



## **CORPORATION OF THE CITY OF VERNON**

### **ADVISORY PLANNING COMMITTEE**

**MARCH 12, 2024, AT 4:00 PM**

**OKANAGAN LAKE ROOM (COUNCIL CHAMBER)**

## **A G E N D A**

**1) CALL TO ORDER**

**2) LAND ACKNOWLEDGEMENT**

*As chair of the City of Vernon's Advisory Planning Committee (APC), 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.*

**3) ADOPTION OF AGENDA**

**4) ADOPTION OF MINUTES**

a) January 23, 2024 (Attached)

**5) NEW BUSINESS**

- a) **ORIENTATION**
- b) **ELECTION OF CHAIR & VICE CHAIR**
- c) **DVP00623 (3106 16 AVENUE)**

**6) INFORMATION ITEMS**

- a) Staff Liaison to provide verbal update of APC related items discussed at recent Council meetings.

**7) NEXT MEETING**

The next meeting is tentatively scheduled for **March 26, 2024**.

**8) ADJOURNMENT**

**THE CORPORATION OF THE CITY OF VERNON**  
**MINUTES OF THE ADVISORY PLANNING COMMITTEE**

**January 23, 2024, 4:00 p.m.**  
**CITY HALL COUNCIL CHAMBER**  
**3400 30 Street**  
**Vernon B.C.**

**Committee Members**

**Present:** Jordan Hart  
Jessica Kirkham  
Margo Lupien  
Scott Chatterton  
Margo Jarman  
Claire Ishoy  
Monique Hubbs-Michiel  
Kyla Gaudreau  
Kennedy Mund  
Mayor Cumming

**Committee Members**

**Absent:** Craig Neville  
Harpreet Nahal

**Administration**

**Present:** Jennifer Pounder, Records / Committee Clerk  
Ally Campbell, Planner II  
Michelle Austin, Current Planner  
Roy Nuriel, Acting General Manager, Planning  
Craig Broderick, Approving Officer

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**1. CALL ADVISORY PLANNING COMMITTEE TO ORDER**

**1.a Land Acknowledgment**

As chair of the City of Vernon's Advisory Planning Committee (APC), 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.

1.b Agenda

**Moved by:** Margo Jarman

**Seconded by:** Margo Lupien

THAT the Agenda for the January 23, 2024 Advisory Planning Committee Meeting be adopted as amended.

**CARRIED**

1.c Adoption of Minutes

**Moved by:** Scott Chatterton

**Seconded by:** J. Hart

THAT the minutes of the Advisory Planning Committee meeting held December 12, 2023, be adopted.

**CARRIED**

**2. UNFINISHED BUSINESS**

**3. NEW BUSINESS**

*Before agenda item DVP00629 (Manning Place) was discussed, Advisory Planning Committee member M. Hubbs-Michiel declared a conflict of interest; M. Hubbs-Michiel exited the meeting at 4:01 p.m.*

*Mayor Cumming joined the meeting at 4:03 p.m.*

3.a DVP00629 (Manning Place)

- Staff confirmed that the future subdivision would have a storm water collection system, designed by a qualified engineer and accepted by Staff. The system is designed to drain into the ravine. This would be protected by a statutory right of way and maintained by the City.
- Staff stated that a trail running down the ravine was initially considered; however it was deemed unsafe due to the steepness. RDNO staff have indicated that they have a statutory right of way for a future pathway close by.

- The Committee commented that there are options for permeable driveways and other design considerations to avoid the need for a development variance permit.

**Moved by:** Margo Lupien

**Seconded by:** Kyla Gaudreau

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit application 00629 (DVP00629) to vary Section 9.6.6 of Zoning Bylaw 5000 to the impermeable surface coverage for Lots 5 to 15 to be varied from 50% to 57% and Lot 16 to be varied from 50% to 51% as part of a subdivision LOT 1 PLAN 41347 SECTION 18 TOWNSHIP 5 OSOYOOS DIVISION YALE DISTRICT EXCEPT PLAN KAP44294 KAP49760 KAP50427 as outlined in the report titled "Development Variance Permit Application for Manning Place" dated January 17, 2024 and respectfully submitted by the Approving Officer.

**CARRIED**

*M. Hubbs-Michiel returned to the meeting at 4:16 p.m.*

3.b DVP00614 (132 Sunset Boulevard)

- Staff confirmed that the wall was built prior to the development variance permit application being received. A stop work order was issued to the homeowners.
- The Committee expressed concern about a pattern where landowners tend to apply for required permits after completing construction.
- Staff confirmed the height of the retaining wall is measured from driveway to the highest point of the wall.

**Moved by:** Scott Chatterton

**Seconded by:** Claire Ishoy

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit 00614 (DVP00614) to vary Zoning Bylaw 5000 for STRATA LOTS 32 AND 33, PL KAS1975, DL 6, ODYD (132 and 136 Sunset Boulevard) as outlined in the report titled "Development



Variance Permit Application for 132 and 136 Sunset Boulevard” dated January 18, 2024 and respectfully submitted by the Planner II, as follows:

- a. Section 4.15.1, vary to allow the construction of a retaining wall on slopes of 30% or greater;
- b. Section 6.5.1.i, increasing the height of a retaining wall, from 1.2m (3.9ft) to 3.66m (12.0ft) within the front yard setback; and
- c. Section 6.5.11, increasing the maximum height of retaining walls on a residential lot measured from grade on the lower side, from 1.2m (3.9ft) to 3.66m (12.0ft);

AND FURTHER, that Council’s approval of DVP00614 is subject to the following:

- i. That the retaining wall complies with the site plan and elevations submitted by 925R Design Inc. dated May 8, 2023 (Attachment 1) to be attached to and form part of DVP00614; and
- ii. That the retaining wall complies with the Geotechnical Letter submitted by Applebruin Engineering Inc. dated March 17, 2023 (Attachment 2) to be attached and form part of DVP00614.

AND FURTHER, the Advisory Planning Committee recommends that Council explore measures to ensure compliance with the Zoning Bylaw, such as implementing higher application fees for applications received after construction commencement or completion.

**CARRIED**

3.c DVP00618 (3411 34 Avenue)

- Staff confirmed that the neighbors would be notified of the variance request.
- Staff confirmed that carport structure within 1.2m of the side property line is required to have a fully enclosed wall, with a 45 min fire rating and non-combustible cladding.

**Moved by:** Claire Ishoy

**Seconded by:** Margo Jarman

THAT the Advisory Planning Committee recommends that Council support a modified version of Development Variance Permit Application 00618 (DVP00618) by varying Zoning Bylaw 5000 for LT 11, BLK 35, DL 72, ODYD, PLAN 327 (3411 34th Avenue) as outlined in the report titled “Development Variance Permit Application for 3411 34th Avenue” dated January 19, 2024 and respectfully submitted by the Planner II, as follows:

- a. Section 10.3.6, to reduce the side yard setback from 2.0m (6.6ft) to 1.0m (3.3ft) to allow for the construction of a detached carport;

AND FURTHER, that Council’s support of DVP00618 is subject to the following:

- i. That the development generally complies with an updated site plan and elevation drawings to be attached to and form part of DVP00618.

**CARRIED**

**4. INFORMATION ITEMS**

M. Austin, Current Planner, provided an update of recent Council decisions on applications previously considered by the Advisory Planning Committee.

**5. NEXT MEETING**

The next meeting for the Advisory Planning Committee is scheduled for February 13, 2024 at 4:00 pm.

**6. CLOSE OF MEETING**

The meeting of the Advisory Planning Committee adjourned at 4:49 pm by call of the Chair.

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Chair



## THE CORPORATION OF THE CITY OF VERNON

3400 – 30<sup>th</sup> Street, Vernon, B.C. V1T 5E6  
Telephone: (250) 545-1361 Fax: (250) 545-4048

website: [www.vernon.ca](http://www.vernon.ca)

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### Corporate Policy

Section:	Human Resources	
Sub-Section:		
Title:	Bullying and Harassment	

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#### RELATED POLICIES

Number	Title
	Replaced Harassment Policy

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#### APPROVALS

POLICY APPROVAL:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by: Mayor: "Akbal Mund" Date: December 14, 2015	Amendment Approved by: Mayor: "Akbal Mund" Date: December 18, 2015	Amended due to compliance Workers Compensation Bill 14

## **POLICY**

The policy of the City of Vernon is to provide and maintain a workplace that is free from discrimination, bullying and harassment, not only in relation to the specific conduct prohibited by the British Columbia (BC) Human Rights Code, but regarding any form of personal bullying harassment which may reasonably cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group.

The City of Vernon is committed to a professional working environment where employees, contractors, elected officials, committee volunteers, and students working on behalf of the City or present within the City's facilities and programs, are treated with respect and dignity.

This Policy will apply to the resolution of all internal informal or formal complaints brought forward or filed pursuant to this Policy.

The procedures set out within this Policy will also apply to any and all City of Vernon investigations conducted in response to external discrimination/harassment/bullying complaints filed with WorkSafe BC, the Human Rights Tribunal or otherwise.

## **DEFINITIONS**

### **Parties**

Parties are the Complainant(s) and Respondent(s) directly involved in a Complaint and may include: employees (unionized and excluded), contractors, elected officials, committee volunteers, and students.

### **Complainant(s)**

Complainant(s) are those individuals making a Complaint and seeking recourse in relation to this Policy.

### **Respondent(s)**

Respondent(s) are those individuals alleged to have violated this Policy.

### **Bystanders**

Bystanders are third parties who have witnessed behaviour that, in their view, potentially constitutes a violation of this Policy. Bystanders should report their concerns in accordance with Step 2 of the informal processes set out below.

Bystanders are not Parties to a Complaint. However, they may be interviewed as witnesses in the event there is a formal investigation into their concerns.

## **Witnesses**

Witnesses are individuals who have direct knowledge of or involvement in any matter or incident that potentially relates to a Complaint brought forward or filed pursuant to this Policy.

## **Complaint**

A concern or Complaint regarding any of the potential behaviour as defined below that requires a solution that is brought forward for the purposes of obtaining a resolution.

## **Prohibited Grounds**

Conduct or commentary that is based, in whole or part, on any of the following 13 grounds: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction.

## **Respectful Conduct**

Respectful workplace conduct incorporates courtesy, civility, consideration, and compassion. It is an approach which actively respects individuals by avoiding unnecessary behaviours which would reasonably be considered to have a negative impact on others. It involves taking responsibility for one's behaviour/conduct in the workplace.

A workplace disagreement or difference of opinion is not by definition disrespectful. The manner in which a disagreement is described, discussed or resolved will determine whether or not the conduct is respectful.

### *Examples of Respectful vs. Disrespectful Behavior*

Violations of this Policy will be determined on an objective and case-by-case basis, having regard to the overall circumstances of each Complaint, including the particular timing and context of the event(s) in question. This commonly will be determined after receiving information from the Parties and Witnesses. However, for illustrative purposes only, some examples of respectful versus disrespectful behaviour could include the following:

- Quiet and calm communication which focuses on the issues rather than personal characteristics of the individuals involved vs. loud, profane, name-calling, and abusive language that may also focus on personal characteristics.
- Expressing and resolving disagreement in a calm and professional manner vs. insulting or belittling others through personal attacks, sarcasm or through non-verbal behaviour that may include repetitive eye-rolling, loud sighing, disrespectful

facial expressions, shunning, stone walling discussions, walking out of discussions prematurely, or making physical or psychological threats.

- Addressing issues and concerns regarding work performance or misconduct in a confidential, discreet manner through responsible managers vs. engaging in gossip, rumours, speculation or criticism of an individual to others or discussing issues in front of individuals who do not need to be a part of the discussion.
- Sharing information required to deliver services effectively vs. repeatedly ignoring questions or requests for information or deliberately failing to provide necessary/helpful information.
- Responding to on-call pages in a timely fashion vs. not being accessible or responding to pages when on-call.
- Written communication made in a respectful professional manner vs. unprofessional comments made about colleagues or co-workers.

## **Discrimination**

Discrimination is adverse differential treatment of an individual or group, whether intended or not, on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction. Discrimination of this nature imposes burdens or obligations on an individual or group that serves no work-related function. It is important to note that such conduct is not only a breach of this Policy; it may also be a breach of the BC Human Rights Code.

## **Discriminatory Harassment**

Discriminatory harassment is a form of discrimination and is also contrary to the BC Human Rights Code. Discriminatory harassment is abusive, unfair, offensive, or demeaning treatment of or disrespectful/disruptive conduct towards a person or group of persons related to their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction that a reasonable person would know or ought to know or would:

- have the effect of interfering with an individual's work or participation in work related activities; or
- create an intimidating, hostile or offensive environment for work or participation in a work-related activity.

*Examples of Discriminatory Harassment:*

- Teasing, joking, taunting, insulting or criticizing a person, directly or indirectly, verbally or in writing, based on his or her prohibited grounds (e.g. race, gender, age). This may include commentary regarding their ability to communicate clearly, physical appearance, work style, and level of intelligence.

**Sexual Harassment**

Sexual harassment is disrespectful/disruptive conduct of a sexual nature made by a person who knows or ought to reasonably know that such conduct or comment is unwanted or unwelcome; or an expressed or implied promise of a reward for complying with a request of a sexual nature; or an expressed or implied threat of reprisal for refusal to comply with such a request; or disrespectful/disruptive conduct of a sexual nature which is intended or reasonably would be known to create an intimidating, hostile or offensive environment.

*Examples of Sexual Harassment include:*

- verbal abuse or threats of a sexual nature;
- unwelcome remarks, jokes, innuendoes or taunting of a sexual nature;
- displaying of pornographic or other offensive pictures;
- unwelcome and/or repeated sexual invitations or requests;
- leering or other inappropriate sexually oriented gestures;
- unnecessary physical contact such as: touching, patting or pinching;
- sexual assault (this may also be a criminal matter);
- negative comments that are gender-based, and
- repeated behavior that a person has objections to and is known or should reasonably be known to the offender as being unwelcome.

**Personal Harassment**

Personal harassment is any behavior, including disrespectful/disruptive conduct by a person directed against another person that a reasonable person would know or ought to know would cause offence, humiliation or intimidation, where the conduct is not carried out in good faith and serves no legitimate work-related purpose.

*Examples of Personal Harassment:*

- swearing, yelling, or making derogatory gestures or comments to or about another individual;
- engaging in embarrassing practical jokes, ridicule, or malicious gossip;
- verbal or physical threats or physical assault.

