



Parks & Recreation Master Plan Steering Committee Meeting

Held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Wednesday, December 14, 2016
at 3:00 p.m.

Present: Andrew Jakubeit, Mayor
Judy Sentes, Councillor
Ron Ramsay, Chair
James Palanio, Vice-Chair
Doug Gorcak, Penticton School District 67 Representative
Barb Hoolaeff, Special Event Group Representative
Roland Curnow, Organized Field Sport Representative
Adolf Steffen, Development Community Representative
Sharon Devlin, Member at Large
Peter Dooling, Member at Large
Gary Denton, Member at Large

Staff: Jeff Lynka, Parks Supervisor
Lori Mullin, Recreation & Culture Manager
Blake Laven, Planning Manager
Lorraine Williston, Corporate Committee Secretary

1. Call to Order

The Parks & Recreation Master Plan Steering Committee was called to order by the Chair at 3:03 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Parks & Recreation Master Plan Steering Committee adopt the agenda for the meeting held on December 14, 2016 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

3.1 Minutes of the November 18, 2016 Parks & Recreation Master Plan Steering Committee Meeting

It was MOVED and SECONDED

THAT the Parks & Recreation Master Plan Steering Committee adopt the minutes of the November 18, 2016 meeting as amended.

CARRIED UNANIMOUSLY

3.2 Minutes of the November 29, 2016 Parks & Recreation Master Plan Steering Committee Meeting

Roland Curlow stated he is upset with how the voting was handled with respect to item 4.1 Committee in Good Standing. Mr. Curlow feels the minutes do not reflect what happened in the meeting regarding the voting process. The Chair asked that the Corporate Officer and Committee Secretary to provide clarification regarding procedure for the Terms of Reference section on Members in Good Standing and voting for the next meeting.

It was MOVED and SECONDED

THAT the Parks & Recreation Master Plan Steering Committee adopt the minutes of the November 29, 2016 meeting as amended.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Commercial Use in Parks

The Land Administrator reported that the City is applying for a recreational lease over 746 acres of provincial land located at Campbell Mountain. The process has been under discussion for the past couple of years. Staff will be recommending to Council at the December 20 regular Council meeting to obtain the tenure over the property and direct staff to undertake public consultation to determine the best use for the recreational land. The alternative staff recommendation is to provide Penticton & Area Cycling Association (PACA) with a non-exclusive Licence to Use (LTU). The question was asked of what the difference is between a lease and an LTU. The Land Administrator stated a lease is a guaranteed tenure and if all lease payments are made the lessee is entitled to that land until the end of the term. Leases do not have escape clauses. Lease terms can range from a minimum of 1 year to a maximum of 29 years with 2 possible additional options of 10 years each. A LTU does have an escape clause and the City can exercise its right to terminate the LTU at its discretion. LTU terms range between 3 to 5 years. LTU's are not deemed to be a disposition of land.

The Land Administrator reviewed the current list of concessions and stated historically concessions have been long term leases. Joe Morelli, who had the lease for the Okanagan and Skaha Lake concessions sold his interest in both the Peach and Lakawanna locations with the Skaha Lake concessions being sub-let. A question was asked if an LTU can be renewed and why are leases only 29 years. The Land Administrator stated if a lease is longer than 29 years, the province's property transfer tax comes into effect. For LTU's, they can be renewed to the same people at the existing rate if the market value is the same, however if market values are different, the request for an LTU goes back to Council for approval. Discussion and questions followed on the Three Blind Mice area and the LTU for disc golf in that area as well as on the esplanade. The Parks Supervisor noted minor errors and omissions in the information and asked the Land Administrator to correct the spreadsheet. Once corrected, it will be redistributed to the committee. Discussion and questions followed. A question was asked about how festivals are booked in parks. The Recreation & Culture Manager stated bookings are done as park rentals. The Chair noted there is a lot of commercial use in our parks. The Parks Supervisor stated there different sizes of land being used and it's important to recognize that when determining whether a commercial use is small, medium or large. A question was asked regarding encroachments for example, on the esplanade. The Land Administrator stated the encroachment on the esplanade has been in existence for a very long time. The Mayor at that time granted the property owner use of the area directly behind the property. Since then, a licence to use has been in place. An LTU does not allow for any type of structure

or building built on the area. There have also been issues with realtors not informing potential buyers of an existing LTU resulting in purchasers believing they own the LTU area. The Land Administrator further noted that Council will be reviewing all existing LTU's.

