

Approval date: June 19, 2018

Resolution No.: 275/2018

Subject: Park Land Protection and Use Policy

1. PURPOSE

1.1. The purposes of the Park Land Protection and Use Policy are:

- 1.1.1. To provide direction on the protection and uses of public park land within the City of Penticton in accord with the Official Community Plan, Parks & Recreation Master Plan and Zoning Bylaw.
- 1.1.2. To protect parks as public assets of the City of Penticton. This policy will ensure that city parks remain in the public domain through community engagement and support and with the implementation of the Park Land Protection and Use Policy.
- 1.1.3. To support the community's use and enjoyment of the parks, provide opportunities for primarily outdoor recreation and nature appreciation thereon, and to protect, conserve, and preserve the natural, physical, historical and cultural resources thereon.
- 1.1.4. To improve the quality of parks in our community through enhanced park stewardship and sustainable resource management.

2. GUIDING PRINCIPLES

- 2.1. The community developed a vision, a park definition and set of values in the 2018 Parks and Recreation Master Plan to guide future use of Penticton's parks and recreation services in the City of Penticton. These values directed the development of the Park Protection and Use Policy and will guide its implementation.
 - 2.1.1. A public park is an unencumbered tract of land wherein the land title is held by a public entity for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon, and wherein an encumbrance is a burden, obstruction, or impediment to the foundational purpose or purposes for which the park was established.

2.1.2. Policy Objectives and their resulting policies have been created based on the Vision, Park Definition, Values and community engagement undertaken with the Parks & Recreation Master Plan and will be used to guide the use of parks.

- *Support recreational opportunities, healthy living and enhance public enjoyment of parks*
- *Safeguard public access and community affordability*
- *Protect public ownership*
- *Protect, preserve and promote park land*
- *Engage the community in park governance and decisions*

3. POLICY

3.1. Support recreational opportunities, healthy living and enhance public enjoyment of parks

3.1.1. The City of Penticton supports uses, recreational opportunities, provides for a healthy lifestyle and improves the public enjoyment of parks. These uses are identified as Permitted Uses in the Zoning Bylaw and shall meet applicable subdivision and development regulations contained within each Park Zone.

3.1.2. Requests for uses that are not identified as Permitted Uses in the Zoning Bylaw shall follow the zoning procedure for *Uses in a Park Zone that are not a Permitted Use* as outlined in this policy prior to being considered by Council.

3.2. Safeguard public access and community affordability

3.2.1. The City of Penticton does not support uses that inhibit long term public access through exclusive memberships, prohibitive fees or permanent physical structures that detract from the natural setting and use of the park.

3.3. Protect public ownership

3.3.1. A *License*, as defined under this policy permits the use of something or allows an activity to take place; a Licensee shall not be guaranteed exclusive use of the property, is not an entitlement to the land, and includes a cancellation clause allowing the Licensor (City) to cancel the license at any time by providing the stipulated required notice; additional licenses to unrelated parties may be granted over the same property or portions of property; a license cannot be registered on the title of the property.

3.3.1.1. The City of Penticton may issue a License-to-Use for a portion of public park land to support a Permitted Use in a Park Zone. These licences are typically for a short term or seasonal in nature, up to a maximum of three (3) years, and shall be approved in accordance with the zoning procedure for *Permitted Uses* outlined in this policy.

3.3.2. A *Lease*, under this policy is defined as a contract by which one party conveys exclusive use of land or real property to another for a specified period of time and provides entitlement to the land, usually in return for a periodic payment. A lease is a stronger form of tenure than a License and typically cannot be cancelled during the term of the lease as long as Lessee honours terms and conditions. Leases may be registered with the Land Title office creating a legal enforceable charge against the property for the term of the lease. In the context of park land within the City of Penticton, a lease of municipal park land grants a private interest rights to public land and diminishes public ownership and control.

3.3.2.1. The City of Penticton will not enter into a lease of land dedicated as park under Park Dedication Bylaw 2018-37 without the approval of the electors.