## **Bullying**

Bullying is any repeated or systematic physical, verbal or psychological behaviour including disrespectful/disruptive behavior, which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

Note: Personal harassment and/or bullying does not include social banter in the workplace that is objectively viewed as acceptable in tone and content. Nor does it include actions occasioned through the good faith management of the employment relationship, including decisions related to hiring, selection, performance evaluations, and progressive corrective discipline, provided that such decisions are made and implemented in a manner that is respectful of those involved.

<https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>

## **Methods of Communication**

Inappropriate communication that may violate this Policy may be transmitted in person, on the phone, and in writing, through email, texts, Facebook, Twitter and other social media messaging, and otherwise. Potential violations may consist of inappropriate communication made to a person and/or communication made about a person to others.

## **Fairness**

Parties, Bystanders, and Witnesses have a right to fair treatment in the consideration and adjudication of complaints and concerns under this policy. Fair treatment includes the right to:

- bring forward their concerns pursuant to processes within the Policy within a timely manner;
- being informed in a timely manner of Complaints made against them;
- an impartial and objective consideration and evaluation of the circumstances, through informal or formal intervention;
- confidentiality to the extent possible in the circumstances, including the avoidance of gossip, rumours and speculation by Party(ies), Witness(es) or others within the City;
- protection to any Party(ies) or Witness(es) from retaliation for participation in processes under this Policy
- being effectively informed of the outcome of any formal intervention;
- union representation for unionized staff; and
- other representation, for excluded staff.



## **Confidentiality**

All Bystanders, Witnesses, and Parties involved in a Complaint or in the informal/formal resolution of a Complaint, are expected to keep matters related to a Complaint confidential. This includes managers and supervisors who are privy to the Complaint or Complaint resolution process.

An established breach of confidentiality regarding a Complaint or Complaint resolution process shall be considered an independent violation of the Policy (regardless of the merits or conclusions regarding the Complaint) and may result in discipline.

Any allegation or Complaint under this Policy will be considered personal information supplied in confidence for the purpose of Section 22(2) (f) of the *Freedom of Information and Protection Privacy Act*. The names of those involved in the Complaint shall not be disclosed to any person except where necessary for the purpose of fairly investigating and determining the outcome of the complaint.

The substance of investigative reports and the substance of meetings held by those in authority to make decisions in relation to a Complaint, regardless of whether it is substantiated, will be protected from disclosure to third parties in accordance with Section 19 of the *Freedom of Information and Protection Privacy Act*.

## **Complaint Resolution**

Complainants are encouraged to resolve Complaints/concerns with others as soon as they arise using the informal process set out below, unless it is clearly inappropriate in all of the circumstances.

Without limiting its application, the informal resolution process is commonly used in circumstances where the alleged concern/conduct appears to be: (a) non-repetitive (a 'one-off' discussion/interaction); and (b) relatively minor in severity or seriousness, considering its content, potential impact on the individual and/or the safety/health of the overall organization.

Although the Complainant(s) may indicate that he/she prefers the informal process, the City of Vernon may at any time exercise its discretion to initiate a formal process based upon its overall review of the circumstances.

## PROCEDURES

### Informal Processes

#### **Step 1 – Resolution (Informal Conversation)**

Wherever reasonable, the Complainant(s) should address the person with whom he/she is having difficulty (the Respondent(s) in a direct and discreet (confidential) manner as soon as possible following the incident.

If the Complainant(s) is not comfortable taking this step, or if the Complainant(s) has done so without success, then the Complainant(s) should proceed to the next step.

#### **Step 2 – Resolution (Manager/Designate Involvement)**

The Complainant(s) or Bystander(s) should approach his/her manager or director with his/her concerns including particular examples of inappropriate statements or verbal or non-verbal behaviours by the Respondent(s), dates, times, witnesses, and as much detail as possible. This should be done as soon as reasonably possible following the incident/behaviours. The manager or director should contact Human Resources.

If the Complainant(s) or Bystander(s) is uncomfortable approaching any of these individuals, or if the individuals are the Respondent(s) or if the individuals are perceived by the Complainant(s) to be part of the problem, then the Complainant(s) or Bystander(s) can speak to Human Resources.

Human Resources will review the concern and where appropriate should directly or indirectly facilitate a resolution in a manner that it considers most effective and reasonable considering all of the circumstances.

Interventions by managers or directors, Human Resources in Step 2 may include one or more of the following possibilities (or other similar interventions):

- meeting separately with each person involved in the concern to discuss and investigate the situation;
- meeting together with the persons involved to facilitate a discussion aimed at understanding and resolving the issue in a practical, non-punitive manner or mediating a solution that works for all Parties;
- coaching one or more of the Parties (verbally or in writing) on workplace expectations regarding appropriate workplace behavior or performance;
- recommending or applying progressive discipline when warranted i.e. based on the findings and severity of the misconduct found;
- engaging the support of Human Resources to assist with Step 2 processes, or
- engaging an external third party facilitator or mediator to work with the Parties and others involved to achieve a confidential, practical and mutually agreeable

resolution to outstanding concerns without making findings against any Parties (Mediation).

The above noted intervention/preliminary investigation should be completed on or before 30 days after the final interview. The time-lines will be reasonably extended at the request of the lead investigator based on a number of factors, including extenuating circumstances or complexities surrounding a particular investigation/intervention.

If, at the outset of or at any time during the Step 2 process, the individual who receives the reported Complaint/concern concludes that, given the severity of the behaviours alleged in the Complaint, including their potential physical or psychological impact on the Complainant(s) or other employees at the City of Vernon, a formal investigation is warranted, then the matter should be immediately referred to Step 3 of the Policy for investigation and resolution.

### **Formal Processes**

#### **Step 3 – Investigation**

The formal process involves an objective investigation of a written Complaint/concern that has been brought forward to Human Resources, the Complaint.

Once the Complaint has been received by the immediate supervisor, manager, or Human Resources representative; the Complainant(s) will be asked to complete a formal Complaint form. This form seeks the following details:

- Complainant(s) name and position;
- name and position(s) of the Respondent(s);
- address or location where the incident occurred;
- detailed summary of all of the specific incidents or examples of behavior that have led to the filing of the Complaint;
- date(s) and time of each incident;
- names of the individual(s) alleged to have engaged in the unacceptable conduct;
- details of the Complaint(s) – that is, the specifics of what was said or done to the Complainant(s) to have triggered the Complaint;
- identity of any potential witnesses;
- impact of the behaviour on the Complainant(s); and
- steps taken, though Steps 1 or 2 of the Policy, to address the Complaint and the outcome of those processes.

The Complainant(s) must sign and date the Complaint and send to the designated individuals set out above by either:

- envelope marked **Confidential**; or

- scanning the signed complaint and sending it via email indicating **Confidential**.

The filing of a formal Complaint does not mean that a formal investigation will automatically be conducted. The manner in which a Complaint is resolved will be determined by the City, following consultation with the Parties, and will depend on a number of factors, including the nature, extent and severity of allegations brought forward by the Complainant(s) and the history of circumstances leading up to the filing of the formal Complaint.

Following this review, the individual(s) who receives the Complaint may take one of the following steps:

- refer the matter back to Step 2 to resolve the matter through informal processes; or
- assign an internal or external Investigator to conduct a formal investigation of the Complaint.

### **Appointment of Investigator**

Factors that the City will consider in determining whether to retain an internal or external investigator may include: the overall complexity of the facts/law related to the Complaint; the Parties to the Complaint, the anticipated length of time necessary to conduct the investigation; the potential severity of the outcome(s) of the investigation in relation to the Respondent(s) should the Complaint be substantiated; and any other relevant circumstances.

Internal investigators shall have sufficient prior experience and/or training in conducting workplace investigations and shall have no previous involvement in the facts/circumstances giving rise to the Complaint.

External investigators shall be appointed by the Director, Human Resources, in consultation with the Chief Administrative Officer (CAO) and at his/her discretion.

### **Time Limits**

The time limit for making a formal complaint is within six (6) months from the date of the last incident. This is consistent with the time limits noted in the BC Human Rights Code.

### **Interim Measures**

It may be necessary to take interim measures, such as transfers/leaves/restrictions on contact or communication while a Complaint is being investigated. Such measures will be precautionary, not disciplinary.

### **Mediation during the Formal Process**

Where appropriate, mediation is available to Parties to try to resolve the Complaint at any point during the process. Any ongoing investigation will be suspended during mediation and will resume if mediation is unsuccessful.

Unless explicitly agreed to by the Parties in writing, the investigator shall not act as the mediator and shall have no communication with the mediator regarding the Complaint at any time.

### **Withdrawal of a Formal Complaint**

At any time during the course of an investigation of a formal Complaint, the Complainant(s) may choose to withdraw his or her Complaint without penalty so long as the Complaint was filed in good faith. In such circumstances, there should be no indication of the complaint in the personnel files of the Complainant(s) or Respondent(s).

### **The Investigation Process and Role of the Investigator**

The investigator will take a reasonable amount of time to conduct the investigation to interview the Parties and relevant Witnesses and obtain and review any potentially relevant documents.

The investigator will prepare a report of investigation outlining his/her findings and conclusions and submit the report to the relevant Human Resources Representative.

The findings and conclusions may relate to both the conduct at issue and the medical/emotional/financial impact of the conduct on those involved.

The investigator may include recommendations in the report of investigation, where applicable and if requested by the City.

The City will advise both the Complainant(s) and Respondent(s) of the findings and conclusions of the investigation and any recommendations related to their conduct, through a written summary of the report. Other Parties involved in the complaint (Witnesses and others) will be advised that the investigation has been concluded (without being provided any further information).

### **Appeals**

Within 15 days of receiving a summary of the report of investigation, either Party(ies) may file an appeal with the City.

The appeal shall be based upon and restricted to, specific concerns related to the investigative process. The appeal shall not constitute an avenue in which to re-investigate the Complaint.

The CAO shall review the report of investigation to evaluate the fairness of the process and has sole discretion to take further action based upon his/her review.

The decision of the CAO is final.

### **Complaints involving City's Chief Administrative Officer, the Mayor or Members of City Council**

#### **External Investigator**

Complaints brought under this policy against the Chief Administrative Officer, the Mayor or Members of City Council shall be presented to an external investigator with expertise regarding matters covered under this policy.

The external investigator will be retained by and will report directly to the Mayor and Chief Administrative Officer in cases involving the Members of Council. In cases involving the Mayor, the external investigator will be retained by and will report directly to the Chief Administrative Officer. In cases involving the Chief Administrative Officer, the external investigator will be retained by and will report directly to the Mayor.

### **Outcomes**

#### **General Outcomes**

Once the appeal period has expired or the appeal has been concluded, the City will inform the Complainant(s) and Respondent(s) of its final implementation plan based upon the report of investigation.

Part of the implementation plan may include processes similar to those set out in Step 2, in order to help rebuild/repair the relationships.

Outcomes that may be included in the implementation plans include one or more of the following:

- oral and/or written apology from the parties;
- adjustments to the workplace environment;
- coaching of expectations – verbal or in writing;
- medical assessment referrals;
- training;
- transfers to a different department; and/or

- institution of formal discipline and disciplinary processes, up to and including suspension/removal from premises for contractors, visitors and volunteers; and
- mediation.

Discipline in accordance with Corporate Policy may arise if such action is warranted based on the severity of the findings/conclusions of the investigation.

The Complainant(s) and Respondent(s) will only receive information relevant to their role in the final implementation plan; they will not be privy to recommendations related to the other Party(ies).

## **Outcomes**

City management will determine and implement specific consequences and remedies that are reflective of and relevant to the investigative findings/conclusions within a reasonable period of time after receipt of the report of investigation.

Any Party(ies) who disagrees with the nature/extent of action or disciplinary action imposed by the City as a result of the investigation should access the usual grievance/appeal process set out in the relevant collective agreements and City of Vernon policies.

## **Other Important Points**

### **Malicious/Vexatious/Frivolous Complaints of Misuse of the Policy**

In circumstances where a Complaint is found to have been made in bad faith or determined to be vexatious, frivolous or a general misuse of the Policy, the Complainant(s) may face similar outcomes as a Respondent(s) as set out above (ie. Interventions ranging from coaching to formal disciplinary intervention).

This section of the Policy may apply to filed Complaints as well as any circumstances in which individuals repeatedly threaten to file Complaints against others in order to achieve similar ends.

A Complaint, or threatened Complaint, will be deemed to have been made in bad faith when, considering all of the circumstances surrounding the complaint including its timing and context, the Complaint was found to have been made solely in an attempt to:

- influence or overturn decisions related to the Complainant's employment;
- intimidate, threaten or cause trouble to the Respondent(s);
- create a hostile or intimidating workplace environment for others, including the Respondent(s); or

- create a potential personal benefit or entitlement to the Complainant(s).

Misuse of the Policy may include unreasonable, repetitive filing of Complaints or concerns that are consistently found to be unsubstantiated.

In circumstances where a Complaint has been found to be malicious, vexatious or a misuse of the Policy, the Respondent(s) may be awarded the same remedies as those available to Complainant(s) as set out above (interventions ranging from an apology to compensation for established losses).

### **Unsubstantiated Complaints**

If the investigator finds insufficient evidence to support the Complainant's allegations and finds that there has been no misuse of the Policy or bad faith in filing the Complaint, no action will be taken in relation to the complaint. There will be no record of the Complaint on the Respondent's file.

### **Consequences of Retaliation**

Any established retaliation against any Party(ies), Bystander(s) or Witness(es) involved in an informal or formal resolution process shall be considered an independent violation of the Policy (regardless of the merits or outcome of the initial concern or Complaint) and shall result in discipline commensurate with the severity of the conduct.

### **Multiple Proceedings**

This Policy is in addition to and not in substitution for any rights an individual may have to pursue action, whether under collective agreements, policies including any applicable legislation, including human rights legislation.

If at any time a staff member elects to initiate other legal proceedings or if the staff member takes any steps outside of those contemplated in this policy, the City may discontinue any procedures taken under this policy as a result of the Complaint (depending on a consideration of all of the circumstances).

Potentially criminal behaviour such as an assault, significant threats, or attempts at extortion shall be directly referred to the RCMP by the City upon receipt of a Complaint of this nature.





