The Corporation of the City of Penticton

Bylaw No. 2015-53

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

   This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2015-53”.

2. **Amendment:**

   Zoning Bylaw 2011-23 is hereby amended as follows:

   2.1 Remove the following definition from Section 4.2 DEFINITIONS:

   CASINO means a facility that is licensed under the Gaming Control Act, which may include table games, slot machines or electric devices.

   2.2 Amend the following definition from Section 4.2 DEFINITIONS to read:

   INDOOR AMUSEMENT, ENTERTAINMENT AND RECREATION means facilities within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include but are not limited to amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, motion pictures theatres, concert or music halls and casinos. Such permitted uses may be licensed by the British Columbia Liquor Control and Licensing Branch to sell alcoholic beverages as an accessory use.

   2.3 Remove Casino and the minimum parking and loading space requirements from Table 7.5 – Parking Requirements.

READ A FIRST time this 19 day of October, 2015

A PUBLIC HEARING was held this 2 day of November, 2015

READ A SECOND time this 2 day of November, 2015

READ A THIRD time this 2 day of November, 2015

RECEIVED the approval of the 6 day of November, 2015

Ministry of Transportation on the

ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 23 day of October, 2015 and the 28 day of October, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.
Approved pursuant to section 52(3)(a) of the Transportation Act this 6th day of November, 2015
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

   This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2015-54”.

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule ‘A’ is hereby amended as follows:

Rezone the following properties from R2 (Small Lot Residential) to C4 (General Commercial):

- 903 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 911 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 921 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 935 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 941 Eckhardt Avenue: Lot 5, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 947 Eckhardt Avenue: Lot 6, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 955 Eckhardt Avenue: Lot 7, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 963 Eckhardt Avenue: Lot 8, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 969 Eckhardt Avenue: Lot 9, District Lot 366 Similkameen Division Yale District Plan 3536, Except Plan 42663 and KAP87244
2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this 19 day of October, 2015
A PUBLIC HEARING was held this 2 day of November, 2015
READ A SECOND time this 2 day of November, 2015
READ A THIRD time this 2 day of November, 2015
RECEIVED the approval of the Ministry of Transportation on the day of 5 November, 2015
ADOPTED this day of 2 November, 2015

Notice of intention to proceed with this bylaw was published on the 23 day of October, 2015 and the 28 day of October, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
Rezone 903, 911, 921, 935, 941, 947, 955, 963 & 969 Eckhardt Ave. W. From R2 (Small Lot Residential) To C4 (General Commercial)

City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2015-54

Date: ___________________  Corporate Officer: ___________________
The Corporation of the City of Penticton

Bylaw No. 2015-57

A Bylaw to amend Procedure Bylaw 2004-23

WHEREAS Section 124 of the Community Charter requires a Municipality, by bylaw, to establish general procedures to be followed by council and council committees in conducting their business;

AND WHEREAS the Council of the City of Penticton has adopted a Council Procedure Bylaw pursuant the Community Charter and wishes to amend “City of Penticton Procedure Bylaw No. 2004-23 (2004)”;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited as “Council Procedure Amendment Bylaw No. 2015-57”.

2. Amendment:

“City of Penticton Procedure Bylaw No. 2004-23” is hereby amended as follows:

Delete and replace section 7.A with the following:

7.A(1) Provided the conditions set out in section 128(2) of the Community Charter are met, a member of council who is unable to attend a Closed or a Special Council meeting may participate in the meeting by means of electronic communication devices.

(2) The member who will preside over the Closed or Special Council meeting must not participate electronically.

(3) No more than two members may participate under section 7.A (1) at a time.

(4) Council members may participate electronically under section 7.A (1) twice annually.

(5) In the case of an interruption in the communication link to the member participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant.
READ A FIRST time this 2 day of November, 2015
READ A SECOND time this 2 day of November, 2015
READ A THIRD time this 2 day of November, 2015
ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 6 day of November, 2015 and the 11 day of November, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

________________________________________
Andrew Jakubeit, Mayor

________________________________________
Dana Schmidt, Corporate Officer
Staff Recommendation

THAT Council approve “Development Variance Permit PL2015-054”, a permit to waive the requirement that a parking lot shall have a dust free, hard surface of concrete, asphalt, grasscrete or a similar material and to waive the requirement to incorporate irrigation and landscaping into the parking area;

AND THAT as a condition of the permit the following standards be maintained and installed prior to business licence issuance:

☐ Parking area must be graded, levelled and treated with an appropriate permeable top coat;
☐ All parking spaces must be individually delineated;
☐ A 3m wide amenity area must be installed along the Main Street frontage, with the following elements;
  o An irrigated landscape area
  o Benches, of a design to match other recently installed downtown street furniture
☐ Lighting must be installed, which will illuminate the entire site during operation of the parking lot in the following manner and at the developers cost:
  o Light heads added to the existing City poles in the lane oriented towards the subject lands; and,
  o The replacement of the existing ‘globe lights’ in front of the subject property with new light duel head light standard that matches recent downtown light fixture installations.

AND THAT staff are directed to issue the permit.

Background

On August 17, 2015, staff presented an application for a variance permit to Council for the above noted properties. The permit was intended to waive the requirement to pave a parking area on the subject lands to allow for the operation of a public pay-parking lot. Pay parking lots are permitted by the zoning bylaw, but must be developed to a specified standard, including paving.

During that meeting, several members of the community spoke about the problems with the current condition and use of the site. The Downtown Penticton Association also made presentations on the negative impact the current state of the site is having on the 300 block of Main Street and the confusion that the current situation is creating with regard to parking, especially during the Saturday morning markets.
With those comments in mind, Council deferred a decision on issuance of the permit and directed staff to work with the Downtown Penticton Association (DPA), local business and property owners as well as the applicant to address some of the issues in moving the application forward.

Staff have met with the DPA and have received correspondence from other business owners in the areas. The view that the DPA has taken is similar to the position that staff outlined in their original report to Council (attached for reference). That position is that a parking lot is not a desirable use for the site, but in the absence of any eminent development for the property, the current condition of the site needs to be improved. If a parking lot is going to go in, it should be done in a manner that improves the aesthetics and safety of the site.

Given this position, the DPA is generally in support of the proposal outlined in staff's recommendation to Council. The recommendation includes that the following conditions are met, prior to issuance of a business licence:

- The parking area is cleaned up, leveled and finished with an appropriate top coating (most likely a fine crush as seen in other parking areas in the downtown;
- All parking areas are individually delineated;
- An amenity area is to be maintained along the Main Street frontage of at least 3.0m in width, including an irrigated landscape area, benches. The DPA has been in contact with Incredible Edible and they have agreed to take over the care and maintenance of this landscape area. The applicant / property owner will have to install the water service ($2,000 approx.). The DPA has also been in contact with public works regarding the street furniture that is located in the landscaped area. That furniture will be oriented in a way that is less inclined toward loitering, which is seen as a problem on this property;
- Lighting installed to illuminate the entire site. Again this is to make the site safer and less desirable for unwanted activity. The DPA has been in contact with the City’s Electrical Department and have arranged to have addition lighting added to the poles in the back alley to illuminate the site and for the replacement of the current globe lighting standards with lights standards that have recently been installed in other areas of the downtown.

In speaking with the applicant and property owner, they are amenable to all of these conditions and understand that all of these items must be completed and installed prior to issuance of a City business licence and operation of the parking lot.

Other businesses along the 300 block do not agree with the use of this property for parking, or for the reduced standard (no paving). They have expressed an opinion that the site should be brought fully up to the bylaw standard including paving. A letter received by staff is attached for Council’s reference (Attachment C).

**Financial implication**

N/A

**Analysis**

**Support**
The current way that this site is operating as a parking area has created confusion for users of it and has generated an unsafe environment in the downtown. By creating a legitimate parking lot, the public will not be confused over the operation of the property and the aesthetic impact of the site will be improved.

While it would be ideal for the developer to create a more permanent looking lot with paving, the cost to do so would be substantially higher than what is being proposed. The applicant has indicated that they are still hoping to find someone to redevelop the property in the near future and do not wish to make the investment it would take to bring the property up to the bylaw standards. By keeping the parking area in a semi-permanent state (i.e. no paving, irrigation or landscaping), staff considers the chances that it will be redeveloped to be higher.

Further, Council has supported several other variances to parking in the downtown.

The changes to staff’s original recommendation made through discussions with the DPA have been agreed to by the property owner and bring more clarity and certainty to the final outcome. They have led to an improved proposal.

For these reasons and the reasons outlined in the original report to City Council, staff recommend that Council support the variance request with the conditions identified.

Deny

Council may feel that this property should be developed into a proper parking lot with paving and landscape islands. If that is the case, Council should deny the variance request. Staff do caution though, that the result of denial of the permit will result in the status quo of the current situation being maintained.