3.4. Protect, preserve and promote park land

3.4.1. If the proposed use is deemed to uphold Council Policy Section 2.1.1 and to have a net benefit to municipal park land, the City will then submit the proposal for public engagement in accordance with Section 3.5 of this policy.

3.4.2. The City of Penticton supports the growth and enhancement of public park land for community use in accordance with the Parks & Recreation Master Plan.

3.4.3. The City of Penticton recognizes that there are a number of private encroachments into existing public park land. There shall be no further encroachments into public park land and existing encroachments will be managed to ensure removal of encroachments where considered feasible.

3.5. Engage the community in park governance and decisions

3.5.1. The community is involved in governance of the protection and use of parks and the implementation of this policy through their membership on the Parks & Recreation Advisory Committee.

3.5.2. The community shall be engaged before a decision is made on any proposed change to use or regulation within any Park Zone in accordance with the procedure outlined in Section 5.2 of this policy. This policy provides for increasing levels of engagement based on the scale and impact of the proposed use. City staff and the Parks & Recreation Advisory Committee will establish the level of engagement according to the impact of the proposed use, in accordance with the zoning procedure for *Requests for Uses that are not Permitted Uses* and in accordance with the IAP2 International Spectrum of Public Participation (See Schedule B).

4. Legacy Licenses and Leases

4.1. The City of Penticton recognizes that a number of existing legacy uses in public parks may not be permitted under this policy (See Schedule A). The City of Penticton may or may not allow these licences and leases to continue in accordance with the agreements that are in place at the time of the creation of this policy. At the termination of the existing agreement, the use may or may not be allowed to continue in accordance with this policy, applicable bylaws and the *Procedure for uses that are not Permitted Park Uses* (See section 5.2.2 of this policy).

5. PROCEDURES – ZONING BYLAW

5.1. Permitted Uses

5.1.1. Permitted Uses within any Park Zone and no other uses than those provided for in the list of permitted uses in the Zoning Bylaw shall be allowed on City park land.

5.1.1.1. Permitted Uses in a Park Zone may occur in accordance with the subdivision and development regulations of the Park Zone.

5.1.1.2. City staff will report to the Parks & Recreation Advisory Committee on any new licences for permitted uses in a Park Zone.

5.2. Uses in a Park Zone that are not Permitted

5.2.1. Uses that are not a Permitted Use within a Park Zone or a regulation change must be reviewed through a Zoning Amendment application and a Public Hearing held in accordance with Section 890 of the Local Government Act.

5.2.2. The procedural review for any new use on Park Zoned Land is as follows:

Step 1: Zoning Amendment Application submitted to City staff

Step 2: Proposal brought forward to Open Council meeting for introduction to the community

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee for review against the Official Community Plan, Parks and Recreation Master Plan, Zoning Bylaw, Park Protection and Use Policy and any other applicable regulations

Step 4: Parks & Recreation Advisory Committee meet to review application and determine level of community engagement required in accordance with the IAP2 International Spectrum of Public Participation (See Schedule B)

Step 5: Public Participation process occurs receiving input from community

Step 6: Parks & Recreation Advisory Committee to meet and review application

Step 7: Parks & Recreation Advisory Committee to provide a recommendation to Council

Step 8: Council report introduced to Council outlining proposed Park Protection and Use or regulation change

Step 9: Public hearing advertised and held in accordance with Section 890 of the Local Government Act.

Step 10: After hearing from the public and receiving a recommendation from the Parks and Recreation Advisory Committee, Council renders a decision on a park proposal.

- 5.2.3. The procedural review contained within Section 3.5 of this policy may be followed for review of other park use related matters as determined by staff and the Parks & Recreation Advisory Committee.

6. PROCEDURE – LICENSE TO USE RENEWAL

- 6.1. A Licence to Use may or may not be renewed up to a maximum of three (3) years: The procedural review for any renewal is as follows:

Step 1: Application to renew submitted to City staff

Step 2: Proposal brought forward to Open Council meeting for introduction to the community

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee

Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing

Step 5: City staff review findings with Parks & Recreation Advisory Committee

Step 6: Parks & Recreation Advisory Committee review application and feedback from staff

Step 7: Parks & Recreation Advisory Committee would then make a recommendation to Council to approval or deny the renewal.

