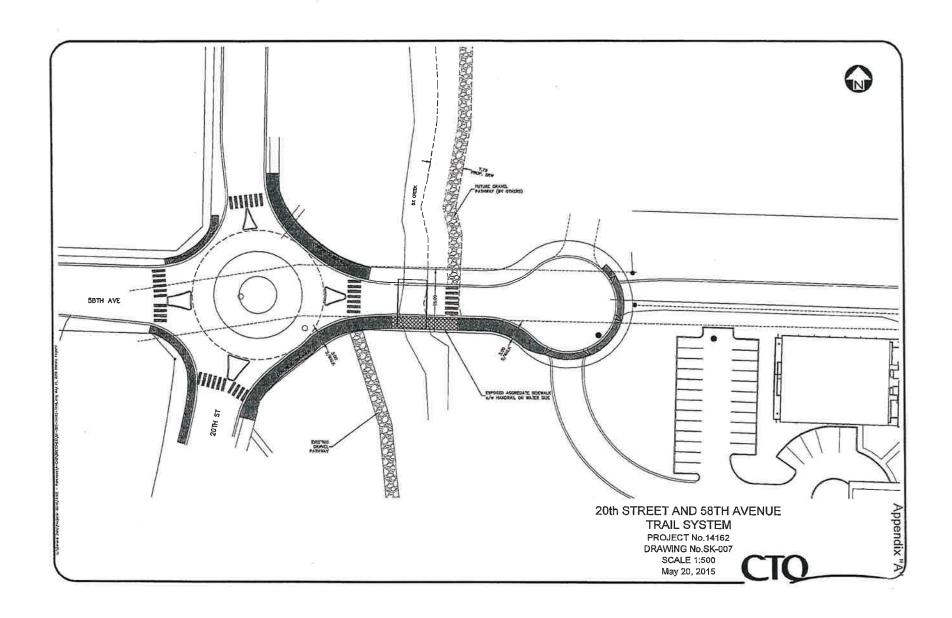
THE CORPORATION OF THE CITY OF VERNON

Authorized Signatory

Will Pearce, CAO

Yours truly;

Keith Pinkoski Manager, Parks



MMCD STANDARD DETAIL DRAWINGS 42 DIA. x 3.55 WALL GALVANIZED STEEL PIPE -CHAINLINK FENCING OPTIONAL IN LIEU OF HORIZONTAL PIPES-REFER TO CONTRACT DRAWINGS OR SUPPLEMENTARY SPECIFICATIONS (TYPICAL) 1800 MAX 55 450 CONCRETE RETAINING WALL GENERAL ARRANGEMENT RAIL POST 4 - HILTI KB 12x180 TOP OF WALL-OR APPROVED EQUAL 25 MIN NON-SHRINK CEMENT GROUT 60 0.51mm THICK GALV. SHEET METAL ş SLEEVES BASE P 100x12x100 요를 RAIL POST STEEL PLATE CAP 0.51mm OR BETTER WELDED TO SLEEVE EDGE OF CONCRETE EMBEDDED MOUNTING ATTACHED MOUNTING CONNECTION DETAILS NOTE: 1. ALL JOINTS MITRED, WELDED ALL AROUND AND SMOOTHED.

HANDRAIL ON CONCRETE RETAINING WALL

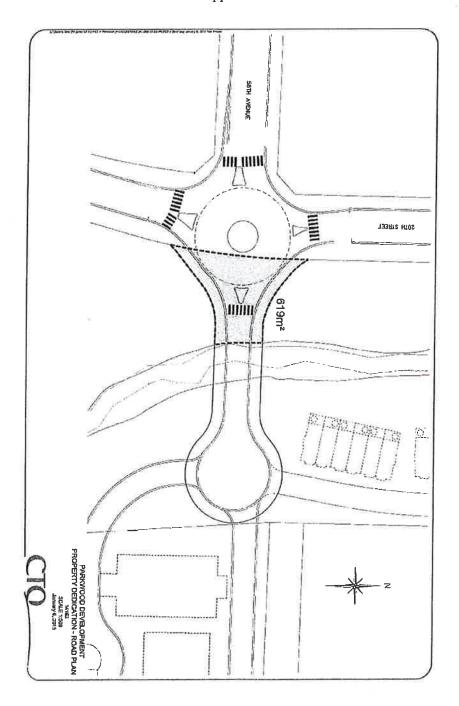
2. ALL COMPONENTS TO BE HOT DIPPED GALVANIZED AFTER FABRICATION.

3. REFER TO CONTRACT DRAWINGS AND SECTION 02B31 FOR DETAILED SPECIFICATIONS.

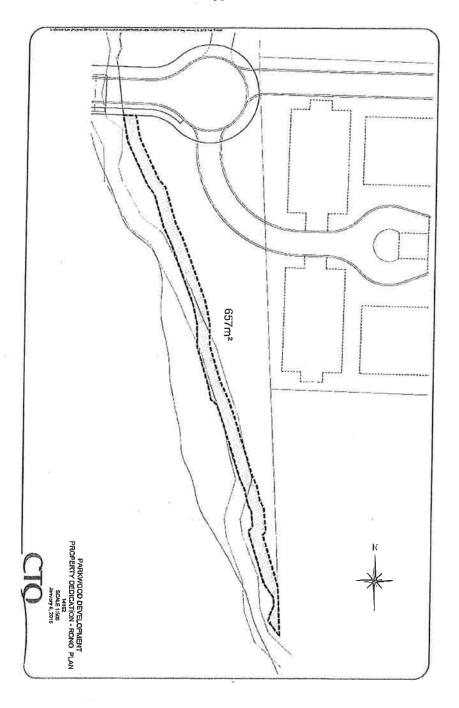
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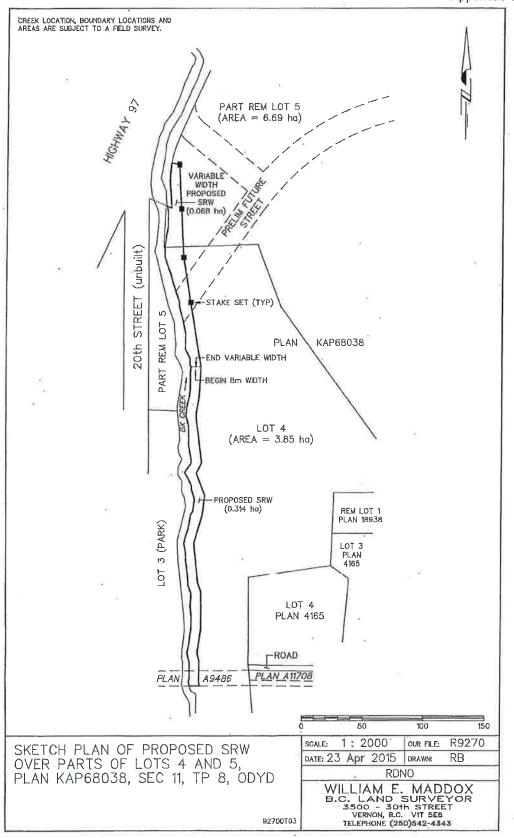
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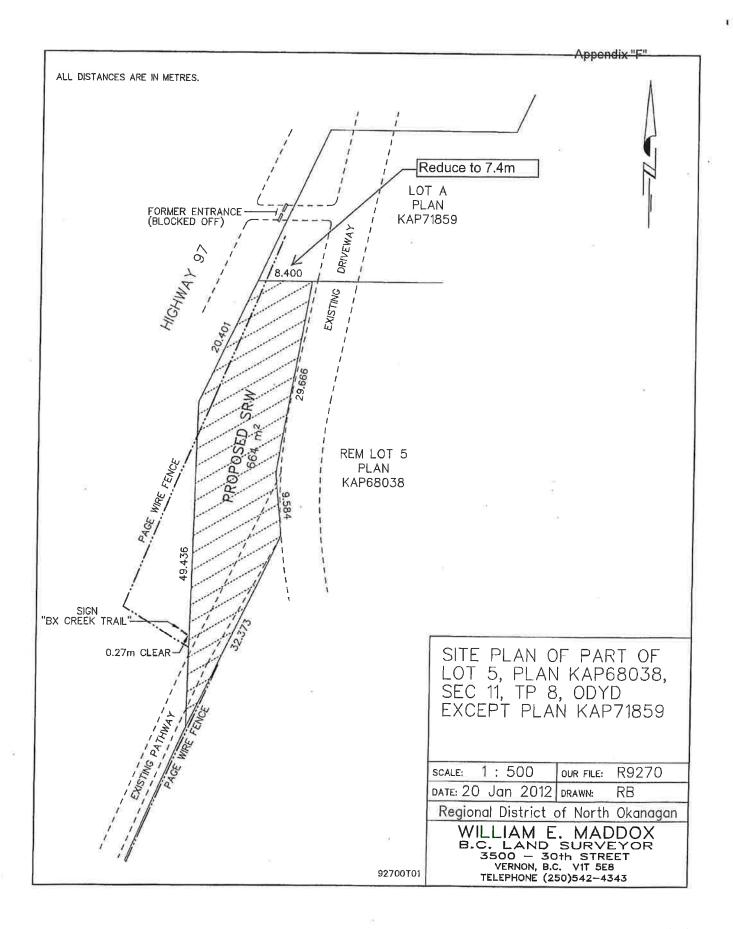
Appendix D



Appendix E







THE CORPORATION OF THE CITY OF VERNON BYLAW NUMBER 5877

A bylaw	to amend Fees and C	harges
	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 cemetery fees for 2022 and 2023.

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 (2022 & 2023 Cemetery Fees)

 Amendment Bylaw Number 5877, 2021".
- 2. That Schedule "A" <u>Fee Schedule</u> of Fees and Charges Bylaw Number 3909, 1993 be amended as follows:
 - a. **AMEND** Section 17. CEMETERY FEES, 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 22nd day of November, 2021.

READ A SECOND TIME this 22nd day of November, 2021.

READ A THIRD TIME this 22nd day of November, 2021.

ADOPTED this day of, 2021.