Alternate recommendations

THAT Council deny support to DVP PL2015-054.

THAT Council refer DVP PL2015-054 back to staff for further work.

Attachments

Attachment A – Aerial Location Map
Attachment B – Original Council Report (without Attachments)
Attachment C – Letter from neighbouring business
Attachment D – Draft Permit

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals

Director

Acting City Manager

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals

Director

Acting City Manager

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals

Respectfully submitted,

Blake Laven,
Planning Manager

Approvals
Attachment B
Photos of Subject Lands

Figure 1: Image of subject properties from Main Street looking north-west

Figure 2: Image of subject properties from Main Street looking south-west
Attachment C
Original staff report to Council dated august 17, 2015

Council Report

Date: August 17, 2015
To: Eric Sorensen, City Manager
From: Blake Laven, Planning Manager
Subject: DVP PL2015-054 for a pay parking lot on 341, 347, 353, 357, 359, 363 Main Street

Staff Recommendation

THAT Council approve “Development Variance Permit PL2015-054”, a permit to waive the requirement that a parking lot shall have a dust free hard surface of concrete, asphalt, grasscrete or a similar material and to waive the requirement to incorporate irrigation and landscaping into the parking area;

AND THAT as a condition of the permit the following standards be maintained:

☐ Parking area must be graded, levelled and treated with an appropriate top coat;
☐ All parking spaces must be clearly delineated with signage and wheel stops; and
☐ A landscape area of a minimum of 3.0m must be maintained along the Main Street frontage;

AND THAT staff are directed to issue the permit.

Background

The subject property is currently vacant, and has been since the Three Gables Hotel burned down in 1999. Since that time, the site has been used informally as parking. The lot though has never been properly graded and developed into parking and currently features a rocky and uneven surface with exposed concrete in places. In 2009 the Downtown Penticton Association installed some semi-formal park infrastructure on a portion of the property fronting Main Street in the form of mulch ground cover and picnic tables.

Staff have met with the property owner several times over the past few years with regard to the state and use of the property. The owner has wanted to charge for parking but to do so, a business licence is required and to achieve a business licence the lot needs to be brought up to Zoning Bylaw standards for a public pay parking lot. The bylaw requires the site to be engineered for drainage, paved and have landscape islands and lighting. As the site is deemed to be a future development site, the property owner has not wanted to make the required investment to bring the property up to that standard.

Over the past few years, the parcel has had every appearance of a parking lot (including informal vehicle parking) and this has created confusion with the community. Recently, the owner has said that they would be willing to level and surface the lot to a minimum standard if he could operate a proper parking lot. This is a similar approach that has been used on other potential development sites downtown (for example the City
owned parking lot on Backstreet Boulevard and Nanaimo Street Hall as well as what was done at 450 Martin Street - P2 development site. To operate the lot as contemplated, a variance to the zoning bylaw is required. The final topcoat would be either an asphalt 'millings mixture' or a soft crush material, both of which are permeable.

Proposal

The applicant is proposing to waive the following provisions of Zoning Bylaw 2011-23:

- Section 7.3.1.3 Every off-street parking or loading area accommodating five or more vehicles shall consist of a durable, dust free, hard surface of concrete, asphalt, grasscrete or similar material
- Section 7.3.3 Every outdoor off-street parking space accommodating ten or more spaces shall incorporate landscaping within the parking area calculated on the basis of 2.0m2 of landscaped island per parking space.

Financial Implication

N/A

Analysis

Support

The current way that this parking area is operating has created a situation of confusion for users. By creating a legitimate parking lot, the public will not be confused over the operation of the property.

By keeping the parking area in a semi-permanent state (i.e. no paving, irrigation or landscaping) the chances that it will be redeveloped are thought to be higher.

Other benefits of legitimizing the parking lot will be that it will clean up a site that is currently in an unkempt state. The parking lot will be levelled with a softer crush being installed. All individual parking stalls will be delineated with wheelchair stops and signs and signage will be installed. The landscaping that was installed by the DPA will either be retained in its current state or improved.

For these reasons staff recommend that Council support the variance request.

Deny

Council may feel that this property should be developed into a proper parking lot with paving and landscape islands. If that is the case, Council should deny the variance request. Alternatively, Council may wish to see some improvements to the land beyond what the land owner is willing to do, but not quite what is required by the bylaw. If that is the case, Council could refer the application back to staff with instructions to work with the developer on refining the plans.

Alternate recommendations

THAT Council deny support to DVP PL2015-054.
THAT Council refer DVP PL2015-054 back to staff for further work.
Attachments
Attachment A – Aerial Location Map
Attachment B – Permit for Issuance

Respectfully submitted,
Digitally signed by Blake Laven
DN: cn=Blake Laven, o=City of Penticton,
ou=Planning,
email=blake.laven@penticton.ca, c=CA
Date: 2015.09.25 13:20:44 -07'00'

Blake Laven,
Planning Manager

Approvals

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<th>City Manager</th>
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Elliott Row

October 2, 2015

Mayor and Council, The City of Penticton,
Downtown Penticton Association,

We are Donald and Lori Robertson of Elliott Row Men’s Wear Inc. Our numbered company owns the building at 334 Main Street, Penticton, where Elliott Row Men’s Wear Inc. resides. Elliott Row has been a fixture in Downtown Penticton for 21 years in the same location.

We have been approached by the Downtown Penticton Association informing us of the wishes of the property owners of the empty 3 Gables Lot across from our store to turn the location into a parking lot.

We are only in agreement if the property owners turn the lot into an entity in which it properly represents our downtown core and what it should be! As we view the many improvements to our Downtown, Front Street, and Lakeshore Drive, we should be committed to make our city one that looks professional and up to date in every aspect of it’s being. As a building owner, I know that we will be asked in the near future to contribute serious money towards the 200 and 300 block Downtown revitalization. How can you justify asking owners to contribute vast sums of their own money, when you have a GRAVEL PARKING LOT in the middle of downtown?

We would support the proposed lot if it is paved, has painted parking lines, metered, and has security cameras for a police presence. A police presence is so important for the security and comfort it provides our customers and fellow merchants. With an empty lot and no attention, it provides a safe haven for some questionable behaviour. We want the heart of Downtown Penticton in the 300 Block and it’s many fashionable businesses to be proud of our City, and every aspect of the Downtown Core. To take this decision lightly will not send the correct message to all of us with who have an invested interest in maintaining and prospering in what will become the South Okanagan’s most vibrant community.

Yours very truly,

[Signature]

Donald and Lori Robertson
Elliott Row Men’s Wear Inc.

Serving the South Okanagan for over 21 years
334 Main Street, Penticton, B.C. V2A 5C9
www.elliottrow.com
Attachment E
Permit for Issuance

Development Variance Permit

Permit Number: DVP PL2015-054

Malvinder (Raj) Randhawa
0888739 BC Ltd. Inc No. BC0888739
350 Martin Street
Penticton BC V2A

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City except as specifically varied or supplemented by this Permit.

2. This permit applies to:
   
   Legal: Lots 27, 28, 29 30, 31 and 32 of Block 9 District Lot 202, Similkameen Division Yale District and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 269
   
   Civic: 341, 347, 353, 357, 359 and 363 Main Street
   
   PIDs: 012-458-741; 012-458-759; 012-458-767; 012-458-775; 012-458-783 and 012-540-196

3. This permit has been issued in accordance with Section 922 of the Local Government Act, to waive the following sections of Zoning Bylaw 2011-23, to allow for a public pay parking lot:

   - Section 7.3.1.3 That every off-street parking or loading area accommodating five or more vehicles shall consist of a durable, dust free, hard surface of concrete, asphalt, grasscrete or similar material and
   - Section 7.3.3 That every outdoor off-street parking space accommodating ten or more spaces shall incorporate landscaping within the parking area calculated on the basis of 2.0m² of landscaped island per parking space.

General Conditions

1. In accordance with Section 928(2) of the Local Government Act the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

2. Prior to a business license issuance and operation of the parking lot the following must be completed:

   i. Parking area must be graded, levelled and treated with an appropriate permeable top coat;

   ii. All parking spaces must be individually delineated;
iii. A 3m deep amenity area must be installed along the Main Street frontage, with the following elements:
   a. An irrigated landscape area
   b. Benches, of a design to match other recently installed downtown street furniture

iv. Lighting must be installed, which will illuminate the entire site during operation of the parking lot in the following manner and at the developers cost:
   a. Light heads added to the existing City poles in the lane oriented towards the subject lands; and,
   b. The replacement of the existing 'globe lights' in front of the subject property with new light dual head light standard that matches recent downtown light fixture installations.