7. SCHEDULES

- A. List of existing Park Licenses & Leases
- B. IAP2 International Spectrum of Public Participation

8. Previous revisions

Amendment process for this policy.

N/A

Certified Correct:



Dana Schmidt, Corporate Officer

Schedule A – List of existing Park Licenses & Leases

City of Penitcion - Current Leases and Licenses in Parks and Recreation Facilities 2016													
Park Name	Zone	Lease / LTU	Licensee	Address	Area (hectares)	License Type	Activity / Use	Term in Years	Start Date	Expiry Date	Extendable	Park Name	Location within Park (in or near to parking lot)
Kings Park	P2	LTU	PENITCION SOCCER CLUB	550 Esplanade Ave W	15 ac	Sports club	Use of building for club activities	no-fee	2013-10-15	until terminated	Y	Kings Park	Adjacent to parking lot
Lakawana Park	P2	Lease	1952002 BC LTD. (Gord Ferguson) Lakawana - Pao Burger	790 Lakeshore Dr W	11 ac	Park concession	Use of land and building for operation of concession patio and washroom facility	29	2016-05-20	2045-04-30	N	Lakawana Park / Okanagan Lake	Concession at Lakawana
Marina Way Park	CT1	LTU	FRANQUE CAFE, THE	102-260 Marina Way	003 ac	Cafe	Use of land for an outdoor patio for customers	Y	2016-09-01	2021-09-31	Y	Okanagan Lake	Gross area at Okanagan Lake
Marina Way Park	P1	Lease	PENITCION ART GALLERY	199 Marina Way		Art gallery	Use of land and building for displaying art and providing parking	20	1996-10-01	2019-09-30	N	Okanagan Lake	Building at Okanagan Lake
Okanagan Beach	P2	Lease	CONCESSION OKANAGAN BEACH - THE PEACH Localizing Adventure Golf!1042002 BC Ltd.	185 Lakeshore Dr W		Beach concession	Beach food concession	20	2003-02-01	2022-01-31	Y	Okanagan Lake	Concession at Okanagan Lake
Okanagan Beach		Lease	PENITCION WATER PARK LTD. (WIBIT)	Okanagan Lake	82 ac	Water / Recreational business	Sublease of Crown land for operation of a WIBIT water park	5	2016-06-01	2020-05-31	N	Okanagan Lake	Water and sand area at Okanagan Lake
Rotary Park	P2	LTU	BISHOP'S SNOW AND MACHINE LTD.	195 Lakeshore Dr	095 ac	Recreational business	Use of building and grounds for operating business of providing rental equipment for water based activities	5	2014-01-01	2019-12-31	Y	Rotary Park	On beach
Staha Park	P2	LTU	CONCESSION SKANA EAST - Nicholas Jensen	2885 South Main St		Beach concession	Beach food concession	2	2016-05-01	2017-09-30	Y	Staha Lake	Concession at Staha Park