## THE CORPORATION OF THE CITY OF VERNON

3400 — 30th Street, Vernon, B.C. V1T 5E6

Telephone: (250) 545-1361

FAX: (250) 545-4048

website: [www.vernon.ca](http://www.vernon.ca)

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### Corporate Policy

Section:	Corporate Services	
Sub-Section:	Administration	
Title:	Council - Committee Structure	

### RELATED POLICIES

Number	Title

### APPROVALS

POLICY APPROVED BY:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by:  <i>"Juliette Cunningham"</i> Acting Mayor  Date: February 26, 2007		ORIGINAL POLICY
	Amendment Approved by:  <i>Buffy Baumbrough</i> Acting Mayor  Date: June 9, 2008	1.4.3: Added Terms of Reference maximum of two terms.
	Amendment Approved by:  <i>"Wayne Lippert"</i> Mayor Date: January 26, 2009	Appendix A: Added to rules of decorum and attendance at Council meetings.

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	<p>Amendment Approved by:</p> <p><b>"Wayne Lippert"</b> Mayor</p> <p><u>Date: September 14, 2009</u></p> <p>Amendment Approved by:</p> <p><b>Wayne Lippert"</b> Mayor</p> <p>Date: October 13, 2009</p>	<p>1.3.2: Added requirements for Staff Liaison to receive applications and bring forward with a memo to Council.</p> <p>11.1: Revised conflict of interest instructions for committee members.</p>
	<p>Amendment Approved by:</p> <p><b>"Wayne Lippert"</b> Mayor</p> <p><u>Date: May 10, 2010</u></p>	<p>1.2.4: Organizations requested to provide representation shall be different on each committee.</p>
	<p>Amendment Approved by:</p> <p><b>"Wayne Lippert"</b> Mayor</p> <p>Date: July 26, 2010</p>	<p>12.9: Amended Working Group (Sub Committee) functions and policies.</p> <p>1.2.4: Organizations requested to provide representation to multiple committees shall strive to <u>appoint different members.</u></p>
	<p>Amendment Approved by:</p> <p><b>"Wayne Lippert"</b> Mayor</p> <p><u>Date: December 13, 2010</u></p> <p>Amendment Approved by:</p> <p><b>"Wayne Lippert"</b> Mayor</p> <p>Date: June 13, 2011</p>	<p>1.2.5 (a): If an appointed member of an organization is unable to attend a committee meeting, an alternate may vote on <u>behalf of the organization.</u></p> <p>9.3: Added Committees will NOT accept delegations at committee meetings. Applicants will apply through City staff.</p>
	<p>Amendment Approved by:</p> <p><b>"Bob Spiers"</b> Acting Mayor</p> <p>Date: July 11, 2011</p>	<p>ADD to Section 9.0 Rules of Procedures, subsection 9.3 This will not apply to the Finance Committee, Audit Committee or any other Committees wherein all</p>

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		members are strictly <b>Members of Council.</b>
	<b>Amendment Approved by:</b> <i>"Rob Sawatzky"</i> <b>Mayor</b> <b>Date: February 24, 2014</b>	Various amendments to streamline Committee administration and provide a sound and consistent basis for a proposed restructure of many of the Council Committees.
	<b>Amendment Approved by:</b> <i>"Akbal Mund"</i> <b>Mayor</b> <b>Date: November 23, 2015</b>	2.0 added wording "or the Mayor" 2.6 added a paragraph and moved original 2.6 to make a 2.7
	<b>Amendment Approved by:</b> <i>"Akbal Mund"</i> <b>Mayor</b> <b>Date: May 9, 2016</b>	1.10 Amended Resignation of Member Any member of a Committee wishing to resign has to provide in writing to Mayor and Council and submit same to Staff Liaison. Upon acceptance of the resignation by Council, Staff Liaison will advise the Committee members via a memo presented at next Committee meeting
	<b>Amendment Approved by:</b> <i>"Victor Cumming"</i> <b>Mayor</b> <b>Date: October 13, 2020</b>	3.2. Made Committee Clerk plural 3.2.2 Removed the word all 3.2.4 Changed to provide Corporate Officer schedule of meetings to post 3.3 Changed wording for task approval from Clerk's direct Supervisor

## POLICY

The Mayor and/or the Council of the City of Vernon establish committees and appoint(s) Council and/or citizen members to the committees to:

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- provide information and well considered advice to Council, through Administration on issues of concern to the public and the City, as requested by Council.
- 

## DEFINITIONS

**"Standing Committee"** are advisory bodies to Council pursuant to Section 141 of the *Community Charter* as follows:

### *Standing Committees of Council*

- 141** (1) *The mayor must establish standing committees for matters the Mayor considers would be better dealt with by Committee and must appoint persons to those committees.*
- (2) *At least half of the members of a standing committee must be council members.*
- (3) *Subject to subsection (2), persons who are not council members may be appointed to a standing committee.*

**"Select Committee"** are advisory bodies established by Council pursuant to Section 142 of the *Community Charter* as follows:

### *Select Committees of Council*

- 142** (1) *A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the Council.*
- (2) *At least one member of a select Committee must be a Council member.*
- (3) *Subject to subsection (2), persons who are not council members may be appointed to a select committee.*

**"Statutory Committee"** means boards, commissions, or committees established pursuant to a specific enabling statute including a Library Board established pursuant to the *Library Act*, a Police Board established pursuant to the *Police Act*, a commission including a Parks Commission, and Recreation Commission, etc., established pursuant to the *Local Government Act or Community Charter*, a Family Court Committee established pursuant to the *Provincial Court Act* and any other body established pursuant to enabling legislation which serves in an arms-length capacity on behalf of or in cooperation with the municipality.

**"Staff Liaison"** is the staff member assigned by the Chief Administrative Officer to assist a committee in a non-voting advisory and resource capacity.

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**"Committee Clerk"** is the staff member who acts as the recording secretary for the Committee's and prepares the Agendas, Minutes and Correspondence resulting from decisions and recommendations from the Committee's.

## **PROCEDURE**

### **1.0 Membership**

#### **1.1 Diversity**

Membership of committees will be diverse, and broadly reflective of the community. The Terms of Reference for each Committee may identify specific desired experience, knowledge/education, expertise and geographic location in the community.

#### **1.2 Appointments**

- 1.2.1** Appointments to Committee's will be advertised in the local newspaper so that all Citizens who are interested in serving on a Committee will be given an opportunity to apply.
- 1.2.2** Unless there are extenuating circumstances, as determined by the Corporate Officer, advertisements will be done on an annual basis, using one advertisement for all vacancies.
- 1.2.3** Committee members must be City of Vernon residents except as provided in a statutory committee enabling statute, establishment bylaw **OR** identified in the Terms of Reference set out by Council.
- 1.2.4** Appointments for all Committees will be made in January of each year, for a TWO YEAR term, unless the Terms of Reference indicates otherwise.
- 1.2.5** Organizations requested to provide representation, shall be advised that if there are various committees the organization is represented on, that the organizations shall strive to appoint different representatives to committees, in order to provide a broader range or representation. In the event that the organization cannot secure other members of their organization, to serve on a Committee, Council may consider appointing the same representative to multiple Committees.
- 1.2.6** In the event a Council appointed member of an organization within the Committees Terms of Reference, (i.e. Chamber of Commerce, DVA, etc.), is unable to attend a committee meeting, the organization may appoint an alternate to attend the meeting and vote on behalf of the organization. Council approval is not required for appointment of an alternate.
- 1.2.7** Committee membership shall be nine (9) appointed voting members, unless otherwise stated in the Terms of Reference of

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individual Committees.

1.2.8 Committee members shall serve without pay at the pleasure of Council, unless otherwise provided in the enabling statute, establishment bylaw or Council resolution.

1.2.9 All appointed Committee members will be required to sign an "Oath of Confidentiality" as attached to this policy as Schedule "A"

### 1.3 Applications for Membership

1.3.1 Applicants are required to submit a "Volunteer Application Form", attached to this policy as Schedule "B".

1.3.2 All applications for membership on committees shall be kept in confidence when submitted to the City and considered at an In-Camera meeting of Council pursuant to Section 90 (a) of the *Community Charter*. The Staff Liaison to the Committee will receive the applications, and bring them forward to Council with a covering memo in order to provide additional information.

1.3.3 Existing members of Committees, whose terms have expired and who wish to be reappointed to a Committee, may submit a letter to Council.

1.3.4 Council will consider the following factors:

- Length of time an individual has served on the Committee
- Number of new applications received
- Mix of experience desired on the Committee
- Committee stability and membership continuity
- Input, as requested, from the *Staff Liaison* to the Committee on the contribution and attendance of the individual seeking reappointment.

### 1.4 Terms of Appointment for *Standing and Select Committees*

1.4.1 The term of appointment is two (2) calendar years unless otherwise provided for in the "Terms of Reference" for that committee.

1.4.2 An individual can serve for up to two (2) consecutive terms on any one committee unless otherwise provided for in the "Terms of Reference" for that committee, or, as otherwise directed by Council.

1.4.3 Where possible, all members remain in office until their respective successors are appointed.

1.4.4 In circumstances where a Committee Member resigns within six (6) months of the end of their term, the Chair may choose to leave the seat vacant.

### 1.5 Terms of Appointment of *Short Term Select Committees*

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The term of appointment of members to *short term select committees* is concurrent with the time frame provided to the *short term select committee* to complete its work; after which the members' terms expire unless extended by Council resolution.

#### **1.6 Terms of Appointment of *Statutory Committees***

The term and conditions of appointment of members to *statutory committees* is as provided in the enabling statute or establishment bylaw.

#### **1.7 Committee Vacancy Replacement Term**

In the event of a vacancy, the person appointed to fill the vacancy shall hold office for the remainder of the term of the vacated office.

#### **1.8 Attendance of Members at Meetings**

Unless otherwise provided in the enabling statute or establishment bylaw, any Member who is absent from two (2) consecutive regular meetings without leave of absence from the Committee Chair or without reason satisfactory to the Committee shall forthwith cease to be a member of the Committee and the appointing authority shall be advised by the Committee. Committee Members are permitted to attend the meeting by '*electronic means*' as authorized and directed under section 128 of the Community Charter.

#### **1.9 Removal of Member from Committee**

Council may remove or request the resignation at the request of the committee or on its own initiative any of its committee appointees for malfeasance in office, or any other good and sufficient cause.

#### **1.10 Resignation of Member**

Any member of a Committee wishing to resign from the Committee is requested to provide the resignation in writing to Mayor and Council and submit same through the Staff Liaison. Upon acceptance of the resignation by Council, the Staff Liaison shall advise the Committee Members of the resignation through a memorandum presented at the next Committee meeting.

### **2.0 Council Liaison/Council Membership**

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- 2.1 Council or the Mayor will appoint members of Council as representatives to each select *committee and each standing committee*.
- 2.2 The Chair and alternate Chair will be appointed annually by the Committee at the first meeting of the calendar year.
- 2.3 Any person not appointed to a committee may attend the committee meetings as an observer, but is not entitled to vote. Permission to speak at the meeting may be granted, on request, by the Committee Chair.
- 2.4 Council representatives serve for a one year term
- 2.5 The role of Council representatives on committees is:
  - 2.5.1 to be a voting member of the Committee to which they are assigned; unless otherwise noted in the Terms of Reference, and
  - 2.5.2 to serve as a communication channel to Council.
- 2.6 At the request of the appointed Council representative, or the Alternate Council representative, any Member of Council can be an ex officio voting member of a *standing* or *select* committee (unless otherwise noted in the Terms of Reference), should the assigned Council representative or the Alternate Member not be available to attend a Committee meeting, and the ex officio voting Member is counted in determining if a quorum is present.
- 2.7 The Mayor is an ex-officio member of every *standing* and *select committee* and as such has the same rights as other Committee members, but is not obligated to attend meetings and is not counted in determining if a quorum is present. However, in situations wherein a quorum is not met, the Mayor may attend as a voting member.

### **3.0 Staff Support**

- 3.1 A *Staff Liaison* may be appointed to each *standing committee* or *select committee* by the Chief Administrative Officer at the request of Council. The *Staff Liaison* is not a member of the committee and therefore is not entitled to vote. The role of the *Staff Liaison* includes:
  - 3.1.1 Providing information and professional advice;
  - 3.1.2 supporting the Chair in developing agendas, arranging meetings, and promoting effective committee functioning;
  - 3.1.3 Writing covering memorandums to Council, which will include background information attached, as required, for all Committee recommendations;

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3.1.4 Providing an annual orientation to the work of the Committee, the structure of the City, and Council's annual goal setting and budgeting processes; and

3.1.5 Performing other projects or tasks related to the function of the Committee only with the approval of the Direct Supervisor.

3.2 The *Committee Clerks* will provide support to each Committee as follows:

3.2.1 Preparing and circulating the Committee's agenda at the direction of the *Staff Liaison* as prescribed in Section 7.0 — Agendas.

3.2.2 Attending Committee meetings to record the minutes as outlined in Section 8.0 — Minutes.

3.2.3 Ensuring appropriate arrangements for committee meetings, including room bookings in accordance with City procedure.

3.2.4 Providing the Corporate Officer the Calendar of Committee meetings, as required, for postings on the identified notice boards and City website; and,

3.2.5 Performing other administrative duties or tasks related to the function of the Committee as assigned only by the Committee Clerk's direct supervisor.

3.3 Any other projects or tasks requested of the *Committee Clerk*, require the approval of the Clerk's direct supervisor.

#### 4.0 Meeting Schedule

4.1 *Standing and Select committees* will meet as required. All meetings will be held weekdays, Monday to Friday, and Committees are encouraged to meet between 8:00 am and 6:00 pm, when possible, in order for the *Staff Liaison* and *Committee Clerk* to attend.

4.2 *Statutory committees* meet as provided in their enabling statute or establishment bylaw.

#### 5.0 Quorum

Unless otherwise provided in a committee's enabling statute or establishment bylaw, a majority of the members of a committee constitute a quorum. For *Standing Committees* the quorum must include a member of Council. Quorum shall be based on the number of occupied voting positions on the Committee. A staff liaison or alternate must be present in order for the meeting to proceed. If a quorum is not met, no meeting shall take place.

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## 6.0 Chair

Each committee shall, at its first regular meeting in January or as soon thereafter as possible, or as provided in its enabling statute or establishment bylaw, elect a Chair and Vice-Chair if the Mayor and/or Council has not already done so, each of whom hold office for a period of one year, to carry out the duties normally attributed to such office in conducting the business of the committee.