3. In accordance with Section 926 of the Local Government Act, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

4. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

5. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

6. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 15th day of November, 2015

Issued this ____ day of __________, 2015

__________________________________________
Dana Schmidt,
Corporate Officer
Council Report

Date: November 16, 2015
To: Eric Sorensen, Chief Administrative Officer
From: Lindsey Fraser, Planner I
Address: 745 Ross Avenue
Subject: Development Variance Permit PL2015-068

Staff Recommendation

THAT Council denies “Development Variance Permit PL2015-068”, for Lot 4, District Lot 250, Similkameen Division Yale District, Plan 8343, located at 745 Ross Avenue, a permit to locate a double garage 3.19m from the front property line.

Background

The subject property (Attachment ‘A’) is a single-family home located in a low-density area of the city surrounded, primarily, by other single-family houses. The lot is zoned R1 (Large Lot Residential).

In front of the home (along Ross Avenue) is a single-car detached garage. The applicant is applying to locate an additional double-car garage in front of the pre-existing garage. In order to do so, the applicant will be unable to meet the front yard setback requirement of the R1 zone, of 6.0m. The applicant is, thus, applying for a relaxation on the front-yard setback from 6.0m to 3.19m.

Proposal

The applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw 2011-23:

- Section 10.1.2.5: Reduce the minimum front yard setback from 6.0m to 3.19m

Financial implication

N/A

Technical Review

This application was vetted through the City’s Technical Planning Committee, including Engineering and Public Works Departments. No conditions were identified through this review.
Analysis

Deny

The application for a reduction to the front-yard setback is not supported by the Planning Department. Staff considers that there is a uniformity to the street (Attachment ‘C’) with a positive focus toward the front face of houses – approving this application will be a noticeable departure from this aesthetic. Specifically, there is a uniform building setback that approval of the variance would significantly deviate from. In addition, placing a two car garage within the front setback area would put greater emphasis on vehicles than the residential orientation of the house.

In general, common planning practice emphasizes the importance of designing streetscapes in a way that strengthens ‘interaction’ between roads or sidewalks, and the ‘frontage’ of buildings. For example, it is a more enjoyable and community-oriented experience to walk by the front of a home, rather than a large garage door that lacks windows and other human elements. In addition to this general planning principle, there is already a garage on the property, in front of the dwelling.

In cases where applicants request variances, staff look for areas of hardship that would make following the bylaw difficult or impossible. The property owners are attempting to create more space for the storage of vehicles and space for a workshop/studio. They state in their letter that the variance is needed because of the steep bank toward the back of the property. They also state that 27% of the lot is made up by this bank. Due to the fact that there is already a garage on the property, staff considers that no real hardship exists in this case.

The applicants also submit that because there is a large section of City-owned boulevard (approx. 5.0m) between their front property line and the street, the impact of the new garage will be minimal. Staff recognize that this spacing will help soften the impact of the proposed garage, but do not think that reliance on the City-owned portion as the primary buffer between the garage and street is appropriate.

The applicants have done their due-diligence in speaking with their neighbours about the proposed garage and associated variance. They have provided a letter (Attachment ‘D’) on which they state their intentions and have provided signatures of nearby residents stating that they do not oppose the variance application. Included in the signatures is that from 735 Ross Avenue, the neighbor directly to the west who will notice the greatest direct impact.

Although the Planning Department is sympathetic to the limitations of the property, and appreciates the outreach done by the applicants, staff does not support this variance application. Given the above, staff recommends that Council deny the variance.

Approve

Council may feel that the limitations of the property do warrant the granting of variance. Council may also feel that, given the applicants’ outreach to their neighbours prior to the Council Meeting, and the perceived support of the application, that a variance should be granted. If this is the case, and Council approves the variance, Staff will issue the permit.
Alternate recommendations

1. THAT Council approve “Development Variance Permit PL2015-068” with conditions that Council feels are appropriate.

Attachments

Attachment A – Subject property location map
Attachment B – Zoning map
Attachment C – Images of the property
Attachment D – Letter of Intent and Letter with Signatures
Attachment E – Site plan and elevation drawings

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

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<tr>
<th>Director</th>
<th>Acting City Manager</th>
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<td>JGTH</td>
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Attachment A – Subject Property Location Map

Figure 1: Subject property highlighted in blue
Figure 2: Subject property zoned R1 (Large Lot Residential)
Attachment C – Images of the Subject Property

Figure 3: View of 745 Ross Avenue looking northwest

Figure 4: Looking east from 735 Ross Avenue
September 7, 2015

To whom it may concern,

Due to the fact that I am unable to build a double garage at the rear of the property, (27% of the lot is a steep bank), I am applying for a variance to build in front of the house, which would reduce the required 6 meters to the property line, to 3.19 meters. However it would still leave 8.19 meters to the road pavement. There are 5 meters (16.4 feet) of grass between my property line and the road pavement that belong to the city, still leaving ample room for road improvements.

Thank you for your consideration.

Peter Krieger

[Signature]
October 16, 2015

We, Bev and Peter Krieger, have recently bought the house at 745 Ross Avenue in Penticton, and would like to build a double garage in front of the existing single garage/office. Unfortunately we cannot build on the back of the property because 27% of the backyard is an extremely steep bank. We have applied to the city of Penticton for a variance to allow us to change the setback from the front yard property line from 6 meters to 3 meters to accommodate a garage. The planning department encouraged us to seek opinions from the neighbors most affected by this variance before the application goes to Council.

We would like to consult with you, our neighbors, to see if you have any objections with us going ahead with our plan if we get the city’s approval.

We (I) have no objection to the building of a two car garage at 745 Ross Avenue, reducing the distance from the front yard property line from 6 meters to 3 meters.

Janine Walker
755 Ross Ave

Karen Harris
749 Ross Ave

Valery Harris
734 Ross Ave

Jennifer Gludovatz
724 Ross Avenue, Penticton

Jasmin - 765 Ross Ave.

NML
764 Ross Ave.
'LOT 4, PLAN 8343, DL 250, SDYD

745 ROSS AVENUE

Figure 5: Site Plan
Figure 6: Front perspective of proposed garage
Figure 7: west side of garage

Figure 8: east side of garage
Staff Recommendation

THAT Council approves a 12 month renewal for the Vacant Building Registration Permit for 597 Martin Street, Lot 2 Block 17 Plan 977.

Strategic priority objective

The Vacant Building Registration ("VBR") program supports the City's vision by promoting a sustainable, vibrant community.

Background

On September 16th, 2014 Council supported the first extension (resolution 403/2014) for the Vacant Building Registration permit that was originally issued to Harry Neihe, owner of 597 Martin St. (Attachment A). This extension allowed the secured vacant single family building to remain for an additional 12 month period. The existing VBR permit has expired and the ownership has been transferred. The new owner, Chase Valley Commercial Inc., wishes to extend the VBR permit until next spring/summer when the owner anticipates renovations to the house can be commenced. No permit applications have been made for the proposed renovations. The home is not registered on the City's list of historically significant buildings. The new owners have already completed exterior and interior cosmetic upgrades to the existing 5 unit apartment building located adjacent to the home on the same property (See Attachment B).

The Vacant Building Registration regulations outlined in Good Neighbour Bylaw No. 2012-5030 was adopted to track and monitor existing residential and commercial properties and to encourage property owners to repair or remove derelict buildings. To date staff has been able to have a number of buildings repaired or removed.

Under Section 7.16 & 7.18 of the Good Neighbour Bylaw restrictions for extending or renewing a permit is regulated through Council:

No Additional Permits without Council Approval

"7.16 Once a permit has been issued, no additional permit may be issued in respect to the building until and unless:
Council May Order Additional Permit to be issued.

“7.18 Upon application by an owner whose vacant building has been issued a permit under Section 7.11 or, and payment of any additional fees or penalties, Council may direct the Chief Building Official to issue an additional permit in respect of the building(s)

The rationale for this requirement is to determine if the request is valid and meets the vision of the City to allow for Vacant Building to be retained for an extended period of time or remove it through enforcement fines and or remedial action. The fees imposed for registration and renewal are to encourage rehabilitation or removal of the structure.

Zoning

The current Zoning for the property is RD1, which allows for a single family dwelling use. The current position of the home does not meet current zoning interior side yard setbacks and is therefore a legally non-conforming use. Staff has informed the applicant that the apartment (multi-family) built in 1954 is not included within the allowed RD1 uses. Any significant changes to the multi-family building will require further planning reviews.

Financial implication

Renewal of the Vacant Building Registration permit ($1500) will allow staff to monitor the property, ensuring that the building remains unoccupied and continues to be secure and free of stored materials. In the event the home is repaired or removed within the first 6 months, a 75% refund can be returned.