Shaha Park	P2	LTU	CONCESSION, SHAHIA MAIN - Thomas & Cain Fine Foods Ltd. (Toblerery's)	3701 Parkview St		Beach concession	Beach food concession	5	2017-05-01	2022-09-30	Y	Shaha Lake	Concession at Shaha Main
S.S. Scamious Park	P2	Lease	S.S. SCAMIOUS / MARGARITA	1089 Lakeshore Dr W	2 ac	Tourist attraction	Sub-license to Use of Crown land for mortgage of the S.S. Scamious to operate a museum and host special events		1988-06-01	until terminated	N	Okanagan Lake	
Sudbury Beach	P2	LTU	CONCESSION, SUDBURY BEACH - Glow Sup Adventures (Dorey Godfrey)	3940 Shaha Lake Rd		Beach concession	Beach food concession	2	2015-05-05	2017-09-30	Y	Shaha Lake	Concession at Sudbury Beach
Lions Park	P2	LTU	LIONS PARK CONCESSION	198 Warren Ave W		Park concession	Park food concession						
Kiwaniis Park	P2	LTU	POCERS - After School Program	470 Edmonton Ave		Child care facility	Use of building and grounds for operation of social service programs	5	2012-03-01	2017-02-28	Y	N/A - old pool	Y
Kiwaniis Park	P2	LTU	POCERS - Alternative & Little Triumphs	500 Edmonton Ave	1.75 ac	Child care facility	Use of building and grounds for operation of social service programs	5	2012-03-01	2017-02-28	Y	N/A - old pool	
Kiwaniis Park	P2	LTU	PENTICTON SAFETY VILLAGE SOCIETY	490 Edmonton Ave	85 ac	Child safety facility	Use of building and grounds for operation of children's safety village and for equipment storage	5	2013-11-01	2018-10-31	Y	N/A	
Lakeside Road (Dog Beach)	P2	Lease	0834813 B.C. LTD. (Shaner / Shaha Dog Beach)	4951 Lakeside Rd	22 ac	Private	Sublease of Crown land for operation of cabins for property owner to the east	9	2013-08-12	2022-06-12	N	Shaha Lake Beach	Sandy beach

Lions Park	P2	LTU	PENTICTON BMX ASSOCIATION	Lions Park	2.5 ac	Sports club	Use of land for operation of bicycle motocross track and facility	N/A	1888-01-31	when cancelled	Y	Lions Park	South east corner of 188 Warren Ave
McNicoll Park	P2	LTU	SOCIETE DE LA PETITE ENFANCE DE L'ECOLE ENTIRE LACS	1091 Penticton Ave	028 ac	Pre-school facility	Use of land for fenced playground for pre-school aged children	5	2014-07-01	2016-06-30	Y	McNicoll Park	Between schools
Riverside Park	P2	LTU	COYOTE CRUISES	215 Riverside Drive	17 ac	Recreational business	Use of building for operation of a rental concession and transportation service - float the channel	5	2014-10-01	2016-09-30	Y	Riverside	South of skate park
Senior's Drop-in Centre	P1	LTU	PENTICTON HORSESHOE PITCHERS CLUB, THE	2905 South Main St	5 ac	Sports club	Use of horse pitches in exchange for maintenance and upkeep of land	3	2015-05-01	2016-04-30	Y	Seniors Centre Robinson Park	
Vancouver Avenue Park	P2	LTU	PEN COMMUNITY GARDENS SOC	480 Vancouver Ave	1.04 ac	Community gardens	Use of land for community gardens	5	2016-01-01	2020-12-31	Y	Vancouver Hill	North portion of park
Vancouver Avenue Park	P2	LTU	PENTICTON DISC GOLF	480 Vancouver Ave	2.22 ac	Sports club	Operation of disc golf facility	3	2016-03-15	2016-03-14	Y	Esplanade	All
Baskin Park	P2	LTU	FOOD FORESTERS SOC OF CANADA	2460 Baskin St	18 ac	Community gardens	Use of land for operation of community garden plots	5	2013-06-01	2016-05-31	Y	Undeveloped	North most portion of park
Darrouah Park	R2	LTU	DAIBOW, AVERY	314 Greenwood Dr	15 ac	Private residence	Use of land for quiet enjoyment	5	2014-11-01	2016-08-31	Y	Under 2715 Darrouah Dr	Behind lot