## 7.0 Agendas

The *Staff Liaison* is responsible, to coordinate, with the Committee Chair, the preparation of committee agenda items, which are then provided to the *Committee Clerk* for preparation of the agenda and made available to all members, as required. The Committee Chair shall approve all agendas prior to distribution. Agenda items and all background material shall be provided to the Committee Clerk at least one week prior to the scheduled meeting date wherever possible. Late agenda items are strongly discouraged, and in order to be added to the agenda, the item must be time sensitive, and approved by the Chair and the Staff Liaison, prior to introduction at the meeting.

Agendas, shall be posted on the City of Vernon website.

## 8.0 Minutes

8.1 Committee minutes, setting out the decisions made and the key discussion points of the proceedings of all meetings of committees shall be legibly recorded by the *Committee Clerk*. Minutes should not be 'verbatim'. The Committee Clerk will record the points of discussion and any resulting resolutions.

8.2 The *Staff Liaison* shall review the minutes prepared by the *Committee Clerk* and said minutes shall be included on the next meeting of the Committee for adoption.

8.3 Following adoption of the minutes:

8.3.1 the Chair shall certify by signing the adopted minutes

8.3.2 the *Committee Clerk* will forward said minutes to the Corporate Officer for distribution to Council

8.3.3. the *Committee Clerk* shall post on the City of Vernon website

8.3.4 file the signed original minutes into the approved Records Management System file.

8.4 All Committee minutes will be in the prescribed format as shown on attached Schedule "C"

## 9.0 Rules of Procedure

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- 9.1** Each committee shall follow the guidelines attached as Appendix "A" and the current Council Procedure Bylaw. The Committee may rely for reference upon the advice of the *Committee Clerk*, *Staff Liaison* or the Corporate Officer.
- 9.2** Questions of procedure which cannot be resolved by the Committee upon the advice of the *Committee Clerk* shall be referred to the Corporate Officer.
- 9.3** Committees will **NOT** accept delegations at the Committee meetings unless directed by Council or provided for in the Committee Terms of Reference.
- \*This does not apply to the Finance Committee or any other Committees wherein all members are strictly Members of Council.

## **10.0 Voting**

All members of a committee, including the Chair and Vice-Chair, shall have a vote on any question before it, and in all cases in the event of a tie vote, the motion shall be deemed defeated. Any member who abstains from voting, without having declared a conflict of interest and leaving the meeting, shall be deemed to have voted in the affirmative.

## **11.0 Conflict of Interest**

### **11.1 Committee Members to Avoid Conflicts of Interest**

A conflict of interest exists where:

- a) A committee member is a director, member or employee of an organization seeking a benefit from the City upon which the committee will make a recommendation;
- b) The committee member has a direct or indirect pecuniary interest in the outcome of committee deliberations.

A conflict of interest does not exist if:

- a) The pecuniary interest of the committee member is a pecuniary interest in common with members of the municipality generally; or
- b) The pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.

Where a conflict of interest exists, Committee Members:

- a) Must declare to the committee that a conflict exists and the nature of the conflict; and

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- b) Must leave the meeting following the declaration; and
- c) The conflict will be noted in the minutes; and
- d) The Committee Member may not take part in any discussion or vote on the subject once they have disclosed their conflict; and
- e) May return to the meeting once the matter has been dealt with.

### **11.2 Perceived Conflict of Interest**

Where a perceived conflict of interest might exist, the Member may note that a perception of conflict might exist but need not declare a conflict and need not exit the meeting if in the Member's view there is no actual conflict of interest.

### **11.3 Council Review**

Where in the opinion of a committee a member is in a conflict of interest and has not so declared, the Committee may ask for a review of the matter by the Corporate Officer. The matter, if unresolved, may then be referred for Council review.

## **12.0 Sub-committees**

Committees may establish working groups (sub committees) to review a particular task/subject and report back to the parent Committee with a recommendation.

The parent Committee will appoint a Member(s) of the Committee to the working group (sub committee) and provide them with clear direction on the task of the group. The appointed member(s) may recruit appropriate members of the public, review the task requested, and report back to the Committee with a recommendation.

The Committee Member of a working group (sub committee), will report back to the parent Committee at each meeting, with an update on the status of the group — providing notes from meetings, and any documentation that is utilized in determining a recommendation of the working group (sub committee).

The parent Committee will receive the information from the working group (sub-committee).

The Staff Liaison and Committee Clerk are not required to provide services to a sub-committee. Formal agendas and minutes are not required.

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## **13.0 Reporting**

### **13.1 Establishment and Authority**

**Members will not misrepresent themselves as having any authority beyond that delegated by Council.**

**13.1.1 *Standing and Select committees* must refer recommendations through the Staff Liaison, to Council for authority to act.**

**13.1.2 *Short Term Select committees* conduct their task within the time prescribed by Council following which they report their findings and opinions to Council for consideration through the Staff Liaison.**

**13.1.3 *Statutory committees* conduct their business in accordance with the terms of their enabling statute, establishment bylaw and/or the policies of the authority which established the committee.**

### **13.2 Reporting on Issues**

**When responding on an issue referred by Council the Staff Liaison will submit a memorandum, to Mayor and Council indicating the motion or decision of the Committee. Such memo shall contain the background information, as required, in support of the recommendation.**

## **14.0 Authority**

**Except as may be provided in their enabling statute or establishment bylaw, committees do not have the authority to communicate with other levels of government, to pledge the credit of the City of Vernon or to authorize any expenditures to be charged against the City.**

**Media inquiries must be referred to the City of Vernon Communications Officer. Committee Members are not permitted to speak on behalf of the City of Vernon to the media.**

## **15.0 Budget**

**15.1 Unless otherwise provided in their enabling statute or establishment bylaw, committees may request budget funds from Council in accordance with the City budget preparation schedule and procedure.**

**15.2 Any solicitation of funds from other organizations requires the prior approval of Council.**

**15.3 The Committee shall have reasonable use of City miscellaneous services such as photocopying, paper supplies, meeting areas, etc. which are primarily provided through the *Committee Clerk*.**

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## 16.0 Personal Liability

No member of a committee shall be liable in his or her personal capacity for any debt or liability of the committee. It is the responsibility of the City to insure the members of committees against all liabilities related to fulfilling their responsibilities as a member of the committee.

## 17.0 Orientation

All Committee members, upon appointment, will be provided with the Terms of Reference for the Committee, a current membership list and a copy of the Council Committee Policy. The *Staff Liaison* to each Committee will provide a verbal orientation for Committee members at the first meeting of the year. Attention shall be brought to the implications and requirements pertaining to the '*Oath of Confidentiality*' signed by each Committee Member.

## 18.0 New Committees

In considering the formation of a new select *committee*, *standing committee* or *statutory committee* Council will request staff to prepare a Terms of Reference for consideration by Council prior to establishing the Committee.

## 19.0 Meetings Open to Public

All meetings of Council Committees are open to the public and no person shall be excluded except for improper conduct, except as may be provided in the committee's enabling statute or establishment bylaw, or where the committee is considering an item where, in accordance with applicable legislative requirements or Council procedure, the public interest requires the exclusion of the public.

## APPENDIX "A"

### Committee Meeting Guidelines

#### The Agenda

- Have an agenda and stick to it. Late items are strongly discouraged and may only be brought forward as approved by the Chair and the Staff Liaison.
- The agenda can be seen as a contract between the Chair and the members: "In return for your preparation, time, and participation, we will deal with these issues."

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- The agenda package should include supporting material which all members should read in advance.
- The agenda package will be uploaded to the City of Vernon website for public information, one week prior to the meeting to allow sufficient time for review and consideration. Committee Members shall be advised by email when the agenda is available on line for their review and information.

### **Rule of the Clock**

- Start on time and end on time - do not reward latecomers.
- Keep the meeting to 1 1/2 to 2 hours. More than that, people leave, bodily or otherwise. Less than that, there is not enough time to develop and engage the team.

### **Handling the Business of the Meeting**

- Some meetings tend to have too many issues on the agenda. Focus on the issues that are for discussion or decision, are important and urgent, and where the background work has been done. Keep the time spent "just informing" people to a minimum.
- Most groups do their most effective work at about 2/3 of the way through the meeting. Plan the most difficult decisions and discussions at that point.
- Think of a meeting as an aerobic exercise, warming the group up to effective team decision-making, and letting emotions and conflicts cool off before people leave.
- Remember, good decision-making requires:
  - background information
  - options and recommendations
  - the right people attending
  - preparation before the meeting, along with enough time to review the material
  - full participation

### **Role of Chair**

- **The role of the Chair is critical for effective meetings. The Chair should be a:**
  - ♦ **leader** = **willing to** give up personal interests, and willing to work with the whole group
  - ♦ **facilitator** = able to encourage people to participate, help people

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to listen to each other, and to reflect back the common threads of the discussion

allow all Committee Members the opportunity to provide input and not allow any one Member to dominate the discussions at the meeting

- The Chair's duties are:

work with *Staff Liaison* to prepare and approve the agenda in a timely manner in order to meet the distribution deadline

discourage late agenda items (refer to next meeting instead)

check if a quorum is present and open the meeting at the prescribed time

announce the business in the proper sequence (as on the agenda)

recognize members entitled to speak, in the order in which they request to speak

state and put the questions (resolutions which have been moved and seconded) to a vote

enforce the rules of decorum

expedite business

decide questions of order and respond to parliamentary enquiries (with the assistance of the *Staff Liaison* **or** *Committee Clerk*)

declare the meeting adjourned

### Decision-making

Committees should strive for consensus in their decision-making. However, final decisions **are made** by resolution adopted by a majority vote. Decisions that relate to the internal operations of the Committee (ex. Establishment of a sub-committee), do not require endorsement by Council. Most other recommendations require consideration and endorsement by Council. The Staff Liaison can assist with this. (Please note, Committees of Council are advisory in nature, and Council may or may not endorse the Committee's recommendation).

### Voting and Debating Rights

Each voting member of a committee, including the Chair, may make or second motions, may debate motions and may vote.

Note: A Member can vote on, or second a motion to approve the minutes of a meeting where he or she was not in attendance.

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## Other Terms and Procedures

- ***Unanimous General Consent*** is an informal method of resolving a routine and non-controversial procedural issue. For example, the presiding member may seek unanimous general consent as follows:

"Is there any objection to moving item 7 forward on the agenda and considering it now? Hearing none, we will proceed now with item 7."

- ***Friendly Amendment*** is an informal method of making a minor change to a motion or amendment. For example, during debate, it may be indicated that a minor change to a motion or amendment would better achieve the intent of the mover. The Chair may then ask:

"Is there any objection to adding the words "7 Hearing no objection, the words are added and the motion now reads: `....<sup>1</sup> OR "Hearing no objection, the words are added. Would the *Committee Clerk* please read the motion? ... Is there any further discussion on the motion?"

Caution: Overuse of this method could result in confusion.

- ***Motions and Amendments***

A main motion is a proposal to take action or give direction. The steps of handling a main motion are:

1. A member makes a motion:

"I move that ..... "

2. Another member seconds the motion:

"Second" or "I second the motion"

\* Note that it is helpful if the Chair repeats the names of the mover and seconder.

3. The Chair states the motion or moves directly to debate:

"It is moved and seconded that ....." AND/OR "Is there any discussion?"

4. Debate, and amendment if any, takes place.

5. The Chair puts the motion to a vote:

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**"We are now voting on the motion to ..... Those in favour? [Those voting in the affirmative indicate by raising a hand.] Opposed? [Those voting against indicate by raising a hand]"**

**Members should always clearly indicate their vote by raising their hand at the appropriate time. Those who do not vote by raising a hand are counted as voting in the affirmative.**

**6. The Chair announces the result:**

**"Motion passes." "Motion defeated." "Tie Vote - motion defeated."**

- ***Amending Motions***

**An amendment is a motion to change the wording of another motion before voting on it. An amendment is always dealt with before the original motion. In effect, the amendment temporarily sets aside the motion which it proposes to modify. A motion to amend a debatable motion is debatable and requires the same steps as a main motion.**

***Three Methods of Amending a Motion***

**1. By inserting or adding words**

**"I move that the motion be amended by inserting the word[s]                      between the word ... and the word ...." OR**

**"I move that the motion be amended by adding the word[s] . ."**

**2. By striking out words**

**"I move that the motion be amended by deleting the words ...."**

**3. By striking out words and inserting replacement words**

**"I move that the foregoing motion be amended by deleting the words                      and inserting the words ... in their place."**

**Only two levels of amendment are allowed. A main motion can be amended (primary amendment) and an amendment can be amended only once (secondary amendment). No amendment is permitted to a secondary amendment. If further amendments are desired, the question on the amendment to the amendment must be called before another amendment to the amendment can be made.**

The steps in the process are:

1. A motion is made.
2. An amendment to the motion is made.
3. An amendment to the amendment is made.
4. The question on the amendment to the amendment is called. (A further amendment to the amendment could be made here.)
5. The question on the amendment is called. (A further amendment to the main motion could be made here).
6. The question on the main motion is called.

- ***Debate on Motions and Amendments***

When an amendment is made, discussion is allowed on the amendment only, not on the main motion. Once the vote on the amendment is taken, discussion proceeds on the motion (as amended if the amendment passed).

- ***Motions Permitted While Matter Under Debate***

During debate on a motion, there are a limited number of other motions which would be considered to be in order. These are: a motion to adjourn or recess the meeting, a motion to withdraw if made by the original mover, to amend, to refer to a subcommittee or to the *Staff Liaison* for report, or to postpone to a certain day. Questions of Privilege and Points of Order can also interrupt proceedings.

- ***Replacement Motion***

A replacement motion is like an amendment in that it sets aside the motion which it proposes to modify. If a replacement motion passes, there is no need to call the question on the original motion - the original motion is in effect gone.

"I move that the foregoing motion be replaced with the following:..."

- ***Motion to Withdraw a Motion***

A motion which has been duly moved and seconded may only be withdrawn with the consent of the original mover and seconder. Once a motion to withdraw a motion has been carried, there is no record made in the minutes of the original motion having existed. It will not appear in the minutes.

- ***Motion to refer:***

A motion to send a main motion to a sub-committee or to staff for further study and report back (within the authority of the committee).