Analysis

Staff has monitored the building and a monthly basis and has had only one incident where residents of the adjacent apartment building had used a washing machine in the vacant home. Since that point the building has been unoccupied, secured and free of graffiti and the electrical service has been disconnected (Attachment C – secured building). The building is uninhabitable and would require significant structural, life safety, mechanical and electrical improvements to be re-occupied (See photos Attachment D - Interior).

Allowing a vacant building to remain for a prolonged period of time may increase the possibility for illegal activity, deterioration to the structure and storage of combustible materials, which could ultimately lead to safety issues and concerns. It may also deter development of neighbouring properties. The owner will be responsible for removing stored materials from inside the vacant home and ensuring it is kept secure and free from graffiti.

Staff recommends that the VBR extension be granted with removal of stored materials and will commence permit renewal requirements with the owner. If denied staff will commence enforcement action to have the building demolished or brought up to a habitable state as directed by Council.
Alternate recommendations

1. Deny the Vacant Building Registration permit extension request and direct staff to take enforcement action to remove the building.

Attachments
Attachment A – Site location
Attachment B – Photos of buildings on property
Attachment C - Photos of vacant building
Attachment D – Interior photos

Respectfully submitted,

Ken Kunka AScT, RBO
Building and Permitting Manager

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>Acting City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>JGH</td>
<td>MM</td>
</tr>
</tbody>
</table>
Attachment A
Site Map
Attachment B
597 Martin St.

Renovated Exterior
Attachment C
Vacant Building

597 Martin – facing street (Oct23/15)
Attachment D
Interior
Date: November 16, 2015
To: Eric Sorensen, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Subject: Vacant Building Registration Permit Renewal – 167 Warren Ave W.

Staff Recommendation

THAT Council approves the 12 month renewal for the Vacant Building Registration Permit for 167 Warren Ave W., Lot 1 Plan 7405.

Strategic priority objective

The Vacant Building Registration (“VBR”) program supports the City’s vision by promoting a sustainable, vibrant community.

Background

On January 23, 2014 building department staff issued a Vacant Building Registration permit for the 20 unit long term health care home located at 167 Warren Ave W. (Attachment A & B). At that time the owners, Brewster Healthcare Group Inc, were responsible for the maintenance of the building and property as if occupied and ensure life safety systems were active and monitored as per the City of Penticton Life Safety Bylaw. During the initial staff review, it was found that the building fire alarm system was not being monitored and has since been corrected. The VBR is now expired and the owners have requested an extension of the VBR permit until issues can be resolved with Interior Health to re-open the facility.

The Vacant Building Registration regulations outlined in Good Neighbour Bylaw No. 2012-5030 were adopted to track and monitor existing residential and commercial properties and to encourage property owners to repair, maintain or remove derelict or un-occupied buildings. To date staff has been able to have a number of buildings repaired and re-occupied or removed.

Under Section 7.16 & 7.18 of the Good Neighbour Bylaw restrictions for extending or renewing a permit is regulated through Council:

No Additional Permits without Council Approval

"7.16 Once a permit has been issued, no additional permit may be issued in respect to the building until and unless:
(a) Council has approved an additional permit to be issued under Section 7.18".
Council May Order Additional Permit to be issued.

“7.18 Upon application by an owner whose vacant building has been issued a permit under Section 7.11 or, and payment of any additional fees or penalties, Council may direct the Chief Building Official to issue an additional permit in respect of the building(s)“.

The rationale for this requirement for a maintained building is to determine if the request is valid and meets the vision of the City to allow for Vacant Buildings to be retained for an extended period of time and to ensure the property is maintained and life safety systems monitored. The fees imposed for registration and renewal are to cover staff monitoring time and encourage rehabilitation of the building.

Zoning

The current Zoning for the property is RM3 and is located across from Lions Park and within an area of mixed single, low and high density residential properties. The current zoning allows for long term care home use.

Financial implication

Renewal of the Vacant Building Registration permit ($1500) will allow staff to monitor the property, ensuring that the building remains unoccupied and continues to be secured and life safety systems monitored. In the event the building is re-occupied within the first 6 months, a 75% refund can be returned.

Analysis

Staff has monitored the building on a monthly basis and has on occasion received complaints regarding garbage being left in the rear parking area. Also, it has been determined that the rear lane shed has been used from time to time by transients to store belongings (Attachment C). The owner has worked with staff to clear the debris but it is recommended that the shed be removed to discourage persons from dumping or storing material in and around it. During 2015, staff has continued to work with the owners and Interior Health to re-occupy the building but the owners have not been able to secure an operating license to re-open. Life safety systems have been maintained.

Allowing a vacant building to remain for a prolonged period of time may increase the possibility for illegal activity, deterioration to the structure and storage of combustible materials & debris, which could ultimately lead to safety issues and concerns. It may also deter development of neighbouring properties. The owner will be responsible for maintaining the monitoring of life safety systems and ensuring it is kept secure and free from debris and graffiti.

Staff recommends that the VBR extension be granted with removal of the storage shed from the rear lane area and will commence permit renewal requirements with the owner. If denied, staff will commence enforcement action as directed by Council.

Alternate recommendations

1. Deny the Vacant Building Registration permit extension for 167 Warren Avenue W.
Attachments

Attachment A – Site location & Zoning
Attachment B – Exterior of Building
Attachment C – Rear lane – accumulation of garbage

Respectfully submitted,

Ken Kunka AScT, RBO
Building and Permitting Manager

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>Acting City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>JGTH</td>
<td>MM</td>
</tr>
</tbody>
</table>
Attachment B
167 Warren Ave. W

Front Exterior (Nov 4/15)

Rear Lane
Attachment C
Rear Lane Shed

Nov 4/2015
Date: November 16, 2015
To: Eric Sorensen, Chief Administrative Officer
From: Len Robson, Public Works Manager
Subject: Sidewalk and Walkway Inspection and Maintenance Policy

Staff Recommendation

THAT Council after full consideration including budgetary restrictions and the availability of City of Penticton personnel and equipment, approve the Sidewalk and Inspection and Maintenance Policy dated November 16, 2015.

Strategic priority objective

N/A

Background

The City of Penticton has over 130 kilometers of public sidewalks and over 17 km of walkways throughout the city. This infrastructure varies in age, condition and public use. This policy will form the basis for the sidewalk and walkway inspection and repair operational procedures.

The proposed policy ensures that high traffic sidewalks and walkways within the City are inspected and maintained annually while all others are inspected and maintained no less than once every 5 years. The policy outlines the service level and standards for repairs for all defects within the sidewalk and walkways network.

The proposed policy is based on past operational procedures for inspection and maintenance of sidewalks and walkways.

Financial implication

The 2016 Annual Operating Budget request for the combined Works and Parks Departments Sidewalk and Walkway Inspection and Maintenance Program is $108,250. The Capital Budget request for the asphalt repairs to the asphalt trail network is $10,000.

Analysis

With respect to limited funds for operational budgets, the expense of sidewalk and walkway inspection and maintenance, the limitations of the City staff and equipment, the safety of the public, and the potential of
liability this Council endorsed policy ensures the service levels and standards are defined to meet all objectives.

The policy has been reviewed by the City’s insurer, the Municipal Insurance Association of BC, and the City of Penticton’s Risk Management Committee. All of their recommendations have been considered and/or included in the attached document.

Alternate recommendations

That Staff amend the Sidewalk and Walkway Inspection and Maintenance Policy to address any concerns Council may have.

Attachments

Attachment A – Sidewalk and Walkway Inspection and Maintenance Policy

Respectfully submitted,

Len Robson, AScT
Public Works Manager

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>CFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>MM</td>
<td></td>
</tr>
</tbody>
</table>
Goal

To establish a Council Policy for the inspection and maintenance for concrete or asphalt sidewalks and walkways that is reasonable for all circumstances, given the allocation of budgetary resources and the availability of City of Penticton personnel and equipment.

Scope

The City of Penticton has over 130 kilometers of public sidewalks and over 17 km of walkways throughout the city. This infrastructure varies in age, condition and public use. This policy will form the basis for the sidewalk and walkway inspection and repair operational procedures.

Policy

The area defined as Zone A (see attached map – Zone A) which includes the downtown core, parks and beach sidewalks and walkways will be inspected on an annual basis to determine the repairs necessary to be undertaken in accordance with this policy.

All other sidewalks and walkways within the city will be inspected no less than once every 5 years to determine the repairs necessary to be undertaken in accordance with this policy.

Members of the public and city employees are encouraged to immediately report any observed defects in sidewalks or walkways located within the City of Penticton to the Public Works Manager and/or their designate(s). Within 2 full business days of receiving any report of observed defects, the Public Works Manager and/or their designate will attend the site of the reported defect or hazard and inspect the sidewalk or walkway to determine the repairs necessary to be undertaken in accordance with this policy.
The following repair guidelines apply in respect of defects or hazards in sidewalks and walkways observed by the Public Works Manager and/or their designate(s).