Peter Wallace left the meeting at 4:05 p.m.

4.2 Urban Systems Update

The Recreation & Culture Manager reported the online survey has closed. There were 85 surveys submitted. All information collected from the online survey, open house and comment forms will be available at the end of the week and will be provided to the committee for review. A full summary will be provided in January. Anyone who would like to see all the individual comments and surveys, should let staff know and that information can be emailed to you. The next step will be for Urban Systems to take the list of proposed edits and add them into the second draft of the master plan. Urban Systems will conference call in at the next meeting in January. Staff noted the Catherine Berris, Urban Systems consultant, will be away for most of February.

4.3 Draft Press Release Review

The Chair asked the committee if they were on board with issuing a press release? By consensus, the committee was in agreement that information from this committee should be sent out through the proper channels. Discussion followed on the draft press release. It was suggested that information on the number of meetings that have been held, what has been accomplished to date, background information, an outline of the committee structure and how it was formed including a note thanking the community for their involvement should all be added to the press release. Staff noted this would also be a good opportunity to build a relationship with the community. The Mayor stated you can also link back to the 'Shape Your City' website and encourage residents to provide their comments on what they like and don't like etc. The Chair will connect with the City's Communication Officer. A revised press release will be brought back to the committee for review.

4.4 Core Meaning of a Public Park Discussion – Submission by Peter Dooling

The Chair stated it's critical that they agree to the basic components of commercialization and all aspects of the master plan so that everyone is on the same page. Discussion followed on Peter Dooling's submission. Barb Hoolaeff asked for clarification regarding the part of the definition of a public park that reads '...for the protection/conservation/preservation of the natural, physical, geological, historical & cultural resources thereon;' and asked if that section meant if it restricts you from building or moving anything in a park. Peter Dooling answered stating there will be a use and protection mandate specific to each park. Discussion ensued over the definition of unencumbered. Adolf Steffen asked how a park can be called unencumbered when there are lots of uses in them, specifically Skaha Lake Park. Mr. Dooling clarified the word 'unencumbered'. A destination park for example, is not to be encumbered with respect to its use and enjoyment. Parks with a 29 year lease or policy can encumber and restrict its use in certain parks. Encumbrances can occur by area, number of areas, location of those areas and all lead to encumberments in the park. Public policy can bring about encumberments in parks in the way of roadways and/or utilities. It is meant to be a generic definition and applied to each specific park. The Chair stated we need to define the different parks in the City, as encumbrances mean different things to different parks.

Peter Dooling noted the City of Milton, Ontario uses the wording 'unencumbered table land' (meaning flat) because they are usable. This wording is often used in municipal literature and is applied at the national and provincial park level. At the municipal level, it is used as a standpoint of policy. Mr. Dooling further noted the unencumbered park of the statement is at the national/provincial level, more than at a municipal level. The policy of long term leases encumbers a park - encumbering – meaning in time, duration of the lease, number of those leases on that park, area, size of area, location. Parks are the most protective land use designation that a city has and the most democratic as a park is open to all and free of charge. The Mayor noted if marinas were removed from P2 zoning than the second last paragraph in Mr. Dooling's statement could be workable and also pointed out other existing leases for example the soccer bubble at King's Park which is leased to a non-profit organization.

Gary Denton suggested to staff and the committee that perhaps reclassification and separate zoning could be created for different uses in our parks, for example marinas and amusements. The Planning Manager stated zoning is a powerful land use tool and very inclusive. By creating zones for specific uses that could work. Mr. Denton stated the committee could determine what is an appropriate use including ancillary uses, restrictions and zoning for each park. The Planning Manager stated at this time there are no specific zoning guidelines and without specific uses defined within a zone, it leaves it open to a broad interpretation. Discussion and questions followed. The Parks Supervisor stated establishing principles and definitions should be taken back to Urban Systems with a request they be added at the beginning of the master plan. Currently the master plan does specify classifications and uses. These classifications can be used as a starting point. Adolf Steffen stated it is easy to change zoning and would also like to see another hurdle put in place and/or referendum before a long term lease can be signed. The Planning Manager stated zoning traditionally deals with land use not length of tenure, that type of clause could be added to a policy within the master plan.

