

Parks & Recreation Master Plan Steering Committee Special Meeting

to be held at

City of Penticton, Committee Room A
171 Main Street, Penticton, BC

Thursday, May 11, 2017
at 1:30 p.m.

1. **Call Special Committee Meeting to Order**
2. **Master Plan Update - Chair**
3. **Delegation**
 - 3.1 Save Skaha Park Society
4. **Proposed Next Steps Forward**
 - 4.1 Common Goal Statement between Committee/City/Stakeholders
 - 4.2 Communication Protocol - Stakeholder Groups/Committee
 - 4.3 Parks Use - Zoning & Bylaws
Consolidated information from the Committee discussion, Community Stakeholders and City staff
 - 4.4 Parks & Recreation Advisory Committee
 - 4.5 Legal Review
 - 4.6 Steering Committee Support
Needs of the Committee moving forward
 - 4.7 Timelines and Meeting Schedule
Establish a schedule that reflects the needs of the Committee and Stakeholder engagement
5. **Next Meeting**

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

City of Penticton Parks and Recreation Steering Committee Meeting
May 11, 2017
Save Skaha Park Society Presentation Notes

Summary of SSPS Key Recommendations to change the direction of the PRMP:

1. No leasing of public park land without first obtaining public approval as part of the Public Participation Process (IAP2 Stage 5: Empowerment).
 2. Amend Park Dedication Bylaw 2002-42 to remove Clause 3 in its entirety.
 3. Replace Section 7.1 Commercial Uses in Parks with a section entitled “Permitted Uses in Parks”.
 4. Correct misleading comments that Penticton residents support most commercial uses in parks.
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Key Recommendations:

1. The section on Commercial Uses in Parks is unnecessarily complex and misses a key point: Leasing is a form of disposition, and disposition of parkland should only occur with the highest level of engagement: empowerment. This means that the public decides.
 - a. Note IAP2 includes empowerment as the highest level of engagement (page 2). Empowerment is defined as “to place final decision making in the hands of the public”. But the Master Plan engagement process (Page 4) stops short of that at Collaboration. Why?
 - b. The section on Commercial Uses in Parks Review Procedure in Figure 7.5 (page 77) stops at collaborate, even for the longest term and largest size of commercial use. It even limits engagement to collaboration when a proposed commercial use will reduce or detract from free use of parkland, or will reduce or detract from future park options.
 - c. If the City has adopted IAP2 as its template for public engagement, why would it not provide for public empowerment in these situations of extreme impact on public use of public parkland?
 - d. Leasing is a form of disposition of parkland. It provides tenure and title rights to the leasee. The public should make the final decision whenever a proposal to lease parkland is being considered.
 - e. We do not need such an elaborate (and unprecedented) system for deciding on commercial use of parkland as is outlined in Section 7.1. We simply need to agree we will not dispose of parkland without public approval.

2. Park Dedication Bylaw 2002-42 must be amended to remove blanket approval of the City's right to lease any or all of its parkland as stated in Clause 3 of the Bylaw.

There are two reasons:

- a. **Pre-approval to lease any or all parkland:** The Community Charter Sections 27 and 30 deal with disposition of parkland. The Interpretation Act states clearly that leasing is a form of disposition. These sections state that proposals to dispose of parkland must receive assent of the electorate. The clear intent is that this ruling would apply on a case specific basis, not as blanket pre-approval for any and all future proposals to lease parkland for as yet undisclosed reasons. It is therefore wrong to give such pre-approval in a bylaw that then opens the door to situations such as occurred with Skaha Park.
 - b. **The voters were not informed about Clause 3:** Bylaw 2002-42 was the result of a successful campaign by a citizen advocacy group known as Protect Our Parks to protect Penticton's parks from commercial development. The Bylaw was voted on in a referendum in the 2002 municipal election. 92% of voters supported the Bylaw in the belief that it would protect their parks. However the voters did not see Clause 3 when they voted, and therefore would not have known that the Bylaw they thought would protect their parks would in fact endanger them. The inclusion of Clause 3 without clear and full disclosure to the public was a mistake, an administrative error, and it must be removed to prevent future use of this clause to justify leasing of public park land and to correct the error of incomplete disclosure.
3. Replace Section 7.1 (Commercial Uses in Parks) with a Section on Permitted Uses in Parks.
 - a. This would reframe the issue to deal with what uses are appropriate in our parks, whether commercial or not.
 - b. Commercial uses would be divided into leasing (tenure) and licensing (no tenure).
 - c. Permitted uses would be defined on the basis of park purpose, as defined in a park classification system, and would include concessions and vendors. Existing commercial uses would be respected as long as licensees and lessees met terms and conditions of their agreements. Lease agreements that initially had been long-term could be renewed for short terms once investment costs had been recovered. Extensions of existing leases would be permitted as these would be a "continuation of a disposition".

- d. To our knowledge, the lengthy and complex multi-tiered system proposed in section 7.1 is unprecedented in Canadian Parks and Recreation Master Plans and would be unnecessary in the absence of
 - i. pressure to lease our parks for commercial development;
 - ii. an assumption that there is substantial community support for commercial development of our public parkland.
4. Draft 2 incorrectly (in our opinion) claims that public opinion is evenly divided on commercial uses of our parks. Draft 2 contains the statement “Penticton residents support most commercial uses in parks...” (Page vi) Although not directly stated, this assertion becomes justification for the elaborate rationalization of commercial uses in our parks in Section 7.1.
 - a. The data reported from the telephone survey, on line survey and focus group results are selectively stated and interpreted by Urban Systems to imply roughly equal support for and opposition to commercial uses. The statistics prove otherwise – 110 or **85% opposed**; 20 or **15% in support**. When we added in the number of comments that were *probably* opposed to the waterpark (but not clearly stated), or *probably* supporting the waterpark, the total was 122 or **82% opposed**; 27 or **18% in support**. Either way, these comments for and against are consistent in numbers with the Herald’s poll: **78% opposed; 17% in support**; (4% unsure).
 - b. Our interpretation of results, including survey comments, shows that only 18% supported large scale commercial development.
 - c. In light of this interpretation, there is no justification for treating proposed commercial developments in our parks as if they had significant community support.