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Required works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>A differential, gap or hole of less than 1.25 cm (1/2 inch)</td>
<td>No work required</td>
</tr>
<tr>
<td>Level 2</td>
<td>A differential, gap or hole between 1.25 cm (1/2 inch) and 2.5 cm (1 inch)</td>
<td>Mark (High Visibility Paint), Grind or Asphalt/Concrete Fillet or Patch pending favorable weather conditions and material availability. Re-inspect in six (6) months</td>
</tr>
<tr>
<td>Level 3</td>
<td>A differential, gap or hole greater than 2.5 cm (1 inch)</td>
<td>Mark (High Visibility Paint) immediately and repair within one week pending favorable weather conditions and material availability.</td>
</tr>
</tbody>
</table>

Annual inspection and repair documentation noting areas inspected and, any observed defect or hazard in sidewalks and walkways, the date the defect or hazard was observed, the work performed to repair the defect or hazard, the date the defect or hazard was repaired and before and after photographs (if possible) will be maintained by the Public Works Manager and/or their designate.

**Previous revisions**

N/A

Certified Correct:
Staff Recommendation

THAT Council approve “Development Permit PL2015-067”, on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, shown on Attachment ‘A’ of this report and located at 3388 Skaha Lake Road;

AND THAT Staff are directed to issue the permit.

Strategic priority objective

This project will add valuable units to the city’s housing stock supporting housing affordability in Penticton, meeting the strategic priority of creating an affordable community.

Background

City Council passed an amendment to the zoning bylaw, creating a comprehensive development zone for the subject lands, at its August 17th, 2015 Regular Meeting. The new comprehensive zone was intended for a high density residential development to support the neighbouring commercial and townhome uses adjacent to the site. The zone has provisions for progressive parking regulations, provisions for density bonusing and amenity area requirements. At the Public Hearing for the zoning bylaw amendment, the developer outlined his commitment to build three residential towers on the subject lands with each tower featuring ground oriented garden suites. Prior to consideration of rezoning, the applicant hosted an information meeting on May 14th and met with the adjacent neighbours to discuss the project.

Since adoption of the zoning amendment, the developer has been working with staff on an application for a Development Permit approval for the first of the three towers – Phase I of the project. This phase also includes the creation of the main access road that runs through the site from Skaha Lake Road to Yorkton Avenue, as well as some visitor parking and the landscaping portion that relates to this tower. This phase of the overall redevelopment of the land is located adjacent to the commercial development in the south west portion of the site and is 12 storeys in height.

Proposal

The applicant is requesting a Development Permit approval for Phase I of the project.
**Project Specifications**

The subject of this development permit is a 12 storey building with 71 units located in a condominium tower and 4 garden apartments constructed at the ground floor of the building, facing Skaha Lake Road for a total of 75 dwelling units.

As part of Phase I, the public walkway running from Wilson Street to Skaha Lake Road, adjacent to the townhouse development and subject lands, will be partially completed and is a condition of the Development Permit approval. The walkway adjacent to the newly constructed town house development at 3363 Wilson Street will be constructed to its full design standard with the remainder of the walkway being constructed to a temporary standard until the next phase of construction.

The overall specification of the project in relation to the CD zone is presented in the following table:

<table>
<thead>
<tr>
<th>Item</th>
<th>CD Zone as per Zoning Bylaw 2011-23</th>
<th>Phase 1</th>
<th>Overall Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of dwelling units</td>
<td>N/A</td>
<td>75 suites</td>
<td>261 suites</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>1 per unit + 15 visitor spaces = 276</td>
<td>80 parking spaces</td>
<td>281 spaces</td>
</tr>
<tr>
<td>Bicycle Storage</td>
<td>Resident 0.5 per unit =131 spaces</td>
<td>37.5 spaces</td>
<td>131 spaces</td>
</tr>
<tr>
<td></td>
<td>Guest 0.1 per unit = 27</td>
<td>7.5 spaces</td>
<td>34</td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum height permitted by Transportation Canada (airport)</td>
<td>45m</td>
<td>45m</td>
</tr>
<tr>
<td></td>
<td>Maximum Height 45m and 14 storeys</td>
<td>39.04m (12 Storeys)</td>
<td>Maximum 45m(14 storeys)</td>
</tr>
<tr>
<td></td>
<td>Minimum height 20m and 6 storeys</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Amenity</td>
<td>5m² per suites = 375m² required</td>
<td>810m²</td>
<td>1,205m²</td>
</tr>
</tbody>
</table>

**Technical Review**

The developer and Staff have been working with regard to this site for the past year. The application has been to the City’s Technical Planning Committee several times.

At the time of zoning amendment consideration, Council heard that there were deficiencies in the sewer line running along Skaha Lake Road from the subject lands to the Lee Avenue pumping station. The total cost of the sanitary sewer upgrade is estimated at $733,000. Funding for the project includes $132,000 from the Development Cost Charges program, $246,000 from the developer with the City of Penticton paying the remaining $ 355,000. Design and construction of the works are included in the 2016 budget.

Aside from the sewer project, other technical notes include:

- All buildings will be required to be constructed to minimum BC Building Code health and safety standards.
- An integrated stormwater management plan will need to be submitted at the time of building permit application.
- Geotechnical work will need to be done to ensure proper building stability in an area with a high water table. This work will be done through an earthworks permit, which is currently under review.
This work will also include inspections of neighbouring buildings for development structural integrity – an insurance requirement.

- A registered architect and engineer will be required to be involved, given the scale of the project. Building Permit discounts are available for having registered professionals involved.

**Financial implication**

As stated above, the sanitary sewer infrastructure in the area around this development is deficient. While the developer will be contributing to the cost of the project, there is a community benefit to completing the upgrades. As such the works will form part of the 2016 public works plan. Funding will come from the Development Cost Charge program as well as the sanitary sewer reserve.

**Analysis**

**Support**

The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area.

In terms of the High Density Development Permit Guidelines, the following is noted:

<table>
<thead>
<tr>
<th>Development Permit Guidelines</th>
<th>How the building complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The design guidelines encourage a high standard of liveability</td>
<td>The proposed design is livable with sun exposure and design of the landscaping that incorporates open spaces with a variety of plantings to enhance the livable environment.</td>
</tr>
<tr>
<td></td>
<td>The proposed development enhances the visual character of the neighbourhood. The extensive landscaping provides added visual appeal to the area along Skaha Lake Rd.</td>
</tr>
<tr>
<td>The design guidelines encourage a high standard of development, including site planning, massing, materials and building practices.</td>
<td>The building design incorporates architectural detailing and a variety of building finishes provide visual interest.</td>
</tr>
<tr>
<td></td>
<td>Building finishes are consistent in terms of appearance and color on all elevations including brick veneer and hard plank panels.</td>
</tr>
<tr>
<td></td>
<td>Building articulation is used to provide visual interest and create a less bulky appearance to a flat wall structure.</td>
</tr>
<tr>
<td>The design guidelines seek the enhancement of the public realm</td>
<td>The proposed building provides strong linkage with the rest of the neighborhood and is compatible with the surrounding land use.</td>
</tr>
</tbody>
</table>
Pedestrian connection through the site is provided with a stamped concrete walkway.

Screening and Landscaping of high quality

- Landscaping is extensive and includes a number of street trees, a small decorative iron fence and several shrubs and bushes that provide a good view from the street level.
- Landscaping has open green areas and common areas that encourage the use for all residents of the development.
- Parking is generally screened from Skaha Lake Road

This application blends well into the established neighbourhood and meets the objectives of the high density residential development permit area with the use of quality finishing and design and by creating a more spacious landscaped boulevard and public realm. The overall design and finish of the buildings is of a high quality and will add positively to Penticton as a whole. In addition to the several on-site amenities that are being proposed for the residents of the complex, the developer will also be constructing a walkway from Wilson Street to Skaha Lake Road, creating an important active transportation link between the two streets. Staff considers that the project represents worthy urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff are recommending that Council approve the development permit.

Deny or refer

Council may consider that the development does not meet the guidelines of the High Density Residential Development Permit Area. If this is the case, Council can deny the development permit Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Attachments

Attachment A – Subject property location map
Attachment B – Rendering of proposed towers
Attachment C – Site and elevation plans
Attachment D - Landscape Plan
Attachment E - Development Permit

Respectfully submitted,

Audrey Tanguay
Senior Planner
City of Penticton
Approvals
Attachment B

Architect Rendering of Proposed Building with surrounding development
Attachment C
Proposed Site Plan and Elevations
Attachment D
Landscape Plan
Development Permit

Permit Number: DP PL2015-067

Conditions of Permit:

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

   Legal: Lot 8 District Lot 116 SDYD Plan EPP943254
   Civic: 3388 Skaha Lake Road
   PID: 029-375-452

3. This permit has been issued in accordance with Section 920 of the Local Government Act to permit the construction of a 14 storey residential tower as shown in the plans attached in Schedule A.