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"I move that the foregoing motion be referred to the sub-committee for review and report back to the committee by ...."

Or

"I move that the Committee recommends to Council that Administration be requested to research ..... and report back to the Committee."

- ***Motion to defer indefinitely:***

A motion to decline to take a position on an issue or motion.

"I move that this item be deferred indefinitely"

OR

"I move that no action be taken on this issue at this time."

- ***Motion to defer to a specific date:***

A motion to stop debate and amendment and postpone consideration of an issue or motion to a specific future date.

- ***Division of a question:***

A motion to divide a main motion into separate motions if each part can stand on its own.

- ***Adjourn***

When a motion to adjourn is made, it means the meeting stops and will reconvene at another date and time. A motion to adjourn is not required if the agenda is completed - the Chair simply declares the meeting "closed" or "concluded".

- ***Recess***

A motion to take a break in the meeting. A motion or call for a recess should specify the amount of time to be taken for the recess.

- ***Point of Order***

A statement that a rule of the Council is being violated. It is ruled on by the Chair whose decision may be appealed to committee and decided by committee resolution.

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- ***Question of Privilege***

Raising a request or motion relating to the rights or comfort of the committee or an individual. It is decided by the Chair.

- ***Point of Information***

A request for information, e.g. from staff during debate.

- ***Reading of Motions***

A member may require the motion under consideration to be read. The *Committee Clerk* would then read the motion. Sometimes the *Committee Clerk* will ask to read a motion if he/she is unsure what it is or if he/she feels others may not understand the exact motion being considered.

- ***Rules of Decorum and Debate***

Committee meetings tend to be more informal than would a Council meeting. The Chair of the committee has the duty and authority to allow the level of informality he or she feels would best facilitate the work of the committee.

Here are some meeting rules which may be helpful and may be used by the committee:

the maker of a motion has a right to speak first to their motion

to speak a second time, a member should wait until all those who wish to speak have done so for the first time

members must remain courteous and avoid personal attacks of each other and staff

remarks must be confined to the motion before the committee

remarks are always directed "through the chair"

members should not interrupt another speaker

there are no limitations on the number of times a member may speak, or the length of speeches

motions should be phrased concisely and to the point

a decision to close debate can be made by unanimous general consent, by resolution or by the Chair

decisions of the Committee are by vote of majority. Therefore, all members of a Committee shall respect the rules of democracy and the outcome of the vote. A Committee member may not agree with the end result, but is expected to be respectful to the vote both during the meeting and thereafter.

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- ***Attendance at Council Meetings***

when a Committee wishes to address Council, at a Council meeting, it shall be through the Chair or Vice Chair of the Committee

if a Committee member wishes to address Council, it shall be as a member of the public and not as a member of the Committee and should therefore not state they are a member of a particular Committee.

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**SCHEDULE "A"**



**CITY OF VERNON**

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**OATH OF CONFIDENTIALITY**

\_\_\_\_\_, of the \_\_\_\_\_ Committee, do promise and swear that I will, to the best of my knowledge and ability, fulfill the terms of my position in accordance with the Council Committee Structure policy and will respect and maintain the confidentiality of the information that I become aware of through my appointment to this Committee of Council.

Sworn/Affirmed by me, at Vernon, B. C. on

\_\_\_\_\_, 20

\_\_\_\_\_  
*(Signature of person swearing/affirming oath)*

\_\_\_\_\_  
*(Signature of person administering oath)*

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## **SCHEDULE "B"**



**THE CORPORATION OF THE CITY OF VERNON**  
3400 — 30 Street, Vernon, British Columbia V1T 5E6  
City Hall Telephone: (250) 545-1361 Fax: (250) 545-4048 Website: [www.vernon.ca](http://www.vernon.ca)

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### **VOLUNTEER APPLICATION**

#### **CIVIC COMMITTEES, COMMISSIONS AND BOARDS**

Name of Applicant: \_\_\_\_\_

Address of Applicant:  
(Individual Applicants MUST reside within Vernon City Limits, **unless otherwise stated in Committee Terms of Reference**):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Postal Code: \_\_\_\_\_

Contact: Work: \_\_\_\_\_

Fax: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

1. Are you a business operator in the City of Vernon? Yes ☐ No ☐

2. Are you applying as a representative of a community association or other organization? Yes ☐ No ☐

**If YES**, identify the association/organization: \_\_\_\_\_

3. Are you currently serving on a Committee/Commission/Board? Yes ☐ \_\_\_\_\_ No ☐

**If you answered YES, complete question 4 only.**

*If you answered NO, proceed to fill out the entire questionnaire.*

4. Name of Committee/Commission/Board you are applying to: \_\_\_\_\_

5. Have you previously volunteered on any City of Vernon Committees? Yes ☐ No ☐ **If YES**, provide name of Committee(s) and length of service.

\_\_\_\_\_

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6. Have you volunteered on any Committee(s) for another municipality or any community Organization? Yes ☐ No ☐ If YES, provide details:

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7. What skills and goals will you bring to the Committee/Commission/Board?

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8. Business/Work experience in the past five years?

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9. How is your business/work experience related to the mandate of the Committee/Commission/Board?

---

---

10. Educational background/Professional qualifications?

---

---

11. Other relevant information, if any:

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Date of Application: \_\_\_\_\_

*Your application/resume will be made available to Vernon City Council, civic staff, and the applicable Committee/Commission/Board for the sole purpose of making appointments. Personal information contained on this form is collected in compliance and protected in accordance with the Freedom of Information and Protection of Privacy Act and will be used for the purposes of appointing members to the City's advisory committees/boards. Questions about the collection and use of this information should be directed to the Head of FOIPP in the City Clerk's office.*

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**Contact Information:**

**Corporate Officer, City of Vernon**  
**3400 — 30 Street, Vernon, BC V1T 5E6**  
**Telephone: (250) 545-1361**  
**Fax: (250) 545-4048**  
**E - m a i l : a d m i n c i**

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**SCHEDULE "C"**

**THE CORPORATION OF THE CITY OF VERNON**

**MINUTES OF A *"INSERT COMMITTEE NAME"* MEETING**

**HELD *"INSERT DATE"* AT *"INSERT LOCATION"***

---

**PRESENT:**

**Staff:**

**Other:**

---

**CERTIFIED CORRECT:**

\_\_\_\_\_  
**Chairperson:**

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## THE CORPORATION OF THE CITY OF VERNON

### TERMS OF REFERENCE

**Committee Name:** Advisory Planning Committee

**Type:** Select

#### Approvals/Reviews/Amendments

POLICY/AMENDMENT APPROVED BY:	DATE OF COUNCIL MEETING:	SECTION AMENDED
"Sean Harvey," Mayor	October 14, 2003	ORIGINAL POLICY
"Sean Harvey," Mayor	October 27, 2003	Section Amended: 4.3 - Meeting Schedule 4.0 – Addition of Committee Clerk duties Delete reference to DLUC and add Mayor and two Councillors to membership of the Committee.
"Wayne Lippert," Mayor	October 26, 2009	2.01 Duties – amended 2.03 Duties – added 3.02 Mayor will appoint one member of Council and one alternate 4.01 Referrals will include the draft staff report
"Rob Sawatzky, Mayor"	January 9, 2012	Change name to Advisory Planning Committee. Add a Youth Member, as a non- voting member.



## THE CORPORATION OF THE CITY OF VERNON

<i>"Rob Sawatzky, Mayor"</i>	April 14, 2014	Various amendments to streamline TOR.  Add two new positions with expertise in universal accessibility issues in the community.
<i>"Catherine Lord Acting Mayor"</i>	March 9, 2015	Add one representative from 'Independent Living Vernon'
<i>"Akbal Mund" Mayor</i>	March 23, 2015	Limit the term of the youth member to two years.
<i>"Akbal Mund" Mayor</i>	March 14, 2016	Add ALR exclusion applications to 2.01 Duties
<i>"Victor I. Cumming" Mayor</i>	June 26, 2023	Change Youth Member from non-voting to a voting member.

### 1.0 Committee Purpose

- 1.01 To provide City Council with advice and recommendations on proposed land use and planning changes and related matters as detailed below.

### 2.0 Duties

- 2.01 The Committee will consider proposed Official Community Plan, Neighbourhood Plans, Rezoning, Agricultural Land Reserve exclusion and Development Variance Permit applications, in accordance with the current Official Community Plan and will provide recommendations to City Council on same.
- 2.02 The Committee will also review and provide their advice on land use matters referred by Council.
- 2.03 The Committee will receive regular updates on long range planning matters, including neighbourhood plan reviews.



# THE CORPORATION OF THE CITY OF VERNON

## 3.0 Membership

- 3.01 The Committee shall be comprised of twelve (12) members appointed by Council from the community at large. All members must be a resident or property owner in the City of Vernon.
- 3.02 Membership may include one (1) individual from the community at large who has a background in accessibility for the disabled/mobility impaired.
- 3.03 Membership may include one (1) representative from Independent Living Vernon (ILV).
- 3.04 Membership may include one (1) youth member, to contribute the perspective of Vernon youth to Committee discussions and recommendations. The youth member shall have a maximum term of two (2) years.
- 3.05 All members, except the youth member, shall have a maximum term of four (4) years expiring in December following an election. Members are permitted a maximum of two consecutive terms, with each term not to exceed four years.

## 4.0 Operations of the Committee

### 4.01 Agenda Preparation

Agendas will be prepared by the Committee Clerk and endorsed by the City Planner or their designate. The Agenda will be circulated by the Committee Clerk to the Committee members by Friday preceding the Committee meeting.

The referral material provided in the committee agenda will include a copy of the draft staff report on the subject application.

The Committee and/or staff recommendations will be an addendum to reports to Council.

### 4.02 Meeting Schedule

The Committee will meet at 4:00 p.m. each Tuesday of the same week following a regularly scheduled Council meeting. Should there be no agenda items, the Committee will not meet.

In the event that the regularly scheduled Council meeting falls on a Tuesday, the Committee shall meet at 4:00 p.m. on the Wednesday of the same week.



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Michelle Austin  
Planner, Planning

**COUNCIL MEETING:** REG ☒ COW ☐ I/C ☐  
**COUNCIL MEETING DATE:** April 8, 2024  
**REPORT DATE:** March 6, 2024  
**FILE:** 3090-20 (DVP00623)

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3106 16<sup>TH</sup> AVENUE**

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## **PURPOSE:**

To present for Council's consideration a development variance permit application for the property located at 3106 16<sup>th</sup> Avenue in preparation for a four-plex development.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application 00623 (DVP00623) to vary Zoning Bylaw 5000 for Lot 3, Sec. 34, Twp. 9, ODYD, Plan 7135 (3106 16<sup>th</sup> Avenue) for construction of a four-plex development as outlined in the report titled "Development Variance Permit Application for 3106 16<sup>th</sup> Avenue" dated March 6, 2024 and respectfully submitted by the Planner, as follows:

- a) Section 9.12.5(b), minimum side yard (east) from 4.5m to 1.7m;
- b) Table 6.1, Minimum Landscape Buffer Schedule, RH1 Zone Level 2 Landscape Buffer for the west side yard and rear yard from "a minimum 1.5m vegetative landscape buffer combined with a fence" to "a minimum 1.5m vegetative landscape buffer"; and
- c) Table 7.1 - Parking Schedule from eight (8) to six (6) parking spaces for a four-plex with three or more bedrooms in each unit;

AND FURTHER, that Council's support of DVP00623 is subject to the following:

- a) That the development generally complies with the Site Plan & Zoning, prepared by CM Designs, dated August 14, 2023 (Attachment 3) to be attached to and form part of DVP00623;
- b) That the maximum building height does not exceed 11.4m; and
- c) That the gravel spaces fronting 15<sup>th</sup> Avenue shown on the Site Plan & Zoning, prepared by CM Designs, dated August 14, 2023 (Attachment 3) be vegetated to discourage parking.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application 00623 (DVP00623) to vary Zoning Bylaw 5000 for Lot 3, Sec. 34, Twp. 9, ODYD, Plan 7135 (3106 16<sup>th</sup> Avenue) for construction of a four-plex development as outlined in the report titled "Development Variance Permit Application for 3106 16<sup>th</sup> Avenue" dated March 6, 2024 and respectfully submitted by the Planner, as follows:
  - a) Section 9.12.5(b), minimum side yard (east) from 4.5m to 1.7m;

- b) Table 6.1, Minimum Landscape Buffer Schedule, RH1 Zone Level 2 Landscape Buffer for the west side yard and rear yard from “a minimum 1.5m vegetative landscape buffer combined with a fence” to “a minimum 1.5m vegetative landscape buffer”; and
- c) Table 7.1 - Parking Schedule from eight (8) to six (6) parking spaces for a four-plex with three or more bedrooms in each unit.

*Note: This alternative does not support the variance requests and the four-plex would not move ahead as proposed. The site layout and building would have to be redesigned potentially with additional height (i.e. an additional storey).*

## **ANALYSIS:**

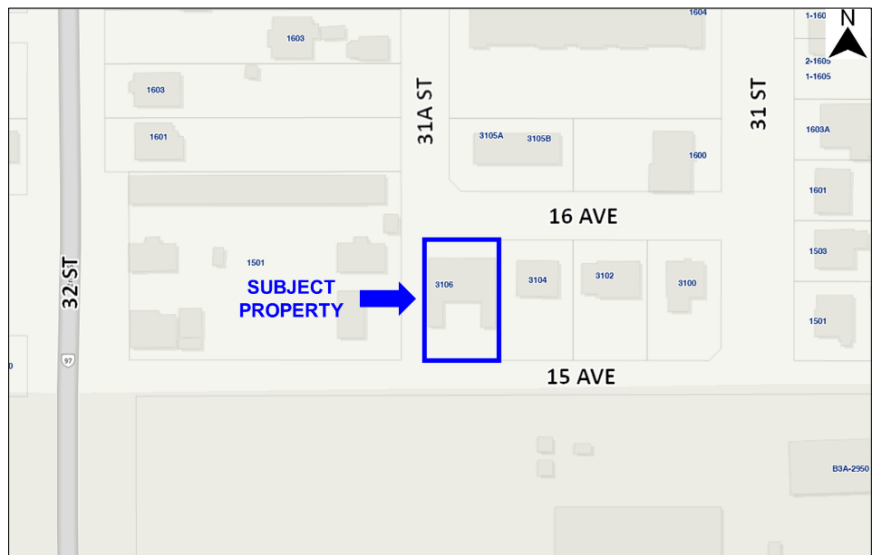
### **A. Committee Recommendations:**

At its meeting of March 12, 2024, the Advisory Planning Committee passed the following resolution:

*“(THAT the Advisory Planning Committee recommends that Council...).”*

### **B. Rationale:**

1. The property, situated at 3106 16<sup>th</sup> Avenue in the Mission Hill Neighborhood, lies east of Hwy 97 and south of Vernon Jubilee Hospital (Figure 1). It is 567 m<sup>2</sup> in area and was previously developed with semi-detached housing, as shown in Figure 2. In preparation for redevelopment, the semi-detached building was demolished in October 2023 (Attachment 1).