Mayor	Corporate Officer

SCHEDULE '1'
Attached to and forming Part of Bylaw #5877
"Fees and Charges (2022 & 2023) Amendment Bylaw Number 5877, 2021"

CEMETERY FEES					FEES				
Human Remains Lots	Resident 2021	Resident 2022	Resident 2023	Former Resident 2021	Former Resident 2022	Former Resident 2023	Non- Resident 2021	Non- Resident 2022	Non- Resident 2023
Infant Lot (under 2 years)	\$423.81	\$466.19	\$512.81	\$525.89	\$578.47	\$636.31	\$627.99	\$690.78	\$759.85
Care Fund Contribution	\$141.27	\$155.39	\$170.92	\$175.30	\$192.83	\$212.11	\$209.33	\$230.26	\$253.28
TOTAL	\$565.18	\$621.58	\$683.73	\$701.19	\$771.30	\$848.42	\$837.32	\$921.04	\$1,013.13
Child Lot (2 – 12 years)	\$686.98	\$755.67	\$831.23	\$847.61	\$932.37	\$1,025.60	\$1,008.24	\$1,109.06	\$1,219.96
Care Fund Contribution	\$228.99	\$251.88	\$277.06	\$282.54	\$310.79	\$341.86	\$336.08	\$369.68	\$406.64
TOTAL	\$915.97	\$1,007.55	\$1,108.29	\$1,130.15	\$1,243.16	\$1,367.46	\$1,344.32	\$1,478.74	\$1,626.60
Adult Lot	\$1,417.52	\$1,559.27	\$1,715.19	\$1,643.93	\$1,808.32	\$1,989.15	\$1,870.36	\$2,057.39	\$2,263.12
Care Fund Contribution	\$472.51	\$519.76	\$571.73	\$547.98	\$602.77	\$663.04	\$623.45	\$685.79	\$754.36
TOTAL	\$1,890.03	\$2,079.03	\$2,286.92	\$2,191.91	\$2,411.09	\$2,652.19	\$2,493.81	\$2,743.18	\$3,017.48
Cremated Remains Lots	Resident 2021	Resident 2022	Resident 2023	Former Resident 2021	Former Resident 2022	Former Resident 2023	Non- Resident 2021	Non- Resident 2022	Non- Resident 2023
Single Cremation	\$423.81	\$466.19	\$512.81	\$525.89	\$578.47	\$636.31	\$627.99	\$690.78	\$759.85
Care Fund Contribution	\$141.27	\$155.39	\$170.92	\$175.30	\$192.83	\$212.11	\$209.33	\$230.26	\$253.28
TOTAL	\$565.08	\$621.58	\$683.73	\$701.19	\$771.30	\$848.42	\$837.32	\$921.04	\$1,013.13
Family Cremation	\$1,417.52	\$1,559.27	\$1,715.19	\$1,643.93	\$1,808.32	\$1,989.15	\$1,870.36	\$2,057.39	\$2,263.12
Care Fund Contribution	\$472.51	\$519.76	\$571.73	\$547.98	\$602.77	\$663.04	\$623.45	\$685.79	\$754.36
TOTAL	\$1,890.03	\$2,079.03	\$2,286.92	\$2,191.91	\$2,411.09	\$2,652.19	\$2,493.81	\$2,743.18	\$3,017.48

	2021	2022	2023
Memorial Installation Fees			
Memorial Installation	\$182.71	\$200.98	\$221.07
Care Fund Contribution	\$10.00	\$10.00	\$10.00
TOTAL	\$192.71	\$210.98	\$231.07
Concrete Pillow	\$292.82	\$322.10	\$354.31
Concrete Bases:			
8" Depth	\$271.04	\$298.14	\$327.95
12" Depth	\$292.82	\$322.10	\$354.31

Cemetery Service Fees	2021	2022	2023
Interment/Exhumation:			
Infant (under 2 years)	\$428.34	\$471.17	\$518.28
Child (2 – 12 years)	\$1,421.75	\$1,563.92	\$1,720.31
Adult	\$1,421.75	\$1,563.92	\$1,720.31
Cremated Remains	\$428.34	\$471.17	\$518.28
Extra Depth Charge	\$467.06	\$513.76	\$565.13
Extra Charge for Weekend & Statutory Holidays:			
Non-Cremated Remains	\$1,364.88	\$1,501.36	\$1,651.49

Cremated Remains	\$584.43	\$642.87	\$707.15
Extra Charge for Interment / Exhumation after 2:00 pm:			
Non-Cremated Remains	\$780.45	\$858.49	\$944.33
Cremated Remains	\$389.62	\$428.58	\$471.43
Grave Liner	\$1,033.34	\$1,136.67	\$1,250.33
Vault for Cremated Remains	\$263.78	\$290.15	\$319.16
Vase	\$24.20	\$26.62	\$29.28
Flower Loop	\$54.45	\$59.89	\$65.87
Installation of Flower Loop	\$54.45	\$59.89	\$65.87
Refund Administration Fee	\$30.25	\$33.27	\$36.59
All fees are subject to GST except for C	are Fund Contributions.		

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5878

A bylaw to amend "Traffic Bylaw Number 5600,
2018"

WHEREAS the Corporation of the City of Vernon has deemed it necessary to amend the "Traffic Bylaw Number 5600, 2018."

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

This Bylaw may be cited as "Traffic (RV Parking) Amendment Bylaw Number 5878, 2021".

Amendments:

- 1. **SECTION 4 PARKING RESTRICTIONS** is hereby **amended** with the additions as shown in **RED** on attached Schedule '1', forming part of this bylaw, to include changes related to Recreational Vehicles parking with jacks and slides deployed (or equivalent materials).
- 2. "Traffic Bylaw Number 5600, 2018" is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this		day of	, 2021.	
READ A SECONE	TIME this	day of	, 2021.	
READ A THIRD T	IME this	day of	, 2021.	
ADOPTED this	day of	, 20	22.	
Mayor		Co	orporate Officer	

Attached to and forming Part of

"Traffic (RV Parking) Amendment Bylaw Number 5878, 2021"

SCHEDULE A

4 PARKING RESTRICTIONS

- 4.1 Except as directed by a police officer, Bylaw Officer, or the Fire Chief, or as permitted by a Traffic Control Device, a person must not Stop or Park a Vehicle:
 - (mm) classified as a Recreational Vehicle in a manner where it is stabilized, secure or otherwise prevented from movement, including the use of jacks, blocks, stabilizers, bricks or other material, unless in a Residential Zone for a period no longer than 24 consecutive hours;
 - (nn) classified as a Recreational Vehicle in any manner where extendable parts of that Recreational Vehicle, known as "push outs", "slide outs", or "awnings" are operated, used, deployed, or opened.

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5879

A bylaw to amend "Municipal Ticket Information Bylaw Number 5300, 2011"

WHEREAS the Corporation of the City of Vernon has deemed it necessary to amend the "Municipal Ticket Information Bylaw Number 5300, 2011."

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

This Bylaw may be cited as "Municipal Ticket Information (Traffic Bylaw RV Parking) Amendment Bylaw Number 5879, 2021".

Amendments:

READ A FIRST TIME this

 The Traffic Bylaw section is hereby amended with the additions as shown in RED on attached Schedule '1', forming part of this bylaw, to align with RV parking amendments made to Traffic Bylaw #5600,

day of

2021.

2. "Bylaw Notice Enforcement Bylaw Number 5250, 2011" is hereby ratified and confirmed in every other respect.

READ A SECOND	TIME this	day of	2021.
READ A THIRD TI	ME this	day of	2021.
ADOPTED this	day of	202	2.
Mayor		Co	rporate Officer

SCHEDULE '1'

Attached to and forming Part of "Municipal Ticket Information (Traffic Bylaw RV Parking) Amendment Bylaw Number 5879, 2021"

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty
Traffic Byla	W			
5600	4.1 (mm)	RV parked with stabilization	\$200.00	\$150.00
5600	4.1 (nn)	RV parked with parts extended	\$200.00	\$150.00

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5880

A bylaw to amend "Bylaw Notice Enforcement Bylaw Number 5250, 2011"

WHEREAS the Corporation of the City of Vernon has deemed it necessary to amend the "Bylaw Notice Enforcement Bylaw Number 5250, 2011."

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

This Bylaw may be cited as "Bylaw Notice Enforcement (Traffic Bylaw RV Parking)

Amendment Bylaw Number 5880, 2021".

Amendments:

READ A FIRST TIME this

 The Traffic Bylaw section is hereby amended with the additions as shown in RED on attached Schedule '1', forming part of this bylaw, to align with RV parking amendments made to Traffic Bylaw #5600,

day of

2021.

2. "Bylaw Notice Enforcement Bylaw Number 5250, 2011" is hereby ratified and confirmed in every other respect.

READ A SECOND TIME this		day of		2021.
READ A THIRD TIME this		day of		2021.
ADOPTED this	day of	2022.		
Mayor			Corpo	orate Officer

SCHEDULE '1'

Attached to and forming Part of "Bylaw Notice Enforcement (Traffic Bylaw RV Parking) Amendment Bylaw Number 5880, 2021"

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Traffic	Bylaw					
5600	4.1 (mm)	RV parked with stabilization	\$100.00	\$90.00	\$110.00	NO
5600	4.1 (nn)	RV parked with parts extended	\$100.00	\$90.00	\$110.00	NO



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO:

Will Pearce, CAO

FILE:

8300-07

PC:

Kim Flick, Director, Community Infrastructure and

DATE:

December 2, 2021

Development

Kevin Poole, Director, Corporate Services

FROM:

Ellen Croy, Acting Manager, Transportation

SUBJECT:

RV PARKING AMENDMENTS - BYLAW NOTICE ENFORCEMENT BYLAW

CORRECTION

At its Regular Meeting of November 22, 2021, Council endorsed RV Parking bylaw amendments to Traffic Bylaw #5600, Bylaw Notice Enforcement Bylaw #5250, and Municipal Ticketing Information Bylaw #5300.

The Bylaw Notice Enforcement Bylaw amendment provided for First, Second, and Third Readings at Council's Regular Meeting of December 13, 2021 has been amended to include the following corrections:

- Switched the A1 Early Payment and A2 Payment fees; and
- Changed Compliance Agreement from "YES" to "NO".

Respectfully submitted:

Dec 2 2021 5:29 PM

Docu

Ellen Croy

Acting Manager, Transportation

G:\8300-8799 TRANSPORTATION\8300 ROADS\07 Transportation Bylaws Review\Rpts & Resolutions\211202_Memo_BNE Correction.docx

SCHEDULE '1'
Attached to and forming Part of
"Bylaw Notice Enforcement (Traffic Bylaw RV Parking) Amendment Bylaw Number 5880,
2021"

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Traffic	Bylaw					
5600	4.1 (mm)	RV parked with stabilization	\$90.00	\$100.00	\$110.00	YES
0000	()		\$100.00	\$90.00		NO
5600 4.1 (n	4.1 (nn) RV parke	RV parked with parts	\$90.00	\$100.00	\$110.00	YES
	7.1 (1111)	extended	\$100.00	\$90.00		NO

THE CORPORATION OF THE CITY OF VERNON BYLAW NUMBER 5881

A bylaw to adopt the "Financial Plan" for the Years 2022 – 2026

WHEREAS Section 165 of the *Community Charter* requires the Council to prepare and adopt a Financial Plan for a five year period for the years 2022 to 2026.

NOW THEREFORE as the Council of The Corporation of the City of Vernon desires to adopt the 2022 Financial Plan, Council, in open meeting assembled, enacts as follows:

- 1. This bylaw may be cited for all purposes as the "City of Vernon 2022 Financial Plan Bylaw Number 5881, 2021".
- 2. That Schedule "A" attached hereto and forming part of this bylaw is hereby adopted and shall be the 2022 Financial Plan for The Corporation of the City of Vernon.
- 3. That Schedule "B" attached hereto and forming part of this bylaw is hereby adopted and shall be the 2022 2026 Financial Plan Revenue Policy.

Public Consultation was held the 29th day of November 2021 pursuant to Section 166 of the *Community Charter*.

READ A FIRST TI	ME this	day of	, 2021.
READ A SECOND	TIME this	day of	, 2021.
READ A THIRD TIME this		day of	, 2021.
ADOPTED this	day of	, 2022.	