4. In accordance with Section 925 of the Local Government Act a deposit or irrevocable letter of credit in the amount of $2,994 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 925(2.1) of the Local Government Act, to undertake works or other activities required to:

   a. correct an unsafe condition that has resulted from a contravention of this permit,
   b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
   c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

   a. the permit has lapsed as described under Condition 8, or
   b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

<table>
<thead>
<tr>
<th>Inspection</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>No fee</td>
</tr>
<tr>
<td>2nd</td>
<td>$50</td>
</tr>
</tbody>
</table>
General Conditions

7. In accordance with Section 928(2) of the Local Government Act the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

8. In accordance with Section 926 of the Local Government Act, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC’s), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the _______ day of ________, 2015

Issued this _______ day of ________, 2015

________________________________________
Dana Schmidt,
Corporate Officer
Staff Recommendation

THAT "Development Procedures and Delegation Amendment Bylaw No. 2015-55", a bylaw that amends "City of Penticton Development Procedures and Delegation Bylaw 2010-92" delegating Council’s approving authority with regard to ‘strata conversion applications’ for buildings of 4 or less strata units to the Development Officer, be given first, second and third reading and be forwarded to the December 7, 2015 Regular Meeting of Council for adoption.

Background

In 1966 the BC Legislature, following the lead of most jurisdictions, passed legislation that allowed for stratified ownership of property in BC. The enactment of the Strata Property Act changed the way land development – especially residential development – happened in the province. Whereas previously, apartment buildings would be constructed as rental buildings, under the new regulations residents in new buildings could ‘own’ title to their individual unit. Developers could build a building and sell individual units rather than managing the building as a rental building.

Once the market was established for new ‘strata’ buildings, the real estate community turned towards the large stock of already occupied rental buildings and began to apply for their conversion from rental to stratified buildings. Because of the interests of residents that did not wish to or could not afford to purchase their units, and the importance of ensuring an adequate rental stock, the legislature put in place measures that gave local Councils control over these types of applications.

The legislation allows for Council to consider the following provisions when considering the conversion of existing buildings to strata title:

- The priority of rental accommodation in the area
- Proposals of the developer to relocate the occupants of buildings (if the building is residential)
- The life expectancy of the building
- Projected major increases in the maintenance costs due to the condition of the building
- Any other matters that, in its opinion, are relevant
The experience in Penticton has been that the majority of these types of applications have been for duplex type buildings, where the impact is much less than for an apartment building. This has made Council’s role more or less administrative.

For this reason, the Strata Property Act allows for the delegation of this authority to staff. Under Section 242 of the Act, City Council may by resolution with respect to a specified type of previously occupied building,

(a) delegate to an approving officer or other person designated in the resolution the exercise of the powers and performance of the duties of the approving authority under this section, and

(b) impose limits or conditions on the exercise of the powers and performance of the duties delegated by the resolution.

While most municipalities in BC delegate the authority for minor strata conversion applications, Penticton has never passed such a resolution. Staff recommends that Council pass such a resolution and that the authority to approve or refuse a strata conversion for buildings of 4 units or less be delegated to the City’s Development Officer. For all other strata applications, City Council will retain the approval authority.

Proposal

Add the following section to “Development Procedures and Delegation Bylaw 2010-92”:

Delegation of strata conversion approval / refusal authority to the Development Officer

15.1 In accordance with Section 242 (10) of the Strata Property Act, Council delegates its powers under Section 242 (3) to approve or refuse a strata plan of a previously occupied building with 4 dwelling units or less to the City’s Development Officer.

Financial implication

N/A

Analysis

Support

Staff have brought forward the subject amendment for Council’s consideration to expedite the processing of strata conversion applications.

While there are not many of these applications in a given year (approximately 3-4), they are highly technical in nature and Council’s role is largely administrative. In the interest of expediency, it makes sense to delegate the simpler applications to staff – in this case, we consider applications of less than 4 units to be relatively un-complex and feel that the Development Officer can adequately consider the legislation in making the decision to approve or refuse conversion applications.

For these reasons, staff recommends that Council support the Bylaw amendment by giving the bylaw first, second and third reading.
Deny and/or refer

Council may wish to keep the approval authority for duplex strata conversions. If that is the case, Council should deny first reading of the bylaws.

Alternatively, Council may wish to refer the bylaws back to staff for refinement as Council feels appropriate.

Alternate recommendations

1. THAT “Development Procedures and Delegation Amendment Bylaw 2015-55” be denied first reading.
2. THAT “Development Procedures and Delegation Amendment Bylaw 2015-55” be referred back to staff.

Attachments

N/A

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager
The Corporation of the City of Penticton

Bylaw No. 2015-55

A bylaw to amend the Development Procedures and Delegation Bylaw 2010-92

WHEREAS the Council of the City of Penticton has adopted a Development Procedures and Delegation Bylaw pursuant to the Local Government Act and the Community Charter;

AND WHEREAS the Council of the City of Penticton wishes to amend “The City of Penticton Development Procedures and Delegation Bylaw No. 2010-92”;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:
   This Bylaw may be cited as “Development Procedures and Delegation Amendment Bylaw No. 2015-55”.

2. Amendment:
   Amend “The City of Penticton Development Procedures and Delegation Bylaw No. 2010-92” by adding the following title and section 15.1:

   Delegation of Strata Conversion Approval/Refusal Authority to the Development Officer

   15.1 In accordance with Section 242 (10) of the Strata Property Act, Council delegates its powers under section 242(3) to approve or refuse a strata plan of a previously occupied building with four (4) dwelling units or less to the City’s Development Officer.

READ A FIRST time this day of , 2015
READ A SECOND time this day of , 2015
READ A THIRD time this day of , 2015
ADOPTED this day of , 2015

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
Staff Recommendation

THAT Council select the following dates for the 2016 Regular Meetings of Council: January 11, 18, February 1, 15, March 7, 21, April 4, 18, May 2, 16, June 6, 20, July 4, 18, August 2, 15, September 6, 19, October 3, 17, November 7, 21, and December 5, 19.

Background

In accordance with Council’s Procedure Bylaw, the City must make available to the public annually, a schedule of the dates, time and place of regular Council meetings and give notice of the availability of the schedule through advertising.

Regular meetings are generally the 1st and 3rd Mondays of each month commencing at 6:00 p.m. unless adjustment is required due to conflicts. The shaded dates below are the meeting dates that have been moved due to holidays.

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Respectfully submitted,

Dana Schmidt,
Corporate Officer

Approvals

Acting City Manager

MM
Transportation Advisory Committee Meeting
held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Tuesday, October 20, 2015
at 3:00 p.m.

Present: Daryl Clarke, Chair & PIDA Representative
Matt Berry, Penticton Transit Representative
Rob Lionello, handyDART Representative
Louise Blais, Penticton and Area Cycling Association Representative
Karina Chambers, Member at Large
Domenic Rampone, Member at Large
Daniel Pizarro, BC Transit Representative (via conference call)

Guest: Danielle Harriott, BC Transit, Accessibility Program Manager

Staff: Tyler Figgitt, Design Supervisor
Lorraine Williston, Committee Secretary

1. Call to Order

The Transportation Advisory Committee was called to order by the Chair at 3:02 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED
THAT the Transportation Advisory Committee adopt the agenda for the meeting held on
October 20, 2015 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED
THAT the Transportation Advisory Committee adopt the minutes of the September 15, 2015
meeting as circulated.

CARRIED UNANIMOUSLY
4. **New Business**

4.1 **BC Transit Update**

The BC Transit representative reported that there are no new updates at this time and introduced Danielle Harriott, BC Transit’s Accessibility Program Manager.

4.2 **BC Transit Presentation (verbal)**

The Accessibility Program Manager provided an overview of BC Transit’s custom registration pilot project for the handyDART service which began in 2014 Comox Valley and Vernon Regional systems.

BC Transit initiated this pilot project to focus on individuals and their needs and to decrease the amount of unmet trips. The custom registration program allows for conditions to be applied for new handyDART applicants and is designed to evaluate individual needs and educate riders. After applying, the person is asked to come in for an assessment by an occupational therapist to determine their physical and cognitive levels. Information is also provided at that time about the handyDART service and conventional buses’ accessibility for mobility devices. The program was evaluated after one year, the communities showed a decrease in unmet trips and it was noted that more than half of the new users learned something new about handyDART services and the accessibility of conventional buses. Following that evaluation, the Board of Directors have approved BC Transit moving forward and expanding this program into other communities.