Dunmouth Park	R2	LTU	AMANTE, F. L. & J	310 Greenwood Dr	038 ac	Private residence	Use of land for quiet enjoyment - garden	5	2015-05-01	2020-04-30	Y	Undeveloped 2715 Dunmouth	Garden behind 881	
Special Purpose														
Lawn Bowling Club	P2	Lease	PEN LAKEVIEW LAWN BOWLING CLUB	290 Bunswood St	55 ac	Sports club	Use of land and building for operation of a lawn bowling club		20	2000-01-01	2020-12-31	N		
Loce Landing	P2	Lease	LOCO LANDING ADV. GOLF INC.	135 Riverside Dr	1.73 ac	Recreational business	Use of land for the operation of a recreational facility		20	2009-01-01	2028-12-31	N	Riverside Park	
Pentiction Golf and Country Club	P2	Lease	PENTICTON GOLF & COUNTRY CLUB	852 Eckhardt Ave W	13.23 ac	Sports club	Use of building and land for operation of a golf club for renting equipment, providing golf lessons, leisure golfing, tournaments, the sale of refreshments and the rental of facilities as a special events venue		28	2007-07-01	2033-10-31	N		
Pentiction Yacht and Tennis Club	P2	LTU	PENTICTON TENNIS SOCIETY	293 Marina Way	1.7 ac	Sports club	Use of facilities for operation of a tennis club with league play	3	2016-04-01	2017-12-31	Y	Okanagan Lake	East of marina	
Pentiction Yacht and Tennis Club	P2	Lease	PENTICTON YACHT & TENNIS CLUB	293/875 Marina Way	15.8 ac	Marina	Sublease of Crown 'Y' Dock in marina and storage compound to provide a commercial public marina and associated facilities		2016-04-02	2017-12-31	N	Okanagan Lake		
Elsa Creek Parkway	P1	LTU	INTERIOR HEALTH AUTHORITY (Hospice Society House)	1701 Government St	07 ac	Health facility	Use of land for quiet enjoyment - garden and walkway	5	2014-07-01	2019-06-30	Y	Undeveloped park - walking path	Adjacent to Elsa Creek	
Esplanade	P2	LTU	AXWORTHY, B & QUINN, S	345 Vancouver Ave	05 ac	Private residence	Use of land for quiet enjoyment - yard fenced	5	2014-08-01	2019-07-31	Y	Esplanade	Fenced yard	

Esplanade	P2	LTU	PENTICTON DISC GOLF	1500 Marina Way														
Penticon Creek Pathway	P2	LTU	MUNSONS PROPERTIES	1551 Penticon Ave	20 ac	Private residence	Use of land for quiet enjoyment	5	2014-11-01	2018-10-31	Y	Undeveloped park - walking path	Adjacent to Penticon Creek					
Three Blind Mice	FG	LTU	PENTICTON DISC GOLF	1400 Riddle Road	27 ac	Sports club	Operation of disc golf facility	5	2015-03-01	2020-02-29	Y	Three Blind Mice area	South west corner					
Three Blind Mice	FG	LTU	PENTICTON AND AREA CYCLING ASSOCIATION	1400 Riddle Road	320 ac	Cycling Club	Mountain Biking Trails	5	2016-07-01	2018-03-31	Y	Not a Park						
TCT / KVR Trail	AG	LTU	BOGDANOFF, C & BOWEN, P	1645 Lower Bench Rd	25 ac	Private residence	Use of KVR land for agriculture - tenured gardens	5	2012-01-01	2016-12-31	Y	KVR	Fronts trail					
TCT / KVR Trail	AG	LTU	HOLLER, BARBARA ROSE	1181 Davenport Ave	255 ac	Private residence	Use of KVR land for agriculture - grapes	5	2014-05-01	2016-04-30	Y	KVR	Fronts trail					
TCT / KVR Trail	P2	LTU	SHAW, H & M	911/913 Loochore Rd	1.34 ac	Private residence	Use of KVR land for agricultural purposes	7	2013-01-01	2016-12-31	Y	KVR	Fronts trail both sides					
TCT / KVR Trail	P2	Lease	KING FAMILY FARMS LTD. (lots 1-5)	184 Cude Rd	5 ac	Agricultural business	Use of KVR land for Agriculture	5	2001-05-01	2017-05-30	N	KVR	Fronts KVR both sides					