Mayor	Corporate Officer

THE CORPORATION OF THE CITY OF VERNON 2022 - 2026 FINANCIAL PLAN (CONSOLIDATED)

SCHEDULE A BYLAW 5881

December 13, 2021

		Provisional	Provisional	Provisional	Provisional
For Year Ended December 31st	Budget 2022	Budget 2023	Budget 2024	Budget 2025	Budget 2026
Revenue					
Taxation	50,191,876	52,566,789	54,429,146	56,475,959	57,940,416
Sanitary Sewer User Fees	10,998,735	11,128,067	11,259,295	11,392,458	11,372,594
Sale of Goods and Services	20,140,679	20,370,541	20,639,627	20,928,364	21,144,895
Fiscal Services	1,494,000	1,482,000	1,482,000	1,482,000	1,482,000
Natural Gas System Lease & Franchise	441,712	441,712	441,712	441,712	441,712
Government Transfers	7,921,192	8,745,362	8,857,117	8,893,195	8,987,371
Developer Contributions	2,668,927	2,271,927	3,111,927	2,681,927	2,181,927
Total Revenue	93,857,121	97,006,398	100,220,824	102,295,615	103,550,915
Expenses					
Communications, Insurance & Utilities	4,633,169	4,723,656	4,811,035	4,899,459	4,984,871
Cost of Goods Sold	710,500	729,710	744,203	758,987	774,067
Amortization	11,512,623	11,719,851	11,930,807	12,145,559	12,364,181
Supplies, Materials & Contracts	36,535,481	35,779,118	36,133,414	36,757,400	37,594,855
Salaries, Wages, & Benefits	37,603,028	38,300,505	39,221,759	40,000,210	40,686,442
Interest and Fiscal Services	366,129	367,508	368,915	370,352	371,820
Total Expenses	91,360,930	91,620,348	93,210,133	94,931,967	96,776,236
Net Revenues for the Year	2,496,191	5,386,050	7,010,691	7,363,648	6,774,679
Principal Payments on Long Term Debt	(527,249)	(527,249)	(527,249)	(527,249)	(527,249)
Change in Fund Balance	1,968,942	4,858,801	6,483,442	6,836,399	6,247,430
Estimated Closing Fund Balance	664,059,106	668,917,907	675,401,349	682,237,748	688,485,178
Reconciliation to Cash Basis:					
Change in Fund Balance (see above)	1,968,942	4,858,801	6,483,442	6,836,399	6,247,430
Plus: Amortization	11,512,623	11,719,851	11,930,807	12,145,559	12,364,181
Plus: Transfers from Reserves	12,834,047	9,956,962	9,424,315	9,301,119	9,067,819
Less: Transfers to reserves	(8,046,455)	(8,619,591)	(8,732,907)	(8,733,325)	(8,663,185)
Less: Approved capital program	(18,269,157)	(17,916,023)	(19,105,657)	(19,549,752)	(19,016,245)
Reconciled Surplus (Deficit)	-	-	-	-	-

2022-2026 Financial Plan Revenue Policy

Schedule B Bylaw 5881

Property Value taxes

Taxation Revenue of the Corporation of the City of Vernon (the City) will be determined by Council each year according to the operating needs of the community and the 1.9% cumulative infrastructure levy, as part of the annual budget process.

Taxation will be allocated to the various property classes as follows;

- The utility class will be taxed at the maximum combined rate per thousand dollars of value permitted by legislation.
- All remaining classes of property will receive an equal allocation of the percent change in the annual tax levy.
- The City will strive to maintain a business to residential multiplier range not exceeding 3.2 to 1 under optimal conditions by adjusting the allocation of the percent change in the annual tax levy if needed.

The City recognizes the benefits provided to the community through the efforts and activities of volunteer organizations and community groups. Permissive tax exemptions will be extended to such groups and must be renewed annually. New applications will be reviewed each year to ensure the applicants meet the guidelines of the City's Tax Exemption policy.

Taxation

• The proportion of revenues to be raised from taxation in 2022 is 53.5% of total revenue.

Municipal Fees

- Service fee recovery should reflect the full costs of program delivery.
- The proportion of revenues to be raised from fees and charges in 2022 is 33.2% of total revenue.

Other Revenue

- Investment income will be based on prudent investments of taxpayer funds.
- Other revenue flows should be developed and enhanced to maximize the value derived for the benefit of the City's residents.
- The proportion of revenues to be raised from other revenue in 2022 is 13.3% of total revenue.

Parcel Taxes

- Specified areas will bear the net cost of all debt incurred to finance the local improvements.
- The proportion of revenues to be raised from parcel taxes in 2022 is less than 1.0% of total revenue.

Infrastructure

Commencing in 2013, Council committed to building the capacity of the City to fund its capital
infrastructure obligations. To achieve this a 1.9% annual taxation increase is to be levied
cumulatively for capital infrastructure funding; however, due to the COVID-19 pandemic, the 2021
1.9% increase was deferred until 2022 with the program being extended an additional year to 2023.



CITY OF VERNON

BUILDING BYLAW #5900

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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5900

A Bylaw for Administration of the Building Code Regulation of Construction

GIVEN that the City of Vernon Council

- A. may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (I) of the *Community Charter* for the following under section 53(2):
 - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
 - (b) the conservation of energy or water;
 - (c) the reduction of greenhouse gas emissions;
 - (d) the health, safety or protection of persons or property;
- B. is enacting this bylaw to regulate construction and administer the British Columbia Building Code in Vernon in accordance with the Community Charter and the Building Act;
- C. has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Council of the City of Vernon enacts as follows:

PART 1: TITLE

Citation

1.1 This bylaw may be cited as "City of Vernon Building Bylaw No. 5900, 2021".

PART 2: PURPOSE OF BYLAW

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.

- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the City in the public interest.
- 2.4 The purpose of this bylaw does not extend to:
 - (a) the protection of *owners*, *designers* or *constructors* from economic loss;
 - (b) the assumption by the City or any building official of any responsibility for ensuring the compliance by any owner, his or her representatives or any employees, constructors or designers retained by the owner, with the building code, the requirements of this bylaw, or other applicable enactments, codes or standards;
 - (c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building* permit or occupancy permit is issued under this bylaw;
 - (d) providing any person a warranty or assurance that construction undertaken under building permits issued by the City is free from latent, or any, defects; or
 - (e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the City and to land, the surface of water, air space, *buildings* or *structures* in the City.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
 - (a) except as set out in Part 11 [Retaining Walls] of this bylaw, a fence;
 - (b) an accessory *building* with a floor area of less than 10 square metres;
 - (c) a trellis, an arbour, a *retaining wall* supporting soil that is less than 1.2 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the City's zoning bylaw; and

- (d) a *building* or *structure* commonly known as "Canadian Standards Association Z240 MH series or Z241 series", except as regulated by the Building Code.
- (e) the non-structural repair and maintenance of lawfully conforming structures on a parcel zoned for single family residential occupancy uses under the City's zoning bylaw.

Climatic and Seismic Data

- 3.4 The climatic and seismic values for the design of buildings under the Code shall be in conformance with the values in the BC Building Code for Vernon, British Columbia, except:
 - (a) The depth of ground cover for frost protection referred to in the Code shall be a minimum of 900 mm.

Limited Application to Existing Buildings

- 3.5 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 3.6 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.7 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to addresses any new infractions introduced in the remainder of the building as a result of the *alteration*.
- If an alteration creates an addition to an existing building, the alteration or addition must comply with this bylaw and the building code and the entire building must be made to comply with this bylaw and the building code, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the alteration or addition.

PART 4: PROHIBITIONS

- 4.1 A person must not commence or continue any *construction, alteration,* excavation, reconstruction, demolition, removal, relocation or change the use or occupancy of any building or structure, including other work related to construction
 - (a) except in conformity with the requirements of the *building code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
 - (a) unless a subsisting occupancy permit has been issued by a building
 official for the building or structure or the part of the building or structure;
 or
 - (b) contrary to the terms of any *permit* issued or any notice given by a *building* official.
- 4.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- 4.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 4.5 A person must not, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not do any work that is substantially at variance with the accepted design or plans of a building, structure or other works for which a permit has been issued, unless that variance has been authorized in writing by a building official.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the City on property in the administration of this bylaw.

- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

PART 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way
 - (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
 - (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 5.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

PART 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A building official may
 - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, permits, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
 - (c) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *building code*; and
 - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner*'s sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *building code*.

Refusal and Revocation of Permits

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the City, and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *building code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

Right of Entry

6.5 Subject to section 16 of the *Community Charter*, a *building official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met, or if the *building official* has any reason to believe that an unsafe condition exists.

Powers

- 6.6 Subject to applicable enactments, a *building official* may by notice in writing require
 - (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the City or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the prescribed form;
 - (c) an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
 - (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
 - (e) an *owner* to have work inspected by a *building official* prior to covering;
 - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
 - (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
 - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
 - (i) an *owner* to correct any unsafe condition; and
 - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.
- 6.7 Every reference to "owner" in section 6.6 includes a reference to the owner's agent or constructor.
- 6.8 Every person served with a notice under this Part must comply with that notice
 - (i) within the time ordered, or
 - (ii) if no time is ordered, immediately.

PART 7: OWNER'S RESPONSIBILITIES

Permit Requirements

- 7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to
 - (a) constructing, repairing or altering a building or structure, including a pool or retaining wall;
 - (b) installation and alteration of plumbing systems;
 - (c) moving a *building* or *structure* into or within the City;
 - (d) demolishing a building or structure;
 - (e) constructing a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a building; and
 - (e) changing the use or occupancy of a building,
 - unless the works are the subject of another valid and subsisting building permit.
- 7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner's Obligations

- 7.3 Every *owner* must
 - (a) comply with the *building code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *building code*, this bylaw or the conditions of a *permit*;
 - (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
 - (c) prior to the issuance of a building permit, execute and submit to the City an owner's undertaking in the prescribed form, where required by the building official.

- 7.4 Every *owner*-and every owner's *agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *building code*, this bylaw and other bylaws of the City and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.
- 7.5 Every *owner* must allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw. Every *owner* to whom a *permit* is issued must, during construction,
 - (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
 - (b) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

Damage to Municipal Works

- 7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 7.7 In addition to payment of a security deposit under sections 10.8 to 10.12, every *owner* must pay to the City, within 30 days of receiving an invoice for same from the City, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
 - (a) provide to the City a vacancy date;
 - (b) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
 - (c) ensure that all municipal services and other services are capped and terminated at the property line;
 - (d) provide a hazardous materials survey report and remediation clearance letter for buildings constructed prior to 1990.

7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.

Notice

- 7.10 Every *owner* must give written or online notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.11 If an owner or a registered professional terminates the engagement of the registered professional, including a coordinating registered professional, the owner must terminate all work under a building permit until the owner has engaged a new registered professional, including a coordinating registered professional, and has delivered to a building official new letters of assurance.
- 7.12 Without limiting sections 10.29 to 10.44, every *owner* must give at least 24 hours' online or written notice to a *building official*
 - (a) of intent to do work that is required or ordered to be corrected during construction;
 - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
 - (c) when work has been completed so that a final inspection can be made.
- 7.13 Every *owner* must give notice in writing to a *building official* immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.14 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first

- having obtained approval in writing from the appropriate authority over such public property.
- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the City of letters of assurance in accordance with the requirements of the *building code* shall occur prior to
 - (a) the pre-occupancy site review coordinated by the *coordinating registered* professional or other registered professional for a complex building, or
 - (b) a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official* in the form and amount set by the prescribed form.