**Figure 1 – Location Map**

2. The property is designated as MDCOMRES – Mixed Use – Medium Density and Commercial and located within the Neighbourhood Development District. It is zoned RH1 – Low Rise Apartment Residential (Attachment 2).
3. The owner plans to redevelop the property with a three-storey four-plex (Attachment 3). The intent of the variance application is to request Council’s approval to:
  - decrease the minimum side yard (east) from 4.5m to 1.7m;
  - not require fencing along the side yard paralleling 31A Street and along the rear yard paralleling 15<sup>th</sup> Avenue; and



- decrease the minimum number of residential parking spaces from eight (8) to six (6).

4. The proposal adheres to RH1 zoning regulations regarding use, floor space ratio, site coverage, impermeable surface coverage, height, front yard setback, and the provision of private open space.

5. Each unit within the four-plex would include three bedrooms, two or three bathrooms, and private open space ranging from 26.9m<sup>2</sup> to 65.2m<sup>2</sup> (Attachment 3). Units 1 and 2 would face and be accessible from 16<sup>th</sup>



**Figure 2 – Aerial Photo**

Avenue, with attached single-car garages and two parking spaces each – one in the garage and one in the front yard. These units would include approximately 1,200 ft<sup>2</sup> of living area and rooftop patios. Units 3 and 4 would front and be accessible from 15<sup>th</sup> Avenue, each with one parking space in the rear yard. These units would provide approximately 860 ft<sup>2</sup> of living space and be retained by the current owner for rental purposes. Landscaping plans include trees, grassed areas, and shrubs as well as fencing between the neighbouring property to the east.

6. Side Yard Setback Variance Request – The RH1 zone requires minimum side yards of 4.5m. This requirement is typical for apartment housing in higher density zones. A setback of 1.2m to 2m is typical for four-plex housing within medium density zones and is considered more fitting for the proposed development. The required 4.5m side yard setback would be applied along 31A Street. Administration supports a reduced setback to enable suitable site development in line with the four-plex design. A condition has been added to the recommendation stipulating that the maximum building height must not exceed 11.4m (as proposed). Otherwise, the RH1 zone would allow construction up to 16.5 meters posing compatibility issues with a reduced setback of 1.7 meters.
7. Landscaping Variance Request – According to the Zoning Bylaw 5000 Landscaping & Screening requirements, a fence, in addition to a vegetative buffer, is required along 31A Street, 15<sup>th</sup> Avenue and the interior lot line between the subject property and the neighbouring property to the east (the side yards and rear yard). However, the owner prefers not to install fencing along the road frontages. Administration supports this approach to enhance driver visibility, promote safety through increased neighbourhood surveillance, and mitigate the potential unsightliness of fencing if not properly maintained over time.
8. Parking Variance Request – According to Zoning Bylaw 5000, each residential dwelling unit with three or more bedrooms within a four-plex must have two (2) parking spaces. Therefore, the proposed four-plex would need to provide a total of eight (8) parking spaces. Recently, Zoning Bylaw 5000 was amended to require a minimum of four (4) parking spaces for semi-detached housing with secondary suites within the City Centre and Neighbourhood Development Districts. This translates to one (1) parking space per unit. The proposed four-plex development exceeds this requirement by providing an average of 1.5 parking spaces per unit. The Province of BC, through its Small-Scale, Multi-Unit Housing program, is encouraging local governments to minimize parking requirements when updating their zoning bylaws. Administration supports reduced parking due to its potential to enhance affordability, reduce impermeable coverage, and promote alternative transportation modes.

9. In addition to this variance application (DVP00623), a form and character development permit application (DP001008) is concurrently in process with the City for the subject property.

**C. Attachments:**

Attachment 1 – Photos  
Attachment 2 – RH1 Zoning Regulations  
Attachment 3 – Architectural Drawings

**D. Council's Strategic Plan Alignment:**

- |   |  |
|---|--|
| <input type="checkbox"/> Governance & Organizational Excellence | <input checked="" type="checkbox"/> Livability |
| <input type="checkbox"/> Recreation, Parks & Natural Areas      | <input type="checkbox"/> Vibrancy              |
| <input type="checkbox"/> Environmental Leadership               | <input type="checkbox"/> Not Applicable        |

**E. Relevant Policy/Bylaws/Resolutions:**

1. Official Community Plan (OCP) Bylaw 5470:
  - OCP Designation – MDCOMRES – Mixed Use Medium Density Commercial & Residential Development District – 2 – Neighbourhood District
  - Multiple Family Residential Development Permit Area (DPA) – the project exceeds three dwelling units
2. Zoning Bylaw 5000, Section 9.12, RH1 – Low-Rise Apartment Residential
3. *Local Government Act*, Division 9 – Development Variance Permits

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

**FINANCIAL IMPLICATIONS:**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Budget Previously Approved | <input type="checkbox"/> New Budget Request<br>(Finance Review Required) |
|--|---|--|

---

Prepared by:

Approved for submission to Council:

X \_\_\_\_\_  
Michelle Austin  
Planner, Planning

\_\_\_\_\_  
Patricia Bridal, CAO  
  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Terry Barton  
Director, Planning & Community Services

**REVIEWED WITH**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Corporate Services                     | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning          |
| <input type="checkbox"/> Bylaw Compliance                       | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                            | <input type="checkbox"/> Facilities           | <input type="checkbox"/> Building & Licensing                 |
| <input type="checkbox"/> RCMP                                   | <input type="checkbox"/> Utilities            | <input type="checkbox"/> Engineering Development Services     |
| <input type="checkbox"/> Fire & Rescue Services                 | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management            |
| <input type="checkbox"/> Human Resources                        | <input type="checkbox"/> Parks                | <input checked="" type="checkbox"/> Transportation            |
| <input type="checkbox"/> Financial Services                     |   | <input type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Mar. 12/24) |   |   |
| <input type="checkbox"/> OTHER:                                 |   |   |

G:\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00623\2 PROC\Rpt\APC  
Rpt\240306\_ma\_Rpt\_APC\_3106 16 Ave\_DVP623.docx



**Photo 1 – Subject property, facing north from 15 Ave**





**Photo 2 – Subject property, facing southeast from the corner of 31A St and 16 Ave**





**Photo 3 – Subject property, facing northeast from the corner of 31A St and 15 Ave**

**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**

ROW HOUSING, STACKED means row housing, except that dwellings may be arranged two deep, either horizontally so that dwellings may be attached at the rear as well as the side, or vertically so that dwellings may be placed over others. Each dwelling will have an individual access to outside, not necessarily at grade, provided that no more than two units share a corridor, steps or path.

**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 1400m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

**9.12.5 Development Regulations****(a) Density:**

Proposed = 0.93

The maximum Floor Space Ratio (FSR) is 1.25, except that:

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be increased by FSR 0.10; 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 1.25; 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 1.25 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:**

Proposed = 32.9%

- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%. Proposed = 55.59%
- Maximum **height** is 16.5m, except it is 4.5m for **secondary buildings** and **secondary structures**. Proposed = 11.35m
- Minimum **front yard** is 4.5m. Proposed = 6.10m

Proposed = 4.8m lane

Proposed = 1.7m interior  
Variance Required

- 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**.

#### 9.12.6 Other Regulations

Each unit has 3 bedrooms  
Proposed = between 26.9m<sup>2</sup> & 65.2m<sup>2</sup>  
private open space per unit

- A minimum area of 5.0m<sup>2</sup> of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** or group home **bedroom**, 10.0m<sup>2</sup> of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m<sup>2</sup> 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)



3106 16th AVE

3106 16th AVE, VERNON, BC, V1T 1A3  
LOT 3, TOWNSHIP 9, PLAN 7135, ODYD



ISSUED FOR DEVELOPMENT PERMIT:  
2023-08-14

ARCHITECTURAL

A0.00	COVER SHEET, DRAWING LIST & DESIGN RATIONALE
A1.12	EXISTING PHOTOS
A2.01	SITE PLAN & ZONING
A3.00	BASEMENT PLAN
A3.01	LEVEL 1
A3.02	LEVEL 2
A3.03	ROOF PLAN
A4.01	FRONT ELEVATION, MATERIAL BOARD
A4.02	LEFT ELEVATION
A4.03	RIGHT ELEVATION
A4.04	REAR ELEVATION

DESIGN RATIONALE

Dear community planners,

As part of our development application I am writing to you to share our rationale for this project.

DEVELOPMENT PERMIT:

The current lot, as it currently exists, is large. Approximately 19m (62') wide x 30m (98') deep, and approx. 570sm in area. There is an duplex on the lot, that will be removed to accommodate a new 3 storey fourplex. The parcel is zoned RH1 and intended to land assemblies to accommodate apartment housing of larger scale. However, due to the location of this lot, a few minor variances will be requested to make the RH1 zone work for a 4-plex building. The variances include: sideyard setback, parking reduction, and landscape alterations.

There will be two unique townhomes facing north with attached garages that will be available for purchase. There will be two unique townhomes facing south with at grade exterior parking available for rent.



**PRECEDENCE:**  
Within the same neighbourhood, there are many RM1 zoned parcels with 4-plex / rowhouse developments.



DEVELOPMENT PERMIT

No.	Date	Revision
01	2023-08-14	ISSUED FOR DEVELOPMENT PERMIT

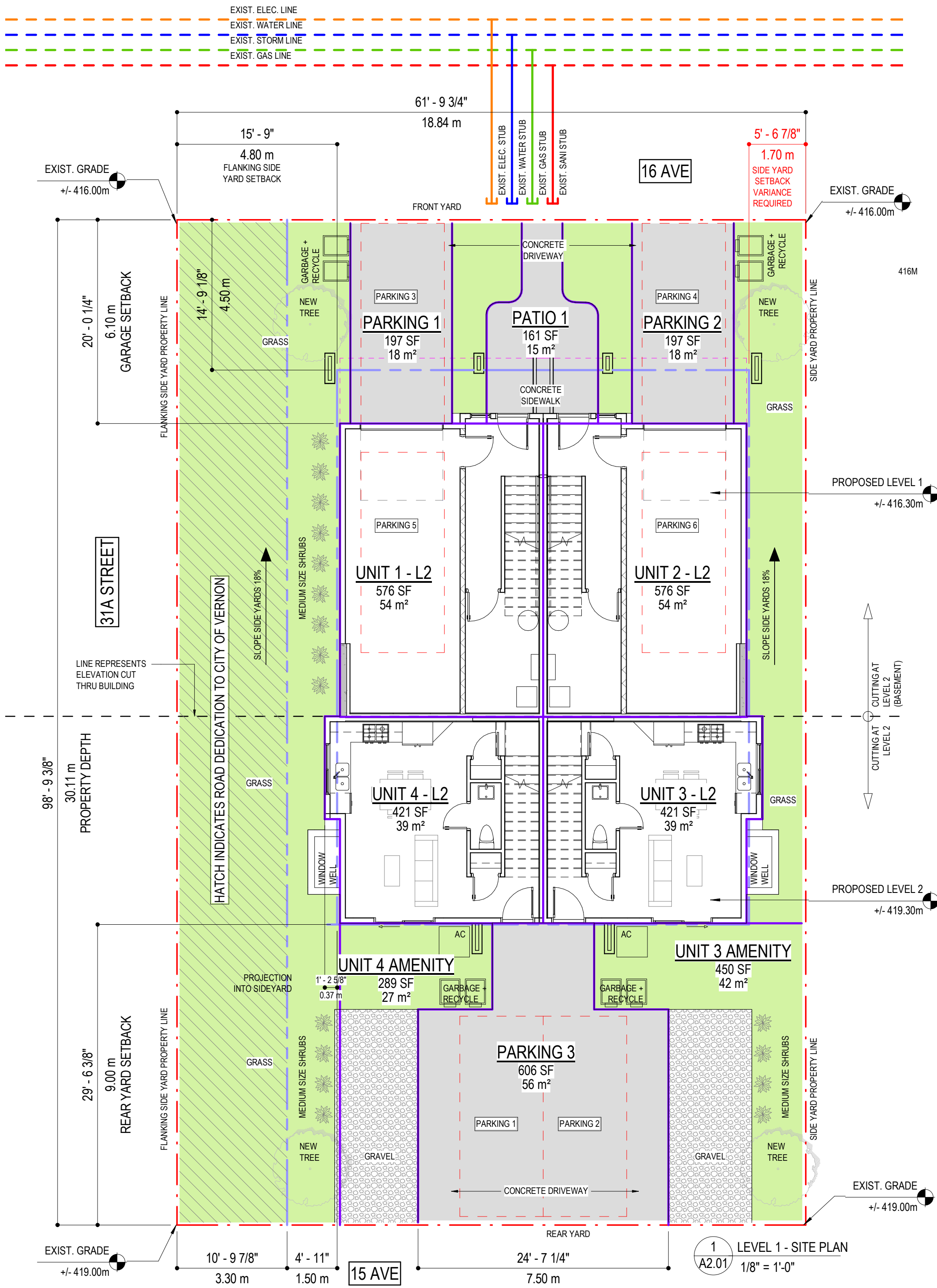
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Project Title  
3106 16th AVE

Drawing Title  
COVER SHEET,  
DRAWING LIST &  
DESIGN RATIONALE  
  
3106 16th AVE, VERNON, BC, V1T 1A3  
LOT 3, TOWNSHIP 9, PLAN 7135, ODYD

Drawing Number  
  
A0.00  
  
Job No. 18 - 1816  
Scale





**SITEPLAN NOTES:**

- SURVEY INFO AND LOT DIMENSIONS BASED OFF OF RECENT SUBDIVISION PLAN AND ROAD UPGRADES IN 2018
- GEODETICS TO BE SHOWN AT TIME OF BUILDING PERMIT.