The Mayor suggested that for the next steps, this committee could move forward by working on defining what a small, medium and large commercial use is and definitions contained therein i.e. size of footprint in relation to the park, how we put hurdles in place and a fair public process. James Palanio suggested that rather than defining a small, medium or large commercial venture, we should be looking at the percentage of park being impacted. The Parks Supervisor stated currently staff do not have specific park design and development guidelines to determine the amount of amenities and paved area when developing a park. Having such design guidelines in place, perhaps for each park classification, would help guide decision-making when planning a new park or renovating an existing open space. The Planning Manager confirmed the P2 zoning bylaw does contain guidelines and which could be reviewed and broken into different park classifications. A question was asked whether trees were considered in zoning. The Planning Manager stated trees are not considered in a zoning bylaw however staff are looking at strengthening their tree protection policy and the Community Sustainability Committee has been working towards an urban forest program. Doug Gorcak expressed concerns over the definition of 'unencumbered' as he felt it is too legal of a description. Peter Dooling spoke to that concern stating 'unencumbered' meaning for the benefit, use and enjoyment of the people etc. Parks will have encumbrances on the land like roadways and utilities. Parks classes will include a park sheet that sets out its appropriate uses and protection that can be inserted into the master plan for better clarification.

Doug Gorcak stated his attendance record that was noted in the November 29, 2016 minutes was incorrect. According to his records he has not missed three consecutive meetings.

4.5 Definitions Discussion

Due to shortage of time, item was tabled to the next meeting. The Chair stated the committee needs to define the major park areas and zoning. Sharon Devlin stated she has a problem with zoning as she feels it can be changed too easily.

5. **New Business**

6. **Next Meeting**

The next meeting of the Parks & Recreation Master Plan Steering Committee to be determined.

7. **Adjournment**

The Parks & Recreation Master Plan Steering Committee adjourned the meeting at 5:09 p.m.

Horvath inserts changes to Minutes:

Insert in Section 4.4, page 3 of 5 - 7th line from bottom:

Mr. Dooling clarified the word unencumbered used in the definition of a Public Park. During the time of establishing a public park to mean the tract of land be legal claims free for park purposes. After park establishment to mean that the tract of land be retained in the public domain away from varied developmental interests and be guidance in formulation of Park Master Plans.

Unencumbered also means encumbrance free where to encumber means to restrain, to constrain, to restrict, to thwart, to trammel. Here in these 5 words is a progressive degree of severity in their meaning. Attach these 5 words of MEANING onto the 5 fingers of the left hand. Beyond severity of MEANING, to encumber applies to extent, extending both to time and to area. To time in regards to length of time and to place within time (eg. exclusive or not). To area in regards to size, number and location of the area(s) within the park. Attach these words of EXTENT onto the 5 fingers of the right hand.

Utilities, infrastructure, public policy, etc. do not in and of themselves place encumbrances on park lands; that such exist is not condition sufficient. Example One: a gas line in a park to a washroom for provision of hot water or heat would not encumber park land purposes whereas a high pressure gas line accompanied with its extensive right-of-way requirements through

The park for city services beyond would encumber park land restricting useable area and users for safety reasons and legality. A utility encumbrance created. Example Two: through development of buildings and parking lots, large and many, bringing about loss of useable area in parks (Queens Park, a infrastructure encumbrance created. Example Three: Through policy conveying commercial long-term, sizeable area, preferred location, exclusive lease rights to private sector leaseholders thereby thwart the open, freely available to all user principle of public parks re-allocating in favor of the pay-to-play of some. A policy encumbrance created.

So, in conclusion, different types of encumbrances can be placed upon park lands. It is the extent of something (a utility, building, policy development) that triggers condition sufficient to encumber, to place an encumbrance perhaps ^{with} different degrees of severity upon park lands. Encumbrance is not the desired state for public parks... unencumbered is!