Requirement for a Registered Professional

- 9.3 The *owner* must retain a *registered professional* to provide a *professional* design and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building* code, in respect of a *permit* application
 - (a) prior to the pre-occupancy site review coordinated by the *coordinating* registered professional or other registered professional for a complex building, or
 - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*:

- (c) foundation and excavation components of new simple buildings and additions greater than 55 square metres to simple buildings in accordance with the building code, except where an unsafe condition may exist;
- (d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (f) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
- (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*,-the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and
- (h) for a parcel of land on which a building or structure is proposed if the building official believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a professional design is in addition to a requirement under Division 8 of Part 3 of the Community Charter
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the *building code* and applicable bylaws of the City.
- 9.4 The building official may require any registered professional carrying out the professional design and field review required under section 9.3 to provide evidence that they have experience and expertise in respect of the professional design and field review of the context and scope required.

Professional Plan Certification

9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 9.1 and 9.3 are relied upon by the City and *its building officials* as certification that the

- design and plans to which the letters of assurance refer comply with the *building code*, this bylaw and other applicable enactment.
- 9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.7 For a building permit issued for the construction of a *complex building*, the building official shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the building official to provide the *owner* with the notice will not diminish or invalidate the reliance by the City or its *building officials* on the *registered professionals*.
- 9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit* fee is reduced as prescribed in the current City of Vernon Fees and Charges Bylaw.

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
 - (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the City's Official Community Plan as a development *permit* area;
 - (b) the owner must ensure that the proposed building or structure complies with all bylaws of the City, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
 - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
 - (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the

- *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
- (e) if the parcel that is the subject of the building permit application is not intended to be connected to the City's sewage disposal system, the owner must apply for and obtain approval from the City and other applicable public authorities for an alternate private sewage disposal system;
- (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's waterworks system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate water supply system;
- (g) if the parcel that is the subject of the building permit application is not intended to be connected to The City's storm water drainage system, the owner must apply for and obtain approval from the City and other applicable public authorities for the alternate storm water drainage and detention system; and
- (h) if all on site and off site works and services required by a City bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

Building Permit Applications for Complex Buildings

- 10.2 An application for a *building permit* with respect to a *complex building* must
 - (a) be made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
 - (d) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the building code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number

- of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a construction fire safety plan, material staging and trucking route plan;
- (g) include a site plan prepared by a registered professional showing
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (vi) north arrow;
 - (vii) if applicable, location of an approved existing or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
 - (viii) zoning compliance summary;
 - (ix) the location, dimensions and gradient of parking and parking access;
 - (x) proposed and *existing* setbacks to property lines;
 - (xi) natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
 - (xii) first storey floor elevation;

- (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiv) line of upper floors;
- (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xvi) location of existing and proposed service connections;
- (xvii) location and species of all trees greater than 10 centimetres in diameter;
- (xviii) location of top of bank and water courses;
- (xix) access routes for firefighting;
- (xx) accessible paths of travel from the street to the building; and
- (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (h) include floor plans showing the dimensions and uses and occupancy classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;
- include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
- (j) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the City zoning bylaw and development permit;

- include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building* code;
- (I) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *building code*;
- (m) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;
- include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating* registered professional;
- (o) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the building code, each signed by such registered professionals as the building official or building code may require to prepare the design for and conduct field reviews of the construction of the building;
- (p) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
- (q) include illustration of any slopes on the subject parcel that exceed 30%.
- 10.3 In addition to the requirements of section 10.2 of this bylaw, a *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the complexity of the proposed *building* or *structure* or siting circumstances warrant
 - (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's subdivision and development servicing bylaw;
 - (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; and
 - (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

- 10.4 An application for a building permit with respect to a simple building must
 - (a) be made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (b) be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the prescribed form and signed by the *owner*, or a signing officer if the *owner* is a corporation;
 - (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
 - (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
 - (e) include a site plan showing
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (vi) north arrow;
 - (vii) if applicable, location of an approved existing or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
 - (viii) the location, dimensions and gradient of parking and parking access;
 - (ix) proposed and existing setbacks to property lines;

- (x) natural and finished grade at *building* corners and datum determination points;
- (xi) *first storey* floor elevation;
- (xii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiii) line of upper floors;
- (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
- (xv) location of *existing* and proposed service connections;
- (xvi) location and species of all trees greater than 10 centimetres in diameter;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) accessible paths of travel from the street to the building;
- (xx) zoning compliance summary; and
- (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation.

except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;

- (f) include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (g) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;

- (h) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the building code and to illustrate that the building or structure conforms with the City zoning and development permit;
- (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *building code*;
- include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;
- (k) except for garages, carports and garden structures located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
- include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) include a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*.
- 10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves
 - (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
 - (b) two or more buildings that will contain four or more dwelling units; or
 - (c) otherwise if the complexity of the proposed *building* or *structure* or siting circumstances warrant,
 - a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*:
 - (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;

- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional;*
- (g) letters of assurance in the prescribed form referred to in Division C of the building code, signed by a registered professional; and
- (h) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Site and Location Information

- 10.6 Without limiting sections 10.2(g) or 10.4(e) of this Part, the *building official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* to
 - (a) establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
 - (b) verify, on completion of the *construction*, that all provisions of this and other applicable bylaw have been complied with;
 - (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
 - (d) in relation to construction of a new building, or addition to an existing building, prior to and after the placement of concrete for foundations and footings, show the elevation at proposed top of concrete on all building elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

Building Permit Fee

- 10.7 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the City
 - (a) the *building permit* fee prescribed in the current City of Vernon Fees and Charges Bylaw; and

(b) any fees, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the *building permit*.

Security Deposit with Building Permit Application

- 10.8 An applicant for a *building permit* must pay to the City, at the time of the application, a security deposit as prescribed in the current City of Vernon Fees and Charges Bylaw.
- 10.9 The security deposit sum set out in section 10.8 of this Part
 - (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any building permit held by the applicant;
 - (b) covers the cost borne by the City to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
 - (c) serves as the security deposit for provisional *occupancy* when such a *final* inspection notice makes provision for a security deposit; or
 - (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.
- 10.10 The security deposit or applicable portion must be returned to the applicant
 - (a) when the *building official* is satisfied that no further damage to public works or public lands will occur;
 - (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and
 - (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*
- 10.11 Any credit greater than the amount of the security deposit used by the City for the purposes described in sections 10.8 to 10.10 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the *permit* holder, the *constructor* or the *owner* of the property.
- 10.12 If the proposed work includes *excavation* or construction on lands within 3 metres of works or services owned by the City, the *owner* must deliver to the

building official a signed agreement in a form prescribed by the City under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the Director of Operation Services, and the *owner* must deposit with the City security in accordance with sections 10.8 to 10.11 of this Part.

Permit Fee Refunds

- 10.13 No fee or part of a fee paid to the City may be refunded if construction of the *building* has started.
- 10.14 A *building permit* or other *permit* fee may be partially refunded as set out in the current City of Vernon Fees and Charges Bylaw only if
 - (a) the *owner* has submitted a written request for a refund;
 - (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and
 - (c) the permit has not expired.
- 10.15 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.46 of this Part.

Design Modification

10.16 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the City a *building permit* fee based on the plan review rate set out in the current City of Vernon Fees and Charges Bylaw.

Construction Before Permit Issued

- 10.17 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.
- 10.18 If construction has advanced without inspection to a stage where compliance with this bylaw or other applicable enactments, standards, or bylaws cannot be readily determined, the *building official* may require tests and investigations by an independent agency at the owner's expense to establish compliance or provide recommended remedial measures to be taken, prior to the issuance of a *permit*.

Expiration of Application for a Permit

10.19 A *building permit* or a plumbing *permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* or plumbing *permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the City.

Issuance of a Building Permit

10.20 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in sections 10.7 to 10.17 of this Part and the current City of Vernon Fees and Charges Bylaw;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the prescribed form, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

10.21 Despite section 10.20, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

Compliance with the Homeowner Protection Act

- 10.22 If the application is in respect of a *building* that includes, or will include, a residential occupancy governed by the *Homeowner Protection Act*, the *building* permit must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*
 - (a) is covered by home warranty insurance; and

- (b) the *constructor* is a licensed "residential builder" as defined in that Act.
- 10.23 Section 10.22 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.
- 10.24 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

Partial Construction

- 10.25 If a site has been excavated under a building permit for excavation issued under this bylaw and a building permit is not subsequently issued or a subsisting building permit has expired under section 10.46, but without the construction of the building or structure for which the building permit was issued having commenced, the owner must fill in the excavation to restore the original gradients of the site within 60 days of being served notice by the City to do so.
- 10.26 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.47, permanent type fencing with privacy screen complying with the City's Zoning Bylaw, must be erected around the *building* site for protection to the public.

Conditions of a Building Permit

- 10.27 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *building official* in writing, the *building official* has authorized the transfer or assignment in writing. The transfer or assignment of a *building permit* is not an extension of a *building permit*.
- 10.28 The review of plans and supporting documents and issuance of a *building* permit do not prevent the *building official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

Inspections

10.29 If a *registered professional* provides letters of assurance in accordance with this Part, the City will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *building code* as assurance that the construction substantially conforms to

- the design, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.
- 10.30 Despite section 10.29 of this Part, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 10.31 A *building official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *building code*, this bylaw and any other applicable enactments concerning safety.
- 10.32 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them
 - (a) after demolition, the grading of and removal of debris from the site;
 - (b) foundation and footing forms, before concrete is poured, provided that after concrete is poured, a British Columbia Land Surveyor certificate is received prior to any other inspections other than inspection 10.32(c) being performed;
 - (c) installation of foundation drainage and damp-proofing, sanitary sewer, storm sewer, and water services, prior to backfilling;
 - (d) prior to inspection under section 10.32(e), plumbing located below the finished slab level:
 - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel:
 - (f) after inspection under section 10.32(e) hydronic heating pipes and below slab insulation;
 - (g) installation of rough-in plumbing before it is covered;
 - (h) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
 - (i) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough

- heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (j) insulation, air and vapour barrier, prior to installation of interior finish;
- (k) occupancy and final, after the *health and safety aspects of the work* and the conservation, GHG emission reduction and accessibility aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.
- 10.33 A *building official* will only carry out an inspection under section 10.32 if the *owner* or the *owner*'s *agent* has requested the inspection online or in writing in accordance with this bylaw.
- 10.34 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.32, if a *registered professional* provides letters of assurance, the City will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the *design*, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.
- 10.35 No person may conceal any aspect of the work referred to in section 10.32 of this bylaw until a *building official* has *accepted* it in writing.
- 10.36 For work in respect of *complex buildings*, the *owner* must
 - (a) give at least 24 hours' online or written notice to the City when requesting a preconstruction meeting with the *building official* prior to the start of construction, and the *owner* or his or her representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;
 - (b) give at least 24 hours' online or written notice to the City when requesting a pre-occupancy coordinated by the coordinating registered professional or other registered professional to have the owner, the constructor and the registered professionals demonstrate to the building official and Fire Services the compliance with the health and safety aspects of the work, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety and

- the conservation, GHG emission and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 24 hours prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* the Confirmation of Required Documentation described in the prescribed form, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

Stop Work Order

- 10.37 The *building official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice in the prescribed form on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, any applicable bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.
- 10.38 The coordinating registered professional may request, in writing, that the building official order the immediate suspension or correction of all or a portion of the construction on a building or structure by attaching a stop work order notice on the premises. The building official must consider such a request and, if not acted upon, must respond, in writing, to the coordinating registered professional and give reasons.
- 10.39 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 10.37.
- 10.40 The *owner* must immediately, after the posting of a notice under section 10.37, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the City.
- 10.41 Subject to section 10.37, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.37 until the stop work order notice has been removed by the *building official*.
- 10.42 The notice referred to in section 10.37 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 10.43 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official* may post a Do Not Occupy Notice in the prescribed form on the affected part of the *building* or *structure*.
- 10.44 If a notice is posted under section 10.43, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *building code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *building official*.