The BC Transit representative stated the cost to implement this program in Penticton would be between $7,500 - $8,000 per year based on a 33% cost sharing of $22,000. The $22,000 includes the cost for the assessments and public education. If Penticton is interested in this program, it could be implemented as early as April 2016. With Penticton having a high proportion of seniors, BC Transit feels this would be an excellent program.

A question and answer period followed. Rob Lionello from ASCLS who operate the handyDART service on behalf of the City of Penticton and BC Transit stated they have had a capacity issue for a while now, more people than rides available and have been relying consistently on the taxi program and feels this would be a very beneficial program. The BC Transit Representative stated BC Transit is only able to implement this program in three or four communities per year. If Penticton is interested for 2016, a letter of intent would need to be sent to BC Transit as soon as possible. BC Transit will also present more detailed information to Council at a future Council meeting and will advise the Committee Secretary of that date.


It was MOVED and SECONDED that the Transportation Advisory Committee recommend:

**THAT Council direct staff to include $8,000 for the annual cost of BC Transit’s Custom Registration Program for Penticton’s handyDART service in the 2016 budget process;**

**AND THAT Council direct staff to forward a letter of intent to BC Transit upon approval of the budget.**

CARRIED UNANIMOUSLY
5. **Business Arising from Prior Meetings**

5.1 **Avery Davidow – Traffic Concerns – Update**

Tabled to next meeting.

5.2 **Government Street Bike Lane**

The Design Supervisor updated the committee on the status of the reconfiguration of the bike lanes on Government Street and confirmed that letters have been sent to the business owners affected on Oct. 19, 2015, with a description of the changes and information on the bylaws. The work should be completed within the next two weeks.

5.3 **Traffic Signals Update**

The Design Supervisor reviewed the Timing and Accident Statistics. One error was noted and the Committee Secretary will send out a revised statistic list. The information on the accident statistics is based on only those accidents reported to ICBC. Accident statistic information is available online on ICBC’s website under the section Newsroom in the statistics section.

6. **Council Outcome**

Council Resolutions 497/2015 and 498/2015 from the minutes dated September 15, 2015 were received.

7. **Next Meeting**

The next regularly scheduled meeting of the Transportation Advisory Committee is Tuesday, November 17, 2015 at 3:00 p.m.

8. **Adjournment**

The Transportation Advisory Committee adjourned the meeting at 3:51 p.m.
SOEC Select Committee Meeting
held at South Okanagan Events Centre, The Vault
853 Eckhardt Ave. W., Penticton, B.C.

Wednesday, October 21, 2015
at 12:00 p.m.

Present: Andrew Jakubeit, Mayor
Dave Bushby, Chair
Don Kendall, Member at Large
Duane Jordan, Member at Large

Staff: Eric Sorensen, Chief Administrative Officer
Lori Mullin, Recreation & Culture Manager
Lorraine Williston, Committee Secretary

Guests: Dean Clark, RVP & GM Global Spectrum
Kevin Webb, SOEC AGM/Director of Events
Mary Richards, Venue Management, Spectra by Comcast
Carla Revlas, Business Manager, SOEC
Paul O’Beirn, AGM/Director of Sales, SOEC

1. Call to order

The SOEC Select Committee was called to order by the Chair at 12:25 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the SOEC Select Committee adopt the agenda dated October 21, 2015 as amended to remove item 4.1 and add 4.2.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the SOEC Select Committee adopt the minutes of the March 13, 2015 meeting as circulated.

CARRIED UNANIMOUSLY
4. **New Business**

4.1 **Invictus Entertainment Group**

The Invictus Entertainment Group (IEG) President provided an overview of the company’s background and achievements including their partnership and relationship with Global Spectrum. The President also explained the benefits of their services and the challenges with not using a promoter. Facilities can operate on a ’rental’ only basis (assume none of the risk), buy shows from a promoter (assuming half the risk) or partner with a promoter (share the risk). The best option is to partner and share costs, profits etc. IEG also has the ability to create packages in house before presenting to venues.

Discussion followed on potential groups, the economy, value of the Canadian dollar and the future of bringing “A” list content to Penticton and how important it is to plan and strategize accordingly and build in contingency plans.

The President left the meeting at 1:10 p.m.

4.2 **Penticton Lakeside Announcement Re: Conventions**

Item removed from agenda.

4.2 **September 2015 YTD Results**

The Business Manager presented and reviewed the 2015 YTD financials and reported 2015 has been a strong year in part due to the Young Stars tournament bringing in $88,000 in net revenue. The rolling forecast shows a positive variance of $288,000 at the end of the year.

Mayor Jakubeit left the meeting at 1:25 p.m.

4.3 **2016 Budget**

The General Manager and Business Manager presented and reviewed the preliminary 2016 Operating Budget for the SOEC. Indirects have not increased and the amount budgeted for utilities have been reduced by approximately $48,000 in conjunction with the installation of the LED lighting.

5. **Adjournment**

**It was MOVED and SECONDED**

THAT the SOEC Select Committee adjourn at 2:15 p.m. to a closed meeting pursuant to the provisions of the *Community Charter* sections 90 (1) as follows:

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

**CARRIED UNANIMOUSLY**
Minutes

Waterfront Revitalization Sub-Committee Meeting

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

Tuesday, October 27, 2015
at 8:00 a.m.

Present: Max Picton, Councillor
Rod King, Chair
Doug Eaton, Chamber of Commerce Representative
Wayne Lebedow, Marina Representative
Lauren Cornish, Member at Large
Jim Cooper, Member at Large
Cal Meiklejohn, Member at Large
Janice Taylor, Member at Large

Staff: Ian Chapman, City Engineer
Tyler Figgit, Design Supervisor
Lori Mullin, Recreation & Culture Manager
Stephanie Chambers, Recreation Business Supervisor
Lorraine Williston, Committee Secretary

Guests: Ed Grifone, CTQ Consultants Ltd. Representative

1. Call to Order
   The Waterfront Revitalization Sub-Committee was called to order by the Chair at 8:03 a.m.

2. Adoption of Agenda
   It was MOVED and SECONDED
   THAT the Waterfront Revitalization Sub-Committee adopt the agenda for the meeting held on
   October 27, 2015 as amended (refer to Item 5.3).
   CARRIED UNANIMOUSLY

3. Adoption of Minutes
   It was MOVED and SECONDED
   THAT the Waterfront Revitalization Sub-Committee adopt the minutes of the
   September 18, 2015 meeting as circulated.
   CARRIED UNANIMOUSLY
4. **Business Arising from Prior Meetings**

4.1 **Kiwanis Pier Design Update**

The CTQ Consultants Ltd. representative presented updated designs for the Kiwanis Pier area, focusing on the entrance, plaza and piers and provided visual concepts and noted that design elements can be done all at once or piece by piece.

Committee discussion followed and it was agreed design concepts should retain a historic feel with a modern twist. The committee suggested staff meet with the Penticton Lakeside Resort’s owner with respect to any potential conflicts with the hotel expansion. Potential issues with the Ministry of the Environment were also brought forward.

4.2 **Okanagan Lake Peach Plaza Vendor Update**

The Recreation Business Supervisor presented background information on the City’s vending program and a post evaluation of the 2015 beach vending season including a review of the current situation, application process, locations and 2016 plans.

The Recreation Business Supervisor reported the total revenue for 2015 was $55,750 for beach, street and mobile vending permits and presented an overview of the numbers.

The Recreation Business Supervisor provided an outline of the City’s application and selection process for beach and park vending sites. A breakdown of the 2015 site locations and 2016 plans were presented as follows:

- **S.S. Sicamous** - 4 sites available – 2 were leased. Addition or reduction of sites will be determined upon completion of the waterfront enhancement project.

- **Lakawanna Park** – 7 sites available - 5 sites will be removed by the concession for redevelopment of the area and once completed staff will evaluate these sites. 3 long term vendors will be retained.

- **Peach Plaza** – 10 sites available – 1 will be removed to reduce the congestion. 2 sites right beside the concession to be evaluated. Committee discussion followed on site locations, number of vendors, options and fees for prime locations.

- **Skaha Lake Main** – Concession area has 12 sites, the 3 most western sites have never been leased and will be eliminated. 1 site to be removed to the east of the concession to reduce congestion.

- **Skaha Lake East** – 7 sites available - 3 sites will be removed by the former basketball court location and 1 additional site will be removed in 2016.

The Recreation Business Supervisor reported that out of the 40 sites available, only 31 were leased and staff are proposing for 2016 to reduce the number of sites to 24 to clean up and better manage the vendors and locations.