PARCEL SIZE		
Name	Area	Area (SM)
PARCEL SIZE	6,106 SF	567.3 m²
	6,106 SF	567.3 m²

AMENITY AREA		
Name	Area	Area (SM)
UNIT 4 AMENITY	289 SF	26.9 m²
UNIT 3 AMENITY	450 SF	41.8 m²
UNIT 2 AMENITY	702 SF	65.2 m²
UNIT 1 AMENITY	702 SF	65.2 m²
	2,144 SF	199.2 m²

TOTAL GARAGE AREA		
Name	Area	Area (SM)
UNIT 1 GARAGE	356 SF	33.1 m²
UNIT 2 GARAGE	341 SF	31.6 m²
	697 SF	64.7 m²

PARKING AND PATIO AREA		
Name	Area	Area (SM)
PARKING 1	197 SF	18.3 m²
PARKING 2	197 SF	18.3 m²
PARKING 3	606 SF	56.3 m²
	999 SF	92.8 m²

TOTAL BUILDING AREA		
Name	Area	Area (SM)
UNIT 1 - L1	221 SF	20.5 m²
UNIT 1 - L2	576 SF	53.5 m²
UNIT 1 - L3	729 SF	67.7 m²
UNIT 2 - L1	237 SF	22.0 m²
UNIT 2 - L2	576 SF	53.5 m²
UNIT 2 - L3	729 SF	67.7 m²
UNIT 3 - L1	404 SF	37.5 m²
UNIT 3 - L2	421 SF	39.1 m²
UNIT 3 - L3	445 SF	41.3 m²
UNIT 4 - L1	404 SF	37.5 m²
UNIT 4 - L2	421 SF	39.1 m²
UNIT 4 - L3	445 SF	41.3 m²
	5,606 SF	520.9 m²

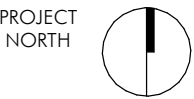
ZONING SUMMARY		3106 16th AVE	
ADDRESS	3106 16th AVE, VERNON, BC, V1T 1A3		
LEGAL DESCRIPTION	LOT 3, TOWNSHIP 9, PLAN 7135, ODYD PID: 005-764-319		
DEVELOPMENT PERMIT AREA	YES		
EXISTING ZONING	RH1		
PROPOSED ZONING	N/A		
EXISTING LEGAL USE	DUPLEX		
PROPOSED LEGAL USE	4 - PLEX		
ZONING REQUIREMENTS		MAIN BUILDING	
	ZONING STANDARD	PROPOSED	
FRONT SETBACK	4.5m (HOUSE) 6.0m (GARAGE)	4.5m (HOUSE) 6.0m (GARAGE)	
FLANKING SIDEYARD SETBACK	4.5m	4.8m	
SIDE SETBACK	4.5m	1.7sm (VARIANCE REQ'D)	
REAR SETBACK	9.0m	9.0m	
PARCEL SIZE	-	567.3sm	
BUILDING HEIGHT	16.5m	11.35m (3 STOREYS)	
LEVEL 1 PARCEL COVERAGE AREA	368.75sm (65%)	187.1sm	
TOTAL SITE COVERAGE %	65%	32.9%	
TOTAL PARKING COVERAGE %	-	22.69% (128.7sm)	
TOTAL COMBINED COVERAGE %	85%	55.59%	
FLOOR AREA RATIO	1.25	0.93 (527sm / 567.3sm)	
PARKING REQUIREMENTS		MAIN BUILDING	
	ZONING STANDARD	PROPOSED	
# OF SPACES	2 PER 3-OR-MORE BEDR DWELLING	6 SPACES (VARIANCE REQ'D)	
TOTAL # OF SPACES	2 x 4 UNITS = 8 SPACES REQ'D	6 SPACES (VARIANCE REQ'D)	
# OF VISITOR STALLS	N/A		
# OF ACCESSIBLE SPACES	N/A		
SIZE OF VEHICLE PARKING SPACE	6.0m x 2.5m x 2.0m H		
AMENITY AREA		MAIN BUILDING	
	ZONING STANDARD	PROPOSED	
AMENITY SPACE (1 BEDROOM +)	15sm	17sm MINIMUM / UNIT	
COMMON AMENITY SPACE	N/A	-	



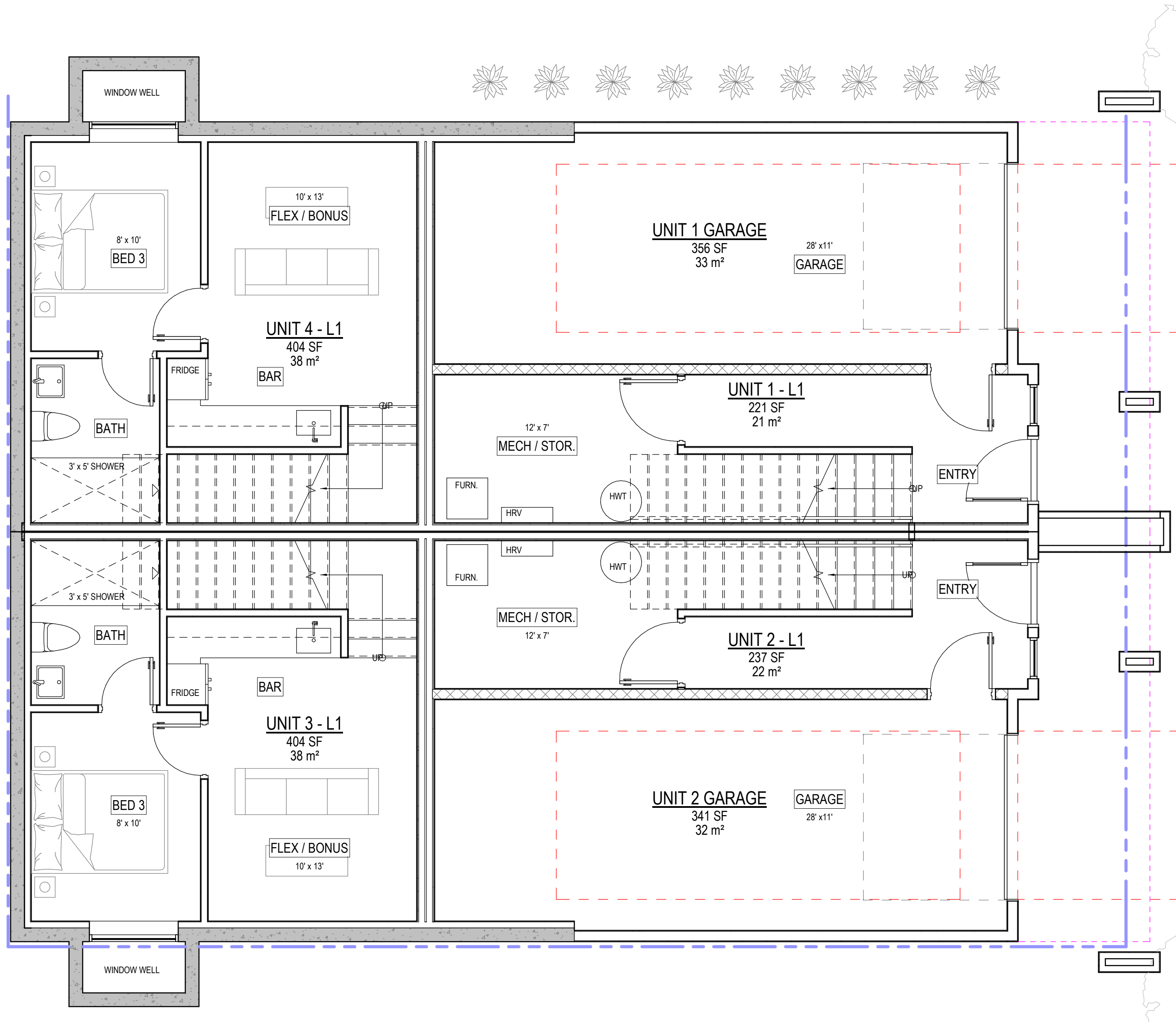
LOCATION MAP - N.T.S

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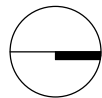




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TRUE  
NORTH



PROJECT  
NORTH



Project Title

3106 16th AVE

Drawing Title

BASEMENT PLAN

Drawing Number

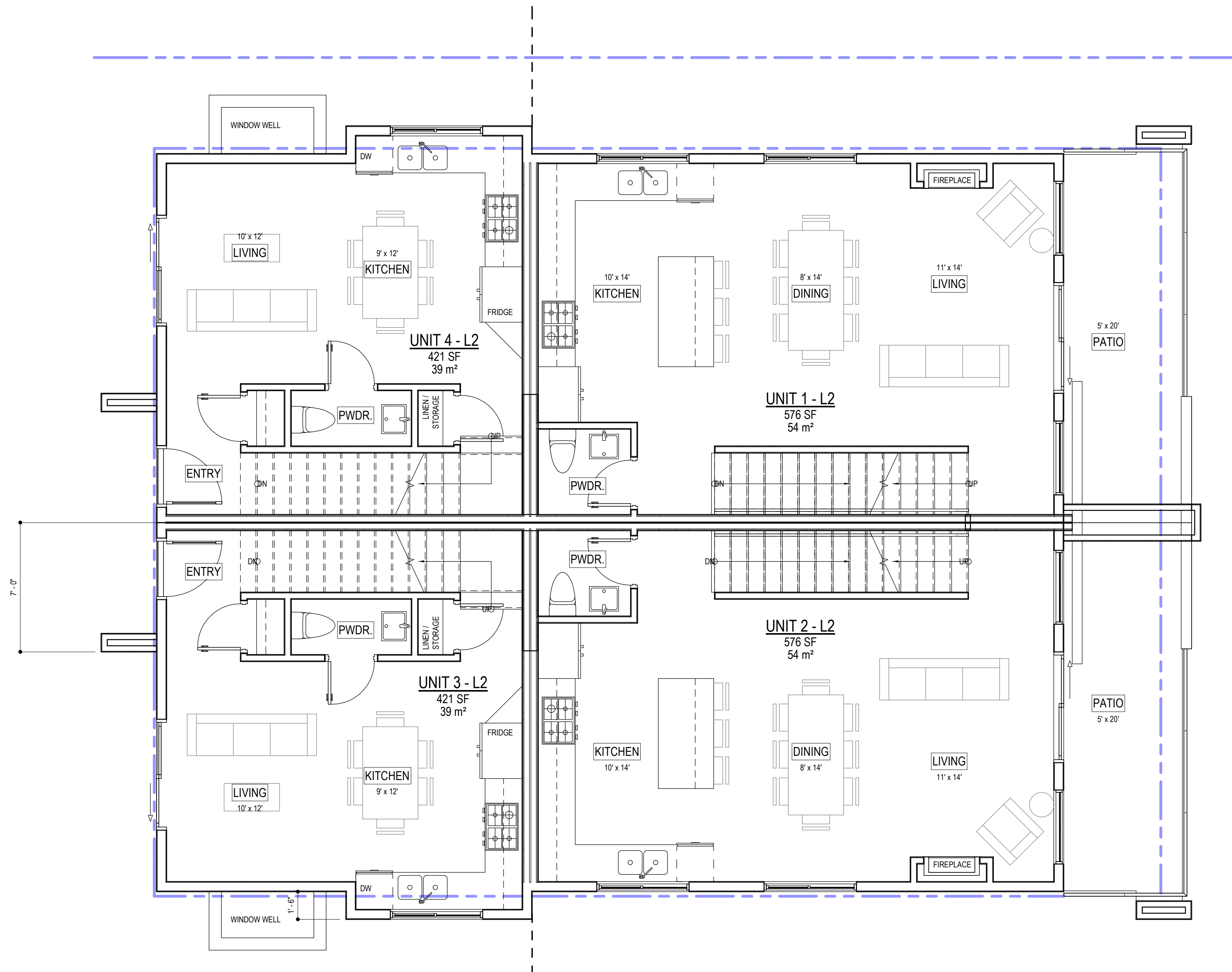
A3.00

Job No.

18 - 1816

Scale

1/4" = 1'-0"



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Project Title  
3106 16th AVE

Drawing Title  
LEVEL 1

3106 16th AVE, VERNON, BC, V1T 1A3  
LOT 3, TOWNSHIP 9, PLAN 7135, ODYD

Drawing Number

A3.01

Job No. 18 - 1816  
Scale 1/4" = 1'-0"



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Project Title  
3106 16th AVE