Inspection and Other Fees

- 10.45 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the current City of Vernon Fees and Charges Bylaw for
 - (a) a second and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;
 - (b) a special inspection during the City's normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques; and
 - (c) inspection required under this bylaw which cannot be carried out during the City's normal business hours.

Permit Expiration

- 10.46 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if
 - (a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
 - (b) work is discontinued for a period of 180 days; or
 - (c) the work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

- 10.47 A *building official* may extend the period set out under section 10.46 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if
 - (a) application for the extension is made at least 30 days prior to the date of permit expiration; and
 - (b) the non-refundable fee set out in the current City of Vernon Fees and Charges Bylaw has been paid.

Building Permit Revocation

- 10.48 The building official may revoke a building permit if there is a violation of
 - (a) a condition under which the *permit* was issued; or
 - (b) a requirement of the *building code* or of this or another bylaw of the City, such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

Building Permit Cancellation

- 10.49 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.
- 10.50 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 10.51 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".
- 10.52 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under the current City of Vernon Fees and Charges Bylaw, less
 - (a) any non-refundable portion of the fee; and

(b) 15% of the refundable portion of the fee.

Occupancy

- 10.53 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *building official*.
- 10.54 A final inspection notice will not be issued unless
 - (a) all letters of assurance have been submitted when required in accordance with this bylaw;
 - (b) all aspects of the work requiring inspection and acceptance pursuant to sections 7.11 to 7.14 of Part 7 of this bylaw have both been inspected and accepted or the inspections and acceptance are not required in accordance with this bylaw;
 - (c) the *owner* has delivered to the City as-built plans of works and *services* in digital format as required by the City;
 - (d) the *owner* has provided to the City a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the City's land use regulations;
 - (e) all other documentation required under applicable enactments has been delivered to the City; and
 - (f) the *owner* has delivered to the City as-built drawings of the *building* or *structure* in digital format as required by the City.
- 10.55 When a *registered professional* provides letters of assurance in accordance with this bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design*, *the building code*, this bylaw and other applicable enactments respecting safety.
- 10.56 A *building official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when
 - (a) that portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, GHG emissions and conservation; and
 - (b) the requirements set out in section 10.54 have been met with respect to it.

- 10.57 A final inspection notice may not be issued unless
 - (a) all letters of assurance and the Confirmation of Required Documentation described in the prescribed form have been submitted when required in accordance with the requirements of this bylaw;
 - (b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.29 through 10.36 of this bylaw have both been inspected and *accepted*;
 - (c) the *owner* has executed and delivered to the City every agreement, instrument or form required by the City in relation to the work or the site; and
 - (d) all required offsite works respecting safety have been completed.

Temporary Buildings

- 10.58 Subject to the bylaws of the City and orders of Council, the *building official* may issue a *building permit* for the erection or placement of a *temporary building* or *structure* for *occupancy* if
 - (a) the *permit* is for a period not exceeding one year; and
 - (b) the *building* or *structure* is located in compliance with the City's zoning bylaw, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to City utility services.
- 10.59 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a temporary *permit* application under the prescribed form, signed by the *owner* or *agent*, and must include
 - (a) plans and supporting documents showing the location and *building height* of the *building* or *structure* on the parcel;
 - (b) plans and supporting documents showing construction details of the *building* or *structure*;
 - (c) a statement by the *owner* indicating the intended use and duration of the use;
 - (d) plans and supporting documents showing the proposed parking and loading space;
 - (e) a written description of the *project* explaining why the *building* is temporary;

- (f) a copy of an issued development *permit*, if required;
- (g) in the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect or designer confirming compliance with the *building code*, this bylaw, the City's zoning bylaw and other applicable bylaws;
- (i) a security deposit as prescribed in the current City of Vernon Fees and Charges Bylaw, which security
 - (i) may be used by the City to remove the *building* after one year of the date of the final inspection required under this bylaw; or
 - (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
- (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 10.60 Before receiving a *building permit* for a *temporary building* or *structure* for *occupancy*, the *owner* must pay to the City the applicable *building permit* fee set out in the current City of Vernon Fees and Charges Bylaw.
- 10.61 A permit fee for a temporary building or structure is not refundable.

Sanitary Facilities

- 10.62 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the *permit*, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a
 - (a) sanitary sewer; or
 - (b) septic disposal system approved under the Health Act,

by plumbing that complies with the *Building Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

PART 11: RETAINING WALLS AND GRADES

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 12: BUILDING MOVE

- 12.1 No person may move a *building* or *structure* into or within the City
 - (a) except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*; and
 - (b) a building permit has been issued for the building or structure;
 - (c) in the case of a manufactured *building*, be affixed with a CSA Rating Plate in respect of manufacture providing the year, make, model and serial number and/or the Province of British Columbia Mobile Home Registry.

PART 13: ADDRESSING OF BUILDINGS

- 13.1 Immediately upon issuance of a *building permit* governing the *construction*, *alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the City
 - (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and

- (b) until such time as the *building* is removed from the site or has been demolished.
- 13.2 Despite section 13.1, the City's Director of Development Services may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, the *building official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.
- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

PART 14: POOLS

Swimming Pool Permit and Fencing

- 14.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 14.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22 metres and no openings greater than 100 mm at their greatest dimension.

Pool Gate

14.3 Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa or hot tub side of the gate.

Spa or Hot Tub Lid

14.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Maintenance

14.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order. and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

14.6 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 In relation to the conservation of energy and the reduction of GHG emissions, the City of Vernon incorporates by reference the Step Code as outlined in the Building Code in accordance with Section 15.2 and 15.3.
- 15.2 A building regulated by Part 3 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in
 - a) Step 1 of the Step Code as of July 1, 2022 for all Part 3 Buildings.
- 15.3 A building regulated by Part 9 of the Building Code, of new residential construction, must be designed and constructed to meet the minimum performance requirements specified in
 - a) Step 1 of the Step Code as of January 10, 2022 for all Part 9 residential buildings;
 - b) Step 3 of the Step Code as of January 1, 2023 for all Part 9 residential buildings.

PART 16: ACCESS ROUTE FOR FIRE VEHICLE

16.1 Prior to the issuance of a *building permit* for a *simple building* of mult-family or commercial occupancy under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the following:

- (a) the width of an access route must be not less than 6.0 meters;
- (b) the centerline radius of an access route must be 12.0 meters;
- (c) the overhead clearance of an access route must be 5.0 meters;
- (d) the gradient of the access route must not change more than 1 in 12.5 over a minimum distance of 15.0 meters;
- (e) the access route must comply with the bearing load and surface material standards of the City's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time; and
- (f) the length above which a dead-end portion of an access route requires turnaround facilities is 90.0 meters.

PART 17: OFFENCES

Violations

- 17.1 Without limiting Part 4 of this bylaw, every person who
 - (a) violates a provision of this bylaw;
 - (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
 - (c) neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 17.2 Every person who fails to comply with any order or notice issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 17.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in the City bylaws.

Deemed Offence

- 17.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 17.5 No person is deemed liable under section 17.4 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 17.6 Nothing in section 17.5 affects
 - (a) the City's right to require and the owner's obligation to obtain a permit; and
 - (b) the obligation of the *owner* to comply with this bylaw.

Ticketing

- 17.7 The offences in the City's Bylaw Notice Enforcement Bylaw and Municipal Ticketing Information Bylaw, amended from time to time, are designated for enforcement under s. 264 of the *Community Charter*.
- 17.8 The following persons are designated as bylaw enforcement officers under section 264(1) (b) of the *Community Charter* for enforcing the offences in City's Bylaw Notice Enforcement Bylaw and Municipal Ticketing Information Bylaw, amended from time to time: *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.

PART 18: INTERPRETATION

Definitions

18.1 In this bylaw

accepted means reviewed by the building official under the applicable provisions of the building code and this bylaw;

addition means an alteration to any building which will increase the total aggregate floor area or the building height (in storeys), and includes the provision of two or more separate buildings with openings between each other for intercommunication:

agent includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or

constructor who may be granted a *permit* for work within the limitations of his or her licence;

alternative solution means an alternative solution authorized under the building code:

alteration means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw;

Architects Act means the Architects Act RSBC 1996, c. 17;

building code means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

building official means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the City, and for certainty the building official is the "building inspector" referred to in the Community Charter and Local Government Act;

complex building means:

- (a) a building used for a major occupancy classified as:
 - (i) assembly occupancy;
 - (ii) care occupancy;
 - (iii) detention occupancy;
 - (iv) high hazard industrial occupancy,
 - (v) treatment occupancy; or
 - (vi) post-disaster building,
- (b) a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:
 - (i) residential occupancy;
 - (ii) business and personal services occupancy;

- (iii) mercantile occupancy; or
- (iv) medium and low hazard industrial occupancy,

coordinating registered professional means a registered professional retained pursuant to the building code to coordinate all design work and field reviews of the registered professionals required for a development;

construct includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;

constructor means a person who constructs;

Engineers and Geoscientists Act means the Engineers and Geoscientists Act RSBC 1996, c. 116;

existing, in respect of a building, means that portion of a building constructed prior to the submission of a permit application required under this bylaw;

foundation means a system or arrangement of foundation units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;

GHG means greenhouse gas;

health and safety aspects of the work means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the building code; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

owner means the registered owner in fee simple, or an agent duly authorized by the owner in writing in the prescribed form, and also where the context or circumstances so require

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in Sections 228 and 229 of the Community Charter; or
- (d) a lessee with authority to build on land;

permit means permission or authorization in writing by the building official to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a building or part of a building;

pool means a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground *pool* and hot tub;

professional design means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional;

project means any construction operation;

retaining wall means a structure exceeding 1.2 metres in height that holds or retains soil or other material behind it;

simple building means a building of three storeys or less in building height, having a building area not exceeding 600 square metres and used for a major occupancy classified as

- (a) residential occupancy;
- (b) business and personal services occupancy;
- (c) mercantile occupancy;
- (d) medium hazard industrial occupancy; or
- (e) low hazard industrial occupancy,

structure means a construction or portion of construction, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining structures less than 1.22 meters in height;

temporary building includes a sales office, construction office or a structure in which tools are stored during construction of a building or other structure;

value of the work means that amount that is calculated as follows:

- (a) for construction of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
 - (i) the declared *value of the work*; or

- (ii) the value calculated using "Marshall & Swift Valuation Service", or such universal source of calculating valuation as the building official deems reasonable, practical, and expedient; or
- (b) for all other construction, the greater of
 - (i) the declared *value of the work*; or
 - (ii) the value calculated using a method stipulated in the "Marshall & Swift Valuation Service", or such universal source of calculating valuation as the building official deems reasonable, practical, and expedient.
- 18.2 In this bylaw the following words and terms have the meanings
 - (a) set out in section 1.4.1.2 of the building code as of the date of the adoption of this bylaw: accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;
 - (b) subject to this bylaw, set out in the Schedule to the Community Charter: assessed value, highway, land, occupier, parcel, public authority, service and soil; and
 - (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: may, must, obligation, person, property, writing, written and year.
- 18.3 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended to the date of the reference.
- 18.4 Every reference to
 - (a) the *building code* is a reference to the current edition as of the date of issuance of the *building permit*; and
 - (b) a section of the *building code* is a reference to the applicable successor sections.

as the code or section may be amended or re-enacted from time to time.

Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Severability

18.6 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 19: REPEAL

"The City of Vernon Building and Plumbing Bylaw No. 4900" and all amendments are hereby repealed and replaced for all purposes.

PART 20: IN FORCE

Corporate Officer _____

This bylaw comes into force upon adoption by the Council of The Corporation of The City of Vernon.

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	, 2022.	

Mayor _____

THE CORPORATION OF THE CITY OF VERNON BYLAW NUMBER 5882

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 Building Bylaw Number 5900.

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 (Building Bylaw Number 5900) Amendment Bylaw Number 5882, 2021".
- 2. That Schedule "A" <u>Fee Schedule</u> of Fees and Charges Bylaw Number 3909, 1993 be amended as follows:
 - a. AMEND Section 2. COMMUNITY INFRASTRUCTURE AND DEVELOPMENT, E. Building Permit Fees, 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 day of , 2021.

READ A SECOND TIME this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2022.

Mayor	Corporate Officer

SCHEDULE '1'
Attached to and forming Part of Bylaw #5882
"Fees and Charges (Building Bylaw Number 5900) Amendment Bylaw Number 5882,
2021"

	COMMUNITY INFRASTRUCTURE AND DEVELOPMENT	FEES
E. Build	ling Permit Fees:	
(i)	Non-refundable application fees:	
	a) Projects valued at less than \$100,000	\$ 50.00
	b) Non-complex buildings	\$100.00
	c) Complex buildings	\$250.00
(ii)	Commercial, industrial, residential, and miscellaneous Building Permit fees:	
	a) for each \$1000 of permit value or part thereof up to \$500,000	\$ 10.00
	b) for each \$1000 of permit value or part thereof from \$500,001 to \$1,000,000	\$ 9.00
	c) for each \$1000 of permit value or part thereof exceeding \$1,000,000	\$ 8.00
(iii)	Building Permit Fees issued in accordance with the City of Vernon Building and Plumbing Bylaw for Complex Buildings shall be reduced by 20% 10% of the total building permit fee payable.	
(iv)	Re-inspection fees levied in accordance with the City of Vernon Building and Plumbing Bylaw.	\$150.00 (Bylaw 5626)
(v)	After hours inspection fees levied in accordance with the City of Vernon Building and Plumbing Bylaw.	\$175.00
(vi)	Voluntary inspection fees levied in accordance with the City of Vernon Building and Plumbing Bylaw.	\$150.00 (Bylaw 5677)
(vii)	Design Modification (after completed plan review)	\$150.00
(viii	Building Permit Security Deposit	
	(a) for a simple building permit	\$1,500.00

_	MUNITY INFRASTRUCTURE AND ELOPMENT	FEES
(b)	for a complex building permit	\$2,500.00
(c)	for a demolition permit	\$1,500.00
(d)	for building move permit	\$5,000.00
(e)	for a temporary building permit	\$1,500.00
	fees do not include the Plumbing Permit Fees and ees set out below. (Bylaw 5415)	

BACKGROUND CLLR. ANDERSON -NOTICE OF MOTION DECORATIVE METAL FENCES

It is hard to find statistics as to how many deer are killed annually by landing on wrought iron spiked fencing, but it must number in the hundreds, since a quick google search revealed page after page of recent incidents across Canada. Between Jan 1 and March of 2019, ten deer were euthanized in Kelowna alone after impaling themselves on these fences, and according to the Provincial Conservation Officer Service, approximately 20 deer are killed per year in Kelowna alone by leaping onto spiked fencing (https://kelownapublishing.escribemeetings.com/FileStream.ashx?DocumentId=26780). In 2020 Kelowna amended its Zoning Bylaw to outlaw the use of spiked fencing going forward.

Spiked fencing, while visually appealing, is unnecessary and dangerous, particularly to wildlife. This Bylaw will introduce fencing requirements that will reduce injury and mortality to deer andother wildlife.

Kelowna passed a similar bylaw on May. 4, 2020:

CITY OF KELOWNA

BYLAW NO. 12030 TA20-0014 – Amendment to Fencing Regulations

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000". The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

- 1. THAT Section 2 Interpretation, 2.3.3 General Definitions be amended by:
 - a) Adding a new definition for "FENCE PICKET" in it's appropriate location that reads: "FENCE PICKET means a post, stick, stake or peg attached to horizontal rails between upright posts."
 - b) Adding a new definition for "FINIAL" in it's appropriate location that reads: "FINIAL means a relatively small, ornamental, terminal feature at the top of a fence, gable, pinnacle, furniture or of one part of such a piece."
- 2. AND THAT Section 7 Landscaping and Screening, 7.5.3- Fencing and Retaining Walls be amended by deleting the following:

"No fence constructed at the natural grade in rural residential or residential zones shall exceed 2.0 m in height, except where abutting an agricultural or commercial zone, the maximum height is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m"

And replacing it with:

"No fence constructed at the natural grade in rural residential or residential zones shall exceed

2.0 m in height, except where abutting an agricultural or commercial zone, the maximum height is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m. No metal fence shall allow the ends of fence pickets or finials to extend above a horizontal rail (see diagram 7.3)."

3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this Considered at a Public Hearing on the Read a second and third time by the Municipal Council this Approved under the Transportation Act this (Approving Officer – Ministry of Transportation) Adopted by the Municipal Council of the City of Kelowna



MEMORANDUM

Okanagan Basin Water Board Regular meeting December 7, 2021 Agenda No: 6.1

File No. 0550.04

To: OBWB Directors

From: Corinne Jackson

Date: December 1, 2021

Subject: Communications Director Report

Invasive Mussels Outreach Provincial Update

Last week, B.C. Ministry of Environment and Climate Change Strategy's Martina Beck, Invasive Fauna Unit Head, held a wrap-up meeting with B.C. groups engaged in aquatic invasive species outreach and monitoring, and provided an update on the province's invasive mussel defence efforts.



OBWB-OkWaterWise images above and below from previous inspection seasons.

Below is a breakdown of the B.C. inspection program which took place between mid-May to October:

- there were between 43 and 45 inspection staff through the season
- approx. 33,000 inspections were conducted (up from 2020 with 29,900 inspections, but still less than a high of 52,000 in 2019)
- 244 watercraft coming into B.C. were identified as high-risk for invasive zebra or quagga mussels
- 153 watercraft were decontaminated, 100 were given decontamination orders, and 18 were quarantined to meet the required 30-day drying time
- 17 were confirmed carrying the mussels (for comparison, in 2020: 16 mussel-fouled watercraft were intercepted; 2019: 22; 2018: 25, 2017: 25)

This year's 17 infested watercraft came from: Ontario (7), Manitoba (2), Quebec (1), Colorado (1), Michigan (1), Missouri (1), Illinois (1), Ohio (1), Wisconsin (1) and Minnesota (1)

Their destination: the Okanagan (8), Lower Mainland (4), Vancouver Island (3), Kootenays (1), and Skeena (1).



According to Insp. Dave Webster, in charge of the mussel defence program for the B.C. Conservation Officer Service, compliance appears to be increasing as public awareness continues to grow. Most who are unaware seem to have only acquired a watercraft since the beginning of the pandemic, as people were staying closer to home.

The Aquatic Invasive Species K9 unit continues to include Kilo and Major, but both have new handlers as Sgt. Josh Lockwood – based out of the Okanagan – potentially moves into an auxiliary role and Sgt. Cynthia Mann – based in the Kootenays – retires. The two dogs will be based out of Cranbrook and Golden.

Provincial staff and invasive species groups collected 900 plankton tow samples from 75 waterbodies in 2021. All have come back negative for invasive mussel and invasive clam veligers.



3570 Bridge Street | PO Box 40 | Armstrong, BC V0E 1B0 P 250.546.3023 | F 250.546.3710 | info@cityofarmstrong.bc.ca

OFFICE OF THE MAYOR

City of Vernon 3400 30 St Vernon, BC V1T 5E6

November 5, 2021



On behalf of Council, Staff, our Residents, and those effected by the most recent fire season, I would like to thank you for supporting evacuees with our Emergency Support Services, Host Community efforts.

For more than forty days you and other volunteers generously gave your time, aid and compassion to our new community members who had been evacuated from neighbouring communities. Our objective was to provide a safe place for these individuals to call home. Your efforts helped our community come together and exceed our evacuee's expectations.

Over the course of the White Rock Lake wildfire event, 22 volunteers and/or organizations contributed to helping 164 evacuees (57 families) and 178 animals.

Emergency Support Services is one of the greatest caring and essential efforts in helping others through a disaster. Thank you for helping neighbours in a time of need.

Sincerely,

Chris Pieper

Mayor City of Armstrong



November 17, 2021 File: 05-1900-01/21

Selina Robinson Minister of Finance PO Box 9048 Stn Prov Govt Victoria, BC V8W 9E2 Sent via email: FIN.Minister@gov.bc.ca

Dear Minister Robinson:

Re: Unfair Taxation Benefitting Railway and Industrial Operations

Further to your November 4, 2021 letter advising the Province has no plans to explore reclassification with respect to Railway and Industrial Operations, we are writing to express our significant disappointment with this information.

Although your letter is in response to the September 10, 2021 UBCM meeting it does not appear to consider the overwhelming support of over 90% of UBCM members (90.4% for fair taxation from railway operations and 94.9% for fair taxation from industrial parks) requesting a review of the legislation. Given the high level of support from around the province, we were hopeful more due consideration would be given to our request.

Additionally, over 25 years has passed since the legislation was changed. However, over the last 25 years there have been significant changes in the environment, health and safety considerations as well as continued and increasing pressures on local services and infrastructure.

With regards to your comment on reviewing the assessment methodology of linear properties we would appreciate understanding the rationale, approach and expectation of this review.

For clarity, there were two separate requests for legislation review.

- Railway Operations Create fairer taxation by removing section 5(e) of the Assessment Act – Prescribed Classes of Property Regulation B.C. Reg. 438/81 endorsed by UBCM under NR23 Fair Taxation from Railway Operations.
- 2. Industrial Operations Create fairer taxation by removing section 5(f) of the Assessment Act Prescribed Classes of Property Regulation B.C. Reg. 438/81 endorsed by UBCM under NR25 Fair Taxation from Industrial Parks.

Your letter appears to address the railway operations fair taxation request by not wishing to reconsider the 1995/96 decision which is specific to railway operations. However, the review of fair taxation in industrial operations does not appear to have been addressed.

We look forward to a favourable response in regards to our concerns.

Yours Truly,

Mayor Bill Dingwall BGS, LL.B., CPHR

cc: UBCM Executive

WS Angwarl

UBCM Member Municipalities



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE

CLIMATE ACTION ADVISORY COMMITTEE MEETING VIA ZOOM

HELD WEDNESDAY, AUGUST 25, 2021

PRESENT: VOTING

Mary Stockdale (Co-Chair), Educators and Educational Institution

Bill Darnell, Community Stewardship Jeremy Fyke, Science and Technology

Ed Wilson, Community at Large

Stan Eaman, Health and Social Services Jenn Comazzetto, SD#22 Board Rep

Nia Hill, Youth Member

NON-VOTING

Barry Dorval, Youth Supporting Member

GUESTS:

ABSENT: Brian Guy (Co-Chair), Business and Commercial Services

Colleen Marchand, OKIB Representative

Councillor Brian Quiring, Councillor (Appointed Member)

Dione Chambers, Community at Large Mayor Victor Cumming (Alternate Member

Quinn Soon, Youth Member

STAFF: Laurie Cordell, Manager, Long Range Planning & Sustainability

Lynn Presslaber, Minute Taker

ORDER The meeting was called to order at 4:02 p.m.