630 Munson Mtn Road	P2	LTU	PENICTON BMX SOCIETY	630 Munson Mtn Rd	2.8 ac	Sports club	Use of land for operation of bicycle motocross track and facility	5	2016-05-01	2021-04-30	Y	Munson Mountain	North west portion
Adidas Sportsplex	P2	Lease	PINNACLES FOOTBALL CLUB AND PENICTON SOCCER CLUB dba ADIDAS SPORTSPLEX	550 Eckhardt Ave W	67 ac	Sports clubs	Use of land and building as a sports complex for football, indoor soccer and a public walking track	20	2015-08-01	2044-09-31	N	Kings park	Indoor use at 550 Eckhardt Ave
McLaren Arena	P2	LTU	OKANAGAN HOCKEY SCHOOL / GROUP	McLaren Arena	23 ac	Sports educator	Use of facility for Hockey school, operation of concession and vending machines	2	Exp.		Y	N/A	
Seniors Drop-In Centre	P2	Lease	PEN SENIORS' DROP IN CENTRE SOC	2965 South Van St		Social club	Use of land and building for operation of a seniors' social facility	20	1999-06-01	2019-05-31	N	Robinson Park	
Memorial & McLaren Arena	P1	LTU	PENICTON & DISTRICT MINOR HOCKEY ASSOC. (Memorial Arena)	398 Power Street		Arena concession	Sale of refreshments and placement of hotfood vending machines		2003-09-01	2016-04-30	Y	Memorial Arena	
South Okanagan Events Centre	P1	Lease	APPLE PLANNING SERVICES INC. & 6926232 B.C. LTD.	888 Westminster Ave W		Private business	Use of a portion of the building as an office	5	2013-01-01	2017-07-31	N	Queens Park	
South Okanagan Events Centre	P1	Lease	INTERIOR HEALTH AUTHORITY Part of SOEC	853 Eckhardt Ave W		Health provider	Use of a portion of the building to operate a cardiac and pulmonary rehabilitation wellness program	5	2014-09-01	2019-09-31	Y		Part of SOEC
South Okanagan Events Centre	P1	Lease	OKANAGAN HOCKEY SCHOOL	853 Eckhardt Ave W		Sports educator	Use of a portion of the building for operation of a hockey school and other related activities	10	2009-01-01	2018-12-31	N	Kings Park	

South Okanagan Events Centre	P1	LTU	PENTICTON TOURISM	853 Eckhardt Ave W	Tourism Organization	Temporary office rental	1	2016-12-31	Y		
Pentiction Curling Rink	P1	Lease	PENTICTON CURLING CLUB	505 Veer Dr	Sports club	Use of a portion of the building for operation of a curling rink for the purpose of providing curling lessons, competitions and bonspiels and sale of refreshments	10	2010-10-01 2020-09-30	Y		
Pentiction Community Centre	P1	Lease	DALE CHARLES & ASSOC. PHYSICAL THERAPIST CORP.	325 Power St	Health provider	Use of a portion of the building for the operation of a physiotherapy clinic	5	2012-04-02 2017-04-01	N		
Pentiction Community Centre	P1	LTU	KISU SWIM CLUB	325 Power St	Swim Club	Office rental	3	2017-09-31	Y		
Pentiction Community Centre	P1	LTU	DRAGON BOAT FESTIVAL	325 Power St	Non-profit group	Office rental (year to year)	1	2016-12-31	Y		
Oxbows	CT2	LTU	OXBOW RV RESORT LTD.	3911 Siska Lake Rd	Recreational business	Use of land for RV Park	5	2012-06-01 2017-05-31	Y	N/A	North of Sudbury Beach
Leis House	P1	Lease	PEN. & DIST. COMMUNITY ARTS COUNCIL - Leis House	220 Manor Park	Arts club	Use of building and land as a place for artists to gather and to work on their art projects	yr-yr	1982-07-01	N		Building at 220 Manor Park

iap2 public participation spectrum

developed by the international association for public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advise and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
EXAMPLE TOOLS	<ul style="list-style-type: none"> • Fact sheets • Websites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory committees • Consensus-building • Participatory decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