Drawing Title

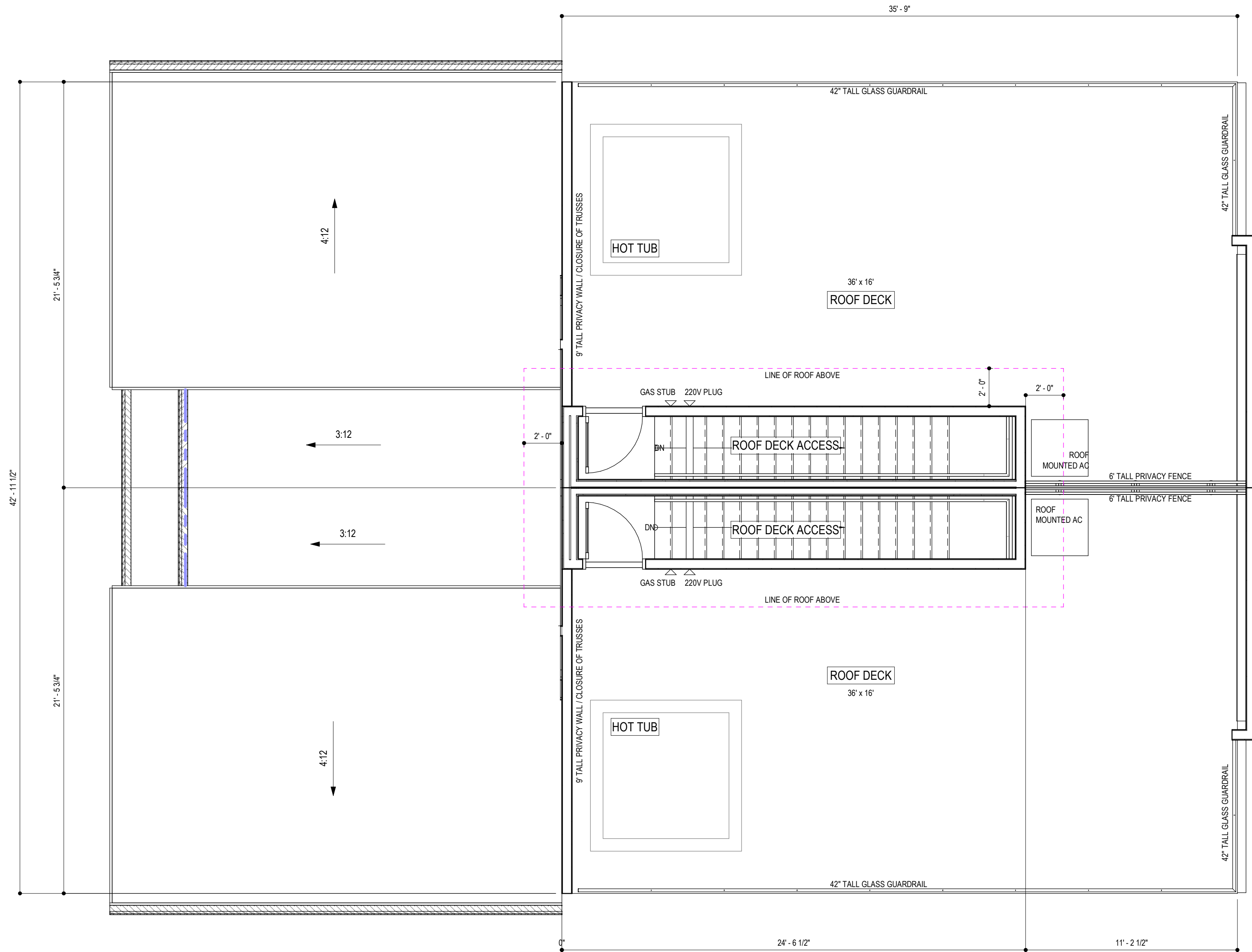
LEVEL 2

3106 16th AVE, VERNON, BC, V1T 1A3  
LOT 3, TOWNSHIP 9, PLAN 7135, ODYD

Drawing Number

A3.02

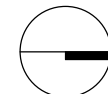
Job No. 18 - 1816  
Scale 1/4" = 1'-0"



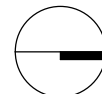
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TRUE  
NORTH



PROJECT  
NORTH



Project Title

3106 16th AVE

Drawing Title

ROOF PLAN

3106 16th AVE, VERNON, BC, V1T 1A3  
LOT 3, TOWNSHIP 9, PLAN 7135, ODYD

Drawing Number

A3.03

Job No. 18 - 1816

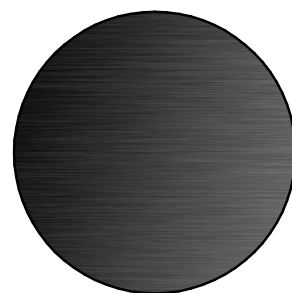
Scale 1/4" = 1'-0"

MATERIAL BOARD:



ROOFING

MATERIAL: ASPHALT SHINGLE  
LOCATION: ROOF



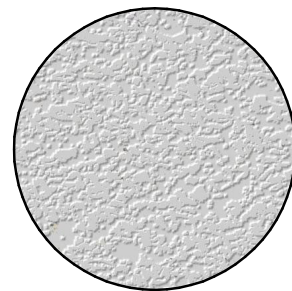
WINDOW AND DOOR TRIM

MATERIAL: POWDER COATED BLACK  
SHEET STEEL TRIM  
LOCATIONS:  
- EXTERIOR WINDOWS AND DOORS  
- ROOF TOP GUARD RAIL  
- METAL ROOF



EXTERIOR - MAIN 1

MATERIAL: TAUPE STUCCO  
LOCATION: VARIOUS EXTERIOR  
WALLS



EXTERIOR - MAIN 2

MATERIAL: WHITE STUCCO  
LOCATION: VARIOUS EXTERIOR  
WALLS



EXTERIOR - MAIN 3

MATERIAL: THIN STONE  
VENEER - GREY  
LOCATION: FEATURE WALLS



EXTERIOR - ACCENT

MATERIAL: HARDIE LAP SIDING -  
FAUX WOOD  
LOCATION: VARIOUS FEATURE  
WALLS - STREET FACING ONLY

BUILDING ELEVATION KEY NOTE:		
<div>1</div> ACRYLIC STUCCO - WHITE	<div>6</div> VINYL WINDOW	<div>11</div> ALUMINUM GUTTER OR DOWNSPOUT - PAINTED BLACK
<div>2</div> ACRYLIC STUCCO - TUAPE	<div>7</div> MAN DOOR	<div>12</div> SLIDING GLASS DOOR
<div>3</div> HARDIE LAP SIDING - FAUX WOOD GRAIN	<div>8</div> OVERHEAD DOOR	<div>13</div> EXPOSED CONCRETE FOUNDATION WALL
<div>4</div> SMART TRIM - BLACK	<div>9</div> BLACK ASPHALT SHINGLES	<div>14</div> WOOD PRIVACY FENCE - 6' TALL
<div>5</div> THIN STONE VENEER - LIGHT GREY	<div>10</div> GLASS GUARD RAIL - 42" TALL	<div>15</div> BLACK STEEL FLASHING / TRIM

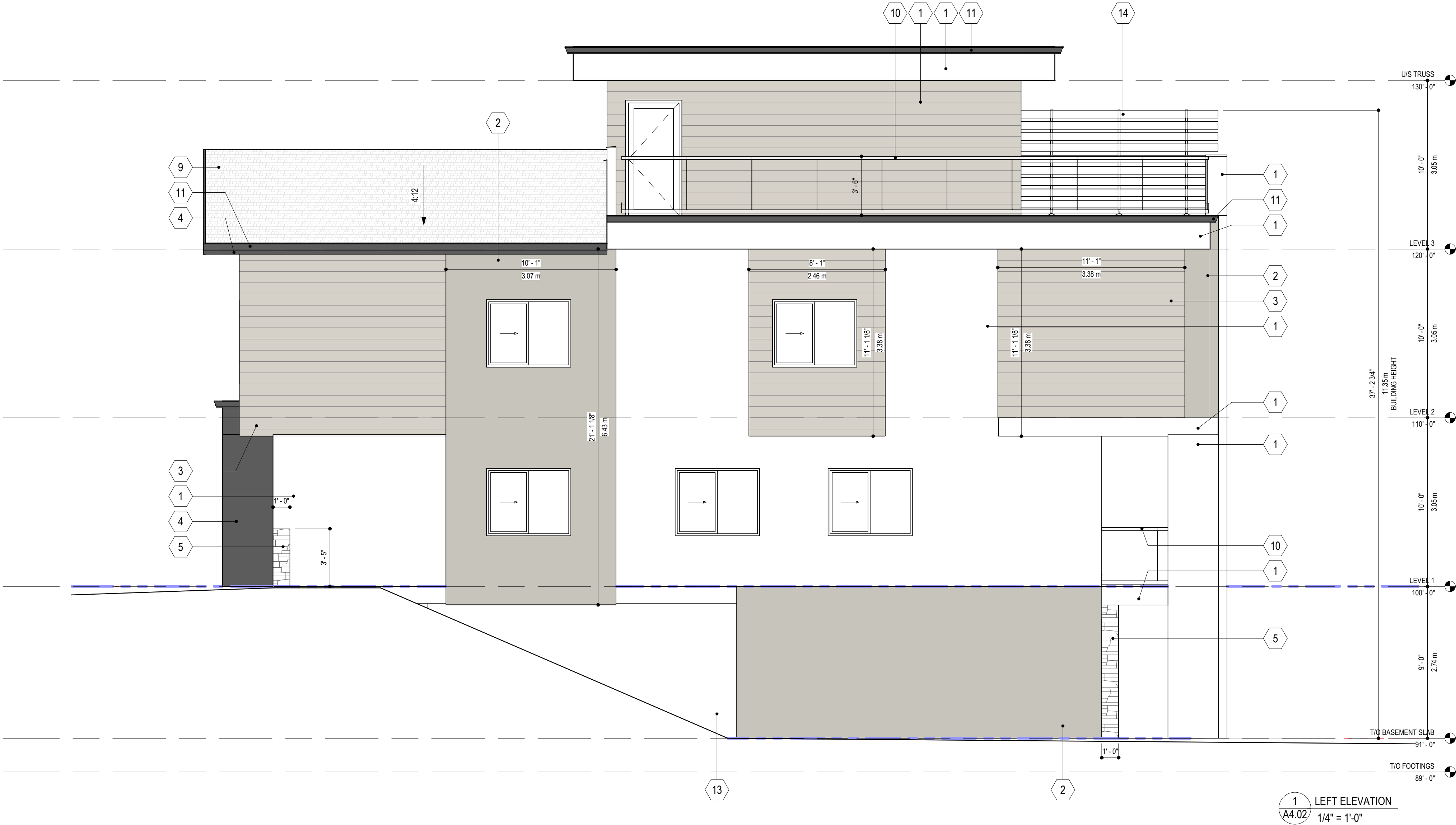


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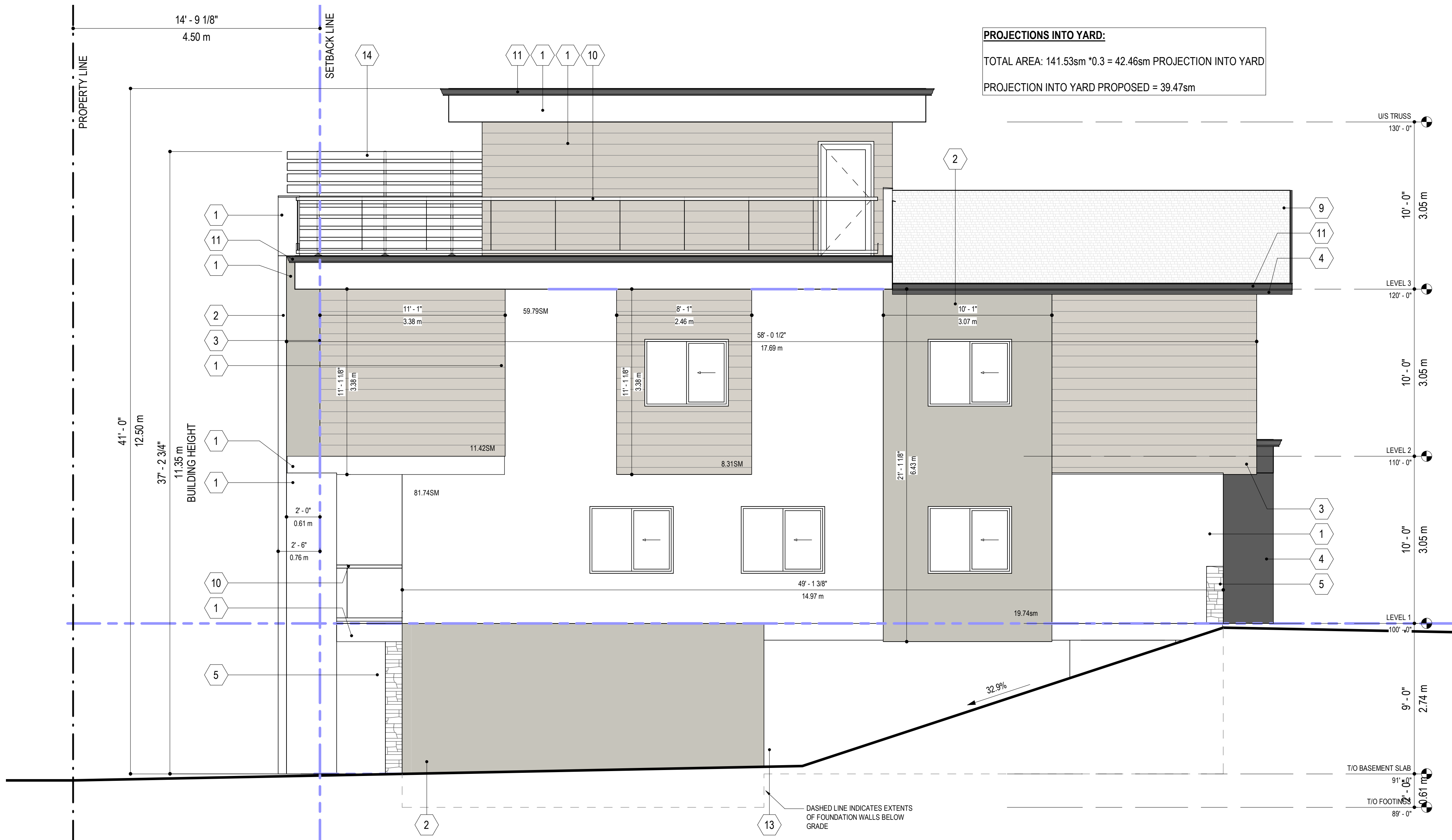
BUILDING ELEVATION KEY NOTE:					
1	ACRYLIC STUCCO - WHITE	6	VINYL WINDOW	11	ALUMINUM GUTTER OR DOWNSPOUT - PAINTED BLACK
2	ACRYLIC STUCCO - TUAPE	7	MAN DOOR	12	SLIDING GLASS DOOR
3	HARDIE LAP SIDING - FAUX WOOD GRAIN	8	OVERHEAD DOOR	13	EXPOSED CONCRETE FOUNDATION WALL
4	SMART TRIM - BLACK	9	BLACK ASPHALT SHINGLES	14	WOOD PRIVACY FENCE - 6' TALL
5	THIN STONE VENEER - LIGHT GREY	10	GLASS GUARD RAIL - 42" TALL	15	BLACK STEEL FLASHING / TRIM



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**PROJECTIONS INTO YARD:**  
TOTAL AREA: 141.53sm \* 0.3 = 42.46sm PROJECTION INTO YARD  
PROJECTION INTO YARD PROPOSED = 39.47sm

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DEVELOPMENT PERMIT

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3106 16th AVE

Drawing Title  
  
REAR ELEVATION  
  
3106 16th AVE, VERNON, BC, V1T 1A3  
LOT 3, TOWNSHIP 9, PLAN 7135, ODYD

Drawing Number  
  
A4.04  
  
Job No. 18 - 1816  
Scale 1/4" = 1'-0"