LAND As Chair of the CAAC and in the spirit of

LAND As Chair of the CAAC and in the spirit of this gathering, I recognize **ACKNOWLEDGEMENT** the City of Vernon is located in the traditional territory of the Syilx

people of the Okanagan Nation.

ADOPTION OF Moved by Stan Eaman, seconded by Jenn Comazzetto: AGENDA

THAT the agenda of the Climate Action Advisory Committee

meeting for Wednesday, August 25, 2021 be adopted.

CARRIED.

ADOPTION OF MINUTES

Moved by Bill Darnell, seconded by Stan Eaman:

THAT the minutes for the Climate Action Advisory Committee meeting of June 23, 2021 be adopted.

CARRIED.

CO-CHAIR REPORT

Co-Chair, Mary Stockdale, updated the Climate Action Advisory Committee on their work in August.

- Met with Staff Liasion
- Had one on one meetings with Councilors
- Bill Darnell and Brian Guy may take on discussing support for climate action with the Councillors.

UNFINISHED BUSINESS:

WORKSHOP
OUTCOMES &
PROPOSED
WORKPLAN FOR
CAAC FOR 2021/2022
– INTRODUCTION &
DISCUSSION

The Committee preparing for work over the next year and a half, as we discuss various working groups and members could consider where they might fit in. Mary introduced the draft workplan to the committee. Members to review and be prepared to discuss at the next meeting.

This summer has taught us that things change quickly, wildfires, evacuations, influx of population due to COVID allowing work from home. Can this Committee assist the City in advancing sustainability? Can this Committee be innovative in assisting staff to progress in a better way?

Laurie confirmed that her budget request includes a person to coordinate implementation of the CAP.

Discussed the usefulness of having funding for emergency response for implementation of things like heat response strategies (such as paying for staffing for extra days that the library was open to provide a safe public space).

NEW BUSINESS:

DISCUSSION ON IPCC REPORT

Jeremy Fyke presented on the Intergovernmental Panel on Climate Change (IPCC) report with a Power Point presentation which highlighted the recent leveraging of new information and events for Climate action.

He suggested that groups like this can benefit from becoming familiar with these regularly produced comprehensive views of Climate

change. The IPCC Sixth Assessment Report (AR6) is publicly available. There are various summaries that are useful such at the Summary for Policymakers.

REFLECTION ON SUMMER OF 2021 – CLIMATE IMPACTS

Jeremy Fyke provided information about reseach on the heat bubble (See Attachment 1).

Jeremy discussed two major questions the public is likely to ask our ambassadors and provided some guidance on how to answer them.

How was this heat wave related to climate change?

-an international collaboration of scientists worked on this summers' statistics -evidence proves that humans contribute very significantly. The return time is accelerated with the increase in temperature.

Will this type of event become more common in future? -this will become more common, if we don't reduce human based factors.

Use these facts to motivate the decisions of the public and policymakers. The Climate Action Plan we have is good, we just need to implement it.

Various questions were put to Jeremy by the Committee.

Committee members discussed various issues resulting in cascading events, drought, water retention, mudslides, forest management. Climate Action Ambassadors must be careful to limit themselves to whatever they can speak to authoritatively. Ambassadors need some basic literacy on climate science. A request for an in person workshop with Jeremy will be considered.

This summer has given everyone in this community a first hand experience of the impacts of climate change. There is an opportunity to highlight local effects of climate change and engage the community in the Climate Action Plan.

Discussion about how this Committee may assist/influence the 'build back better' models relating to fire smart, eco friendly construction. L. Cordell provided information about jurisdictional challenges.

INFORMATION ITEMS:

None

NEXT MEETING The next meeting for the Climate Action Advisory Committee is set

for September 29, 2021 at 4:00 PM.

ADJOURNMENT The meeting of the Climate Action Advisory Committee adjourned at

5:54 p.m. Moved by Ed Wilson, seconded by Jeremy Fyke.

CERTIFIED CORRECT:

Co-Chair

Brian Guy Digitally signed by Brian Guy DN: cn=Brian Guy, ou=Summit-Vernon-Users, email=guytb@ae.ca Date: 2021.11.26 12:51:09 -08'00'

Co-Chair

THE CORPORATION OF THE CITY OF VERNON



MINUTES OF THE CLIMATE ACTION COMMITTEE HELD WEDNESDAY, SEPTEMBER 29, 2021 VIA ZOOM - 4:00 PM

PRESENT: VOTING:

Bill Darnell, Community Stewardship

Brian Guy (Co-Chair), Business and Commercial Services

Ed Wilson, Community at Large Jenn Comazzetto, SD#22 Board Rep Jeremy Fyke, Science and Technology

Mary Stockdale (Co-Chair), Educators and Educational Institution

Mayor Victor Cumming (Alternate Member)

Nia Hill, Youth Member

Stan Eaman, Health and Social Services

NON-VOTING:

Alan Gee (Youth Support)

Barry Dorval was present in the same role as Al Gee

ABSENT: Quinn Soon, Youth Member

Councillor Brian Quiring, Councillor (Appointed Member)

Colleen Marchand, OKIB Representative Dione Chambers, Community at Large

STAFF: Laurie Cordell, Manager, Long Range Planning & Sustainability

Tracy Mueller, Committee Clerk

ORDER The meeting was called to order at 4:03 PM

LAND ACKNOWLEGEMENT As Chair of the City of Vernon's Climate Action Advisory 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 THE

AGENDA

At the start of the meeting, Co-Chair, Mary-Stockdale moved that the agenda be varied to include an additional information item and a quick

explanation of the by-election process.

Moved by Ed Wilson seconded by Stan Eaman:

THAT the agenda of the Climate Action Advisory Committee meeting for Wednesday, September 29, 2021, be adopted as amended.

CARRIED.

ADOPTION OF THE MINUTES

Moved by Ed Wilson seconded by Jen Comazzetto:

THAT the minutes for the Climate Action Advisory Committee meeting of August 25, 2021, be adopted.

CARRIED.

CO-CHAIR REPORT

Co-Chair, Mary Stockdale, updated the Climate Action Committee on their work in September as follows:

- Provided an explanation as to why the Climate Action Committee selected Zoom to mitigate COVID-19 exposure vs. hybrid model as there is an inequity for participants. The Co-Chair noted that the Committee will be staying with Zoom until further notice.
- At the request of Co-Chair, Stockdale, Laurie Cordell, Manager, Long Range Planning reported there is no news on how the Province will replace "CARIP" funding and noted that the MLA was looking for budget input.
 - CARIP Staff provided a further explanation regarding the Climate Action Revolving Fund and how it is used at the City of Vernon.
 - Staff clarified that with the cancellation of CARIP there is no more funding going into this fund.
 - The Mayor reported that at the recent UBCM meeting, 2 or 3 resolutions were passed asking the province to set up a dedicated fund to replace CARIP.

UNFINISHED BUSINESS:

- Dedicated Funding / Emergency Response It was discussed by the Committee that in the wildfire season of 2021, there was a gap identified in terms of funding received from the Province and having the ability to respond immediately where support was needed within our community.
 - It was discussed that it would be beneficial to have a pot of funding to assist in implementing an emergency response "heat" plan or "clean air" plan.
 - Staff suggested this is an item that could be tied into the Heat Response and Clean Air Strategy (an item in the CAP).

WORK PLAN FOR TERM 2: JAN 2021 -DEC 2022

Term 2 of the CAAC covers the period of January 2021 through December 2022. The first four months of this period were focused on delivering a final Climate Action Plan (CAP) to COV Council for approval. The next four months were spend considering priorities and an appropriate role for the CAAC in CAP implementation.

The following comments were made:

- Work Plan Term 2 Co-Chair, Brian Guy noted that the "draft" work plan was intended to be distributed in mid-July for discussion in August. However, there was not enough time to dive into it at the August meeting.
 - The main recommendations are to setup focus groups where members of the Committee can be more targeted in achieving the strategy.
 - The plan outlines how the Committee can implement the Climate Plan.
 - Workshops were conducted to identify opportunities and how members of the Committee can contribute toward completing the necessary work.
 - Staff provided an overview regarding the steps (Reference Page 9 of the Agenda Package of September 29, 2021) regarding the areas of focus.
 - The Co-Chair requested feedback from members of the Committee regarding the proposed Work Plan.

- Co-Chair, Brian Guy, clarified that 5 Recommendations were made as part of the Work Plan. They are considered 5 focus areas and may not all require long-term dedicated sub-set groups of the Committee to achieve their objectives. The specific role, scope, and approach that maybe in future can be taken for each of these focus areas will need to be further refined. The 5 recommendations should be viewed as a "starting point".
- Monitoring & Evaluation Focus Area includes identifying appropriate metrics and tying into implementation and adaptive management process. The work should be led by the City. The Co-Chair requested thoughts on how this could be best managed:
 - The Committee noted that we work through it as a draft and then could have different points of view.
 - Staff noted that in terms of the Plan, we need to conduct measurement in a way that the Community will relate to.
 - Discussion ensued regarding how to best select the metrics, and how we can engage individuals to participate.
 - It was suggested that the metrics can follow the visions outlined in the Climate Action Plan and build on the vision in the CAP.
 - The Mayor and Jeremy volunteered
- Implementation Planning Focus Area There are priorities outlined in the CAP; however, the text that surrounds it is high-level.

Implementation will be directed by City Staff; with input of the Committee.

 A question was posed on how the Committee could be consulted on how implementation should be conducted and if they could be included in providing feedback in terms of priorities.

- A member of the Committee noted that implementation and metrics need to be consistent and that there will be a certain amount of overlap.
- Staff clarified that there is a good sense of what City Staff will be implementing. The piece we need to understand is where CAAC focusses on in the community. The suggestion is to start out looking at the plan, build a menu and then the engagement group would give some guidance to them on how to get started.
 - Staff further clarified that feedback received from the community would help to shift the focus. In terms of interfacing with the metrics, they need to be broad enough to catch the scope and that individual actions that we do will likely not cause a need to change the metrics if we keep the mission, vision, and goals high-level. We need to be realistic and pragmatic as they are set.
- The Co-Chair suggested that we should see what the "lay of the land" is, and be mindful of what the Community wants to do, and we need to be flexible to respond but also keep the funding in mind.
- The Mayor noted that having the Gantt Chart that shows what the City plans to do will be very critical to the public to provide citizens with hope that we are moving forward on a positive trajectory, i.e., sidewalks, public works. It's important for everyone to know that we are moving forward continuously.
- Jeremy shared that both groups need to be independent, but related. As far as the implementation, once work is underway, additional work will be needed to support Laurie and the team beyond just doing a more detailed plan.
- o Volunteers: Ed, Mary, and Nia.