Committee discussion followed on the proposed changes and the majority agreed the proposed changes would be beneficial to the waterfronts.
5. **New Business**

5.1 Penticton Creek Update

Tabled to the next meeting.

5.2 Penticton Lakeside Resort Expansion – Discussion

The committee discussed the expansion in Item 4.1.

5.3 Skaha Park- Waterslide Rally

A committee member brought forth information on an upcoming rally against the waterslides happening at Skaha Park on November 7, 2015. The Chair advised that as an individual, anyone can attend, however as a committee we need to remain neutral.

6. **Next Meeting**

The next regularly scheduled meeting of the Waterfront Revitalization Sub-Committee will be November 24, 2015 at 8:00 a.m.

7. **Adjournment**

The Waterfront Revitalization Sub-Committee adjourned the meeting at 9:25 a.m.
Development Services Advisory Committee Meeting

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

Thursday, November 5, 2015
at 8:00 a.m.

Present:  Campbell Watt, Councillor
          Frank Conci, Chair & PIDA Representative
          Darshan Jassar, Development Community Representative
          Jeffrey McGinley, Development Community Representative
          Matthew Coady, Member at Large
          Peggy Gilmore, Member at Large
          Bruce Schoenne, Member at Large

Staff:    Jules Hall, Director of Development Services
          Blake Laven, Planning Manager
          Ken Kunka, Building & Permitting Manager
          Lorraine Williston, Committee Secretary

1. Call to Order

The Development Services Advisory Committee was called to order by the Chair at 8:04 a.m.

2. Adoption of Agenda

It was MOVED and SECONDED
THAT the Development Services Advisory Committee adopt the agenda for the meeting held on November 5, 2015 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED
THAT the Development Services Advisory Committee adopt the minutes of the October 1, 2015 meeting as circulated.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Cannery Brewery Development Experience – Ron Dyck, Owner

The owner of the Cannery Brewery provided an overview of his development experience with the City of Penticton. The owner stated, with this being his first ever development, he was not aware of all the additional costs associated with construction that included various permit
fees and off site costs for curbs, gutters and landscaping which he had not been budgeted for, and how these additional costs were calculated. The owner was also unaware of the different departments involved in the process and was unsure of who to talk to or contact when an issue would arise during construction. Committee discussion followed on the process and options. The Planning Manager thanked the owner for his input and confirmed additional staff is needed in the Building Department. The Director of Development Services stated they are working on mitigating these situations.

4.2 Board of Variance Review

After reviewing development variance permits, the Planning Manager stated the department will be reducing the fee of Board of Variance applications by half to increase the amount of applications being processed by the Board of Variance. A new bylaw will also be introduced that will reduce the amount of applications required for common variances.

4.3 Business Licence Hub Website

The Building & Permitting Manager reviewed the newly launched business hub website. By the end of November, staff will begin promoting the site. The website will allow businesses to renew their licences online. Permits have been revised to allow for online tracking. For 2016, staff will be implementing e-applications and mobile inspections.

5. New Business

5.1 Planning Department – Statistics for September & October 2015

Ken reviewed the statistics. They are expecting another strong market in 2016.

5.2 Strata Conversion Application Approval/Refusal Delegated to Staff

The Planning Manager reported that staff will be bringing forward a recommendation to Council to delegate strata conversion applications of four units and under to staff for approval and buildings with more than four units would go before Council for consideration. Staff are looking for input from the committee.

It was MOVED and SECONDED that the Development Services Advisory Committee recommends:

| THAT Council support the staff recommendation to delegate strata conversion applications of four units or less to staff for approval. |
| CARRIED UNANIMOUSLY |

6. Council Outcome

Council Resolution 522/2015 from the minutes dated October 1, 2015 was received.
7. **Next Meeting**

The next regularly scheduled meeting of the Development Services Advisory Committee is Thursday, December 6, 2015 at 8:00 a.m.

8. **Adjournment**

The Development Services Advisory Committee adjourned the meeting at 9:16 a.m.
Minutes

Penticton Creek Restoration Committee Meeting

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

Friday, November 6, 2015
at 9:00 a.m.

Present:  Helena Konanz, Councillor
          Bryn White, Chair & South Okanagan Conservation Representative
          Paul Askey, Freshwater Fisheries Society Representative
          Joe Enns, Okanagan Nation Alliance Representative
          Bruce Turnbull, Penticton Fly Fishers’ Association Representative
          Phillip Rogers, Penticton Fly Fishers’ Association Representative
          Tim Lezard, Councillor, Penticton Indian Band Representative
          Doug Maxwell, Member at Large

Staff:  Ian Chapman, City Engineer
        Audrey Tanguay, Long Range Planner
        Lorraine Williston, Committee Secretary

Guests:  Jodi Goode, Mould Engineering
        Stu Mould, Mould Engineering
        Robert Newbury, Mould Engineering

1.  Call to Order

    The Penticton Creek Restoration Committee was called to order by the Chair at 9:00 a.m.

2.  Adoption of Agenda

    It was MOVED and SECONDED
    THAT the Penticton Creek Restoration Committee adopt the agenda for the meeting held on
    November 6, 2015 as circulated.

    CARRIED UNANIMOUSLY

3.  Adoption of Minutes

    It was MOVED and SECONDED
    THAT the Penticton Creek Restoration Committee adopt the minutes of the
    September 18, 2015 meeting as circulated.

    CARRIED UNANIMOUSLY
4. **Business Arising from Prior Meetings**

4.1 **Project Construction Update**

The Mould Engineering representative provided an as-built presentation on the project from start to finish including photos and videos. Final deliverables are: as-built letter including design drawings; as-built HEC-RAS model compared to as-built survey as of Sept. 28, 2015 and a 2015-2020 monitoring report for creek surface water levels, creek flow values, groundwater levels and sedimentation, landscaping, fish habitat and migration. Year 1 monitoring will be the most expensive at $40,000 with the remaining years much less at approximately 50-60%.

Robert Newbury from Mould Engineering reported that he has been tracking public interest during the project. There were 154 views on Shaw within the first couple of weeks. The YouTube video of fish passing through had 221 views. Following the site tours, views went up by 15-16 per day with 10% of the views from U.S. sources. The last workshop had 45 attendees. 12 requests for information on designs were received with the majority of the requests coming from companies in Alberta.

4.2 **Budget and Finance – Communication of deliverables as applied to in HCTF Year 4 Funds for Monitoring and Evaluation**

The Long Range Planner provided an update on the reporting to date. Year 3 reporting to HCTF has been submitted. Submission for Year 4(2016-2017) funding has been submitted with the assistance of Steve Matthews. The funds should be released in March 2016 if approved by HCTF. The Chair reviewed the objectives required for reporting. If anyone has any questions, please contact the Long Range Planner.

4.3 **Reporting HCTF Year 3 and TD FEF**

The Long Range Planner confirmed the reporting has been submitted to HCTF for Year 3 on the showcase project.

4.4 **Final Interpretation Sign at Demonstration Site**

The Communications Officer provided a written update. A graphic designer has been engaged to begin the work on the sign and she is working with the Okanagan Nation Alliance for the information and traditional place names. An example will be provided at the next meeting. The ONA representative suggested the Penticton Indian Band be asked to confirm that the traditional names are accurate and specific to this area. Please forward a request to the PIB Council.

4.5 **Master Plan Funding Applications (RFCPP, REFBC, HCTF) Timing and Work Planning**

This topic discussed in item 4.7.

4.6 **Local Conservation Fund Proposal**

The Chair provided a presentation on establishing a conservation fund and explained the role of the South Okanagan Similkameen Conservation Program (SOSCP), what a conservation fund is and the benefits of establishing one. The Chair stated feedback from the public has been strong in support of the fund with a threshold amount of $10 per household. Charitable donations can be provided and anyone can donate. Specific projects that this fund may
benefit are the Penticton Creek and oxbows restorations. This proposal will be brought back to Council at a future meeting. A discussion and question period followed.

4.7 Committee Work Plan

The Chair explained there is a need to lay out a plan for the committee on key milestones for the next twelve months. The Chair asked if the committee was in support of developing the plan. The committee was in agreement that a work plan was needed and it was decided that the next meeting will be dedicated on the matter.

5. New Business

The Penticton Fly Fisher representative reported they have collected approximately 50,000 Kokanee eggs and trapped approximately 3,300 fish. They are working on establishing the numbers. The Freshwater Fisheries Society representative will present additional information at the next meeting.

6. Council Outcome

Council Resolution 396/2015 from the minutes dated July 30, 2015 was received.

7. Next Meeting

The next regularly scheduled meeting of the Penticton Creek Restoration will be Nov. 27, 2015 at 9:00 a.m.

8. Adjournment

The Penticton Creek Restoration Committee adjourned the meeting at 10:46 a.m.