- Community Engagement Working Group This is the area where the Committee can have its biggest impact. There are 5-6 topics listed under this focus area. There needs to be a small working group of volunteers struck to begin this process.
 - Laurie noted that Quinn has a scheduling conflict and that it might assist to create a "working group" where he can participate in during different times.
 - If Council supports creating the Climate Action Coordinator position, there would be a dedicated staff member to focus their time to assist.
 - The general consensus is to get a "Youth" sub group struck.
 - Volunteers were Barry, Al, Jenn, and Nia.
 - It was discussed that young people can be brought in to assist to help. Staff noted that anytime we need to bring in outside experts, we can, they do not need to be formal committee members to participate.
 - The group can define themselves in terms of their role and how they can assist the overall goal. At the first meeting, that is something that can be discussed.
 - Another action item could be to ensure that "Youth have a voice" more broadly.
 - The Co-Chair noted that everyone in the Committee will have a role in the Community Engagement piece – but it doesn't have to be on the team
 - It was suggested that everyone on the Committee should have the "Ambassador" training.
 - Volunteers to work with Mary on the initial planning stages, Stan, Bill, and Brian

- Fundraising and Leveraging Partnerships Focus Area – There are several levels of funding that can be pursued to support CAP implementation; however, there is no formal "fundraising" position internally within COV. The intent is to recognize that all the CAP actions will require capital costs and investments. The suggestion is to put a group together to help COV access funding from higher levels of government and other sources.
- Suggestion was to also explore if the City could hire an official grant writer.
- Staff noted that some of the project funds can be used to hire a "grant writer".
- As we start to move forward on this approach, we can have someone bring the technical components and then we can add the City components.
- Having someone to look at the different funding opportunities that arise, and then scan them and evaluate them. Having a search for them and then the Committee can look at engaging a technical expert to write the proposals.
- Team would be for finding opportunities and sharing with the City.
- Staff noted that part of it will be having these conversations with the overall group; and that sometimes the grant can be used to fit our priorities.
 If we have "shelf" ready projects, it makes it easy to write the grants.

Jenn Comazzetto left the meeting at 5:23 PM

- Jeremy volunteered to scan for grants (not write them).
- The Mayor noted that any potential grants he sees are forwarded to staff. What we are missing here is the academic and public participation piece and posted a question to the Committee on how we can "crack" the academic side.
- Mary, Jeremy, Bill, and Brian volunteered for this team.

 Buildings - Working Group: It was discussed by the Committee that it would assist to have more visibility for the Climate Action Plan objectives at the front end in new builds within the City of Vernon.

The committee discussed the following points:

- Getting action on retrofits is difficult to understand and tackle.
- Committee to research what other municipalities are currently doing in this regard and present some ideas back for consideration.
- Ed volunteered.
- Staff clarified that this would be research to support staff making recommendations.

Other:

Communication Plan with Council - The Co-Chairs announced that they will be continuing to meet with Council and are setting meetings with Council the first week of October.

Official Community Plan (OCP) Review and CAP Integration – It was discussed that integrating climate action in the review is an important step in the plan implementation. Staff clarified that the official review has not formally begun; it has been slated for October 2022. In advance of that date, there will be a workshop with Council on October 25, 2021.

When the OCP is updated the targets in it will be updated and if Council endorses them that adds more accountability as Council cannot make decisions contrary to the OCP.

- Staff further clarified that the OCP is a strong tool for the City to implement big chunks of the Climate Action Plan, and the Committee will be involved and will be giving advice.
- It will be a longer-term process unless Council provides alternative direction in October.

It was discussed that the various sub-sets or "teams" can report back with a "brief" written report and provide a summary at the next CAAC meeting.

An email will be put out after to see if anyone who could not participate in today's meeting would be interested in participating in any of the teams discussed.

NEW BUSINESS:

INFORMATION ITEMS:

Tree Planting Initiative (Proposal) - Co-Presented by Nia and Al

- The aim is to engage the school district into the project and to help address carbon sequestration.
- o The timeline is next spring.
- Nia noted that in elementary school her class planted trees and the class learned about climate change, the eco system and how climate change impacts everyone.
- This proposed project can build a "culture" and show how people can assist in making a difference.
- Two barriers identified are: where are the trees going to go and, in some situations, they will need water.
- Tolko is interested in partnering; however, there are a few challenges regarding growing the trees in the first few years.
- Some of the trees could be respectfully planted on Aboriginal lands (in partnership), and they could be planted as part of community engagement, and teachings.
- It is a "hands-on" activity that is beneficial for elementary skills and transferring wisdom; perhaps an Elder can be involved.
- The Committee noted that this can be leveraged in a few other ways to teach resilience, carbon reduction, and if the right tree is planted in the right place, it helps with biodiversity, promoting planting the right species to repopulate and improve slope stability.

Barry Dorval left the meeting at 5:59 PM

- It was discussed that maybe this is something that the "Youth Group" could take up and talk about more.
- By-election Key Dates
 - At the request of the Committee, staff verbally provided an update on associated key dates.
 - Members of the Committee were referred to visit the City of Vernon website for additional information for key dates, advanced voting days as follows: https://www.vernon.ca/elections

CLIMATE ACTION ADVISORY COMMITTEE

NEXT MEETING

The next meeting for the Climate Action Advisory Committee is set for Wednesday, October 27, 2021 at 4:00 PM (*via Zoom only*).

Moved by Stan Eaman seconded by Ed Wilson:

THAT the Climate Action Advisory Committee meeting of September 29, 2021, be adjourned.

CARRIED.

ADJOURMENT

The meeting of the Climate Action Advisory Committee adjourned at 6:03 PM.

CERTIFIED CORRECT:

Digitally signed by Brian Guy
DN: cn=Brian Guy, ou=Summit/ Vernon-Users,
mail=guyb@ae.ca
Date: 2021.11.26 12:53:44 -08'00
CO-Chair



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE

ADVISORY PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, NOVEMBER 09, 2021 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT: VOTING

Mark Longworth, Chair

Don Schuster Doug Neden Jamie Paterson

Monique Hubbs-Michiel

Phyllis Kereliuk Joshua Lunn

NON-VOTING

Mayor Cumming (Appointed Member)

ABSENT: Lisa Briggs

Bill Tarr

Harpreet Nahal

STAFF: Ally Campbell, Planning Assistant

Carson Mackona, Planning Assistant

Craig Broderick, Manager, Current Planning

Matt Faucher, Planner

Tracy Mueller, Committee Clerk

ORDER The Chair called the meeting to order at 4:00 PM.

LAND ACKNOWLEDGMENT As Chair of the City of Vernon's Advisory Planning 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 <u>Moved</u> by Jaime Paterson, seconded by Doug Neden:

THAT the Advisory Planning Committee agenda of

November 9, 2021, be adopted.

CARRIED.

ADOPTION OF MINUTES

Moved by Monique Hubbs-Michiel, seconded by Phyllis Kereliuk:

THAT the minutes for the Advisory Planning Committee meeting of October 26, 2021 be adopted.

CARRIED.

NEW BUSINESS:

OCP00085 / ZON00363 (5975 Lefoy Rd, 6141 Hwy 97, 6162 Pleasant Valley Rd) Matt Faucher, Current Planner, reviewed the Official Community Plan and Zoning Amendment Applications for 5975 Lefoy Rd; 6141 Hwy 97; 6162 Pleasant Valley Rd as follows:

- Staff clarified that as part of the OCP Amendment policy, this application would require further public consultation.
- The purpose of the report is for Council to commence the public consultation process of the proposed amendments to the Official Community Plan and Zoning bylaws prior to Council's consideration.
- This project would then come back to the Advisory Planning Committee for further review / comments after initial public consultation.
- Staff clarified that the subject property is comprised of three (3) properties.
- 6162 Pleasant Valley Road contains zoning and OCP designations from the Regional District of North Okanagan.
 5975 Lefoy Road and 6141 Hwy 97 are both large lots.
- Staff provided an overview of the proposed amendments.
- Should the application be successful in receiving Council's approval, a subdivision would be required to align property boundaries with the zoning boundaries as proposed; it will be a phased development over time.
- The initial development will occur along the existing 20th Street. There would be requirements to create an extension and a secondary road and eventually connect 20th Street to Pleasant Valley Road.
- The Applicant is currently working with Trident Environmental regarding appropriate riparian setbacks. The proposed zoning boundaries are established to protect the riparian area from future development.
- There is an agreement in place a statutory right-of-way in favour of RDNO has been registered along BX Creek to establish a future public trail.

The following comments / questions were made by members of the Committee:

- In response to a question from a member of the Committee staff clarified that the developer owns all the subject lands.
- The Committee requested clarification regarding "Road B". Staff shared a detailed map that was included in the planning report, and noted that it cuts through "Lot H" and that a realignment would be required.
- Committee members questioned if "Lot E" would have an alternative access. Staff clarified that Lefoy would be extended with a cul-de-sac created on "Lot E".
- Staff confirmed the project falls completely within City boundaries.
- It was discussed that the bulk of the proposed changes are in relation to zoning predominantly as RH1, RH2 and RM2. The highest proposed zones are RH1 and RH2.
- The Committee expressed concern with the "wetlands" near the Rona area at the north end of town (Lot N).
- Staff clarified that the C3 zone allows for mixed-use commercial / residential.
- Staff noted that they are seeking comments / support from the Committee, Council and public on the proposed amendments. Once the public open house has been conducted, the project will return to the Advisory Planning Committee for additional comments.
- The Committee expressed concern regarding the current road alignment; staff noted that the road is "dedicated" but undeveloped.
- The Committee expressed concern regarding the access regarding Lot A. Staff noted that they are in talks with the Developer to consider connecting the road to 58 Avenue or providing emergency access.
- Committee members recommended to provide parking at or near the proposed park near Lefoy Road (Lot E).
- The existing easement "to be released" should be reconsidered. Staff clarified that active transportation links between the Knell and the creek it would be addressed through the subdivision process but also reviewed at the OCP and rezoning stage. The Committee recommend that the tributary ought to be linked to parks and trails within the region.
- It was discussed that the importance of creating a slopes and natural spaces plan and that such a plan needs to come back to Council for consideration.

- Staff clarified that all comments made by the Committee have been captured within the minutes and will be taken under advisement. Staff further clarified that they will conduct further consultation regarding this project.
- The Chair requested clarification as to the projected timeline. Staff noted that that would go to a future Council meeting for initial consideration and approval to commence the public consultation process. The application is anticipated to come back Advisory Planning Committee for review in the first quarter of 2022 with the comments and feedback from the public consultation.

<u>Moved</u> by Monique Hubbs-Michiel, and seconded by Jaime Paterson:

THAT Council support presenting the proposed 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), as follows

- 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); for the properties located at 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road.

CARRIED.

INFORMATION ITEMS

- Craig Broderick, Manager, Current Planning, provided an overview of projects discussed at Council on November 8, 2021, as follows:
 - DVP000539 4001 34A AVENUE- 4.5 storey apartment with setback to the rear and reduced parking. The APC was not supportive of the sideyard setback to the west. There were 20 individuals who spoke at the Public Hearing; Council did not approve the proposed variances.
 - ZON00329 5661 OKANAGAN LANDING ROAD Extension of a zoning that has been on hold. The
 owner is working with a local developer to go forward
 with the project and they requested an extension.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday**, **November 23**, **2021 at 4:00 PM**.

ADJOURNMENT

Moved by Jamie Paterson, seconded by Phyllis Kereliuk:

THAT the Advisory Planning Committee meeting of November 9, 2021 be adjourned.

CARRIED.

The meeting of the Advisory Planning Committee adjourned at 4:49 PM.

CERTIFIED CORRECT:

Muk Conymus Chairperson