Regular Council Meeting

to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Monday, April 20, 2015
Following the Public Hearing at 6:00 p.m.

1. Call Regular Council Meeting to Order
2. Introduction of Late Items
3. Adoption of Agenda
4. Adoption of Minutes:
   4.1 Minutes of the April 7, 2015 Public Hearing 1-6 Receive
   4.2 Minutes of the April 7, 2015 Regular Council Meeting 7-14 Adopt
5. Presentations:
6. Delegations (5 minutes maximum):
   6.1 Okanagan School of the Arts – Visioning Penticton Exhibit 15
      Jane Shaak and Larry Hunter
   6.2 Bylaw No. 88-76 16-18
      Rick Hamilton
7. Reconsideration of Bylaws and Permits:
   7.1 Zoning Amendment Bylaw No. 2015-20 19-20 2nd/3rd/Adopt
      Re: 1473 Duncan Avenue East (DVP 2015-19)
   7.2 Zoning Amendment Bylaw No. 2015-21 21-22 2nd/3rd
      Re: 1028 Dynes Avenue
   7.3 OCP Amendment Bylaw No. 2015-23 23-160 2nd/3rd/Adopt
      Re: SS Sicamous Area Master Plan
8. Staff Reports:
   PM 8.1 Development Variance Permit PL2015-022 161-171 Del/Sub
      Re: 3957 Lakeside Road
      Staff Recommendation: THAT Council approve “Development Variance Permit PL2015-022” for Lot A, District Lot 190, Similkameen Division Yale District, Plan 26789, located at 3957 Lakeside Road, a permit to
decrease the minimum required front yard from 6.0m to 5.5m, in order to construct a second storey on an existing home; AND THAT staff be directed to issue “Development Variance Permit PL2015-022”.

PWM 8.2 Rocky Mountain Ridged Mussel Stewardship Agreement

Staff Recommendation: THAT Council endorse entering into the 2015-2019 Stewardship Agreement for Rocky Mountain Ridged Mussel, as proposed by the Ministry of Forests, Lands and Natural Resource Operations Resource Management Division (Ecosystems) for Three Mile Beach Area as contained in Attachment “A”; AND THAT the Mayor be authorized to execute the 2015-2019 Stewardship Agreement for Rocky Mountain Ridged Mussel.

BPM 8.3 Section 57 Notice on Title and Injunctive Action – Verbal Update

Re: 2385 Barnes Street and 2360 Government Street

PM & EDO 8.4 Zoning Amendment Bylaw No. 2015-24

Re: 325 Power Street

Staff Recommendation: THAT Council give first reading to “Zoning Amendment Bylaw 2015-24, a bylaw to add the use ‘tourist accommodation’ as a site specific use on Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan KAP58604 except Plans KAP87244 and KAP87245, located at 325 Power Street; AND THAT a public open house be held to elicit comment from the public prior to the Public Hearing.

EDO 8.5 Sport and Event Tourism Agreement

Re: Transfer of Funds to Tourism Penticton

Staff Recommendation: THAT Council approve the Sport and Event Tourism Agreement with the Tourism Penticton Society; AND THAT Council approve the transfer of funds of $55,000 from the 2015 Economic Development budget to the Tourism Penticton Society; AND FURTHER THAT Council authorize the Mayor and Corporate Officer to execute the Sport and Event Tourism Agreement on behalf of the City.

DO 8.6 2015/2016 Conventional Transit Annual Operating Agreement

Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the 2015/2016 Annual Operating Agreement for the Conventional Transit System: AND THAT the 2015 Conventional Transit Budget be amended to decrease the net municipal share by $29,000 from $911,675 to $882,525.

DO 8.7 2015/2016 Custom Transit Annual Operating Agreement

Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the 2015/2016 Annual Operating Agreement for the Custom Transit System.

ACAO 8.8 Ecole Entre-Lacs Request

Staff Recommendation: THAT Council deny the request by Ecole Entre-Lacs to allow this school a contractual arrangement for “guaranteed usage” of recreation facilities similar to the one offered to SD67; AND THAT Council consider a Community Grant Application from Ecole Entre-Lacs in the 2016 Budget Process.

ACAO 8.9 Quarterly Update for period ending March 31, 2015

Staff Recommendation: THAT Council receive the quarterly update on Council strategic priorities and staff departmental work plans for the period of January 1 to March 31, 2015, for information.

9. Correspondence

10. Committee and Board Reports

10.1 SOEC Select Committee Meeting of March 13, 2015

Recommendation: THAT Council receive the minutes of the SOEC Select Committee Meeting of March 13, 2015.
10.2 Transportation Advisory Committee Meeting of March 24, 2015

Recommendation: THAT Council receive the minutes of the Transportation Advisory Committee Meeting of March 24, 2015.

10.3 Economic Development & Prosperity Task Force Meeting of March 30, 2015

Recommendation: THAT Council receive the minutes of the Economic Development & Prosperity Task Force Committee Meeting of March 30, 2015.

11. Notice of Motion

12. Other Business

12.1 Revisit Item from the March 16, 2015 Regular Meeting of Council
Re: Item 8.8 Disconnect – Reconnect Fees

Recommendation: THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 with the following: Disconnect/Reconnect Fee for Non-Payment During City Hall Hours for arrears of less than $100.00: $34.00.

13. RDOS Update

14. Business Arising from In-Camera

THAT Council direct staff to negotiate and complete the sale of a 63 m² portion of Lot 34, Plan 32668, municipally known as 285 Green Avenue E. to Cathy & Chris Terris for consolidation with their residential property located at 262 Greenwood Dr. at a transfer price of $3,000, with survey and legal costs paid by the purchaser and a sales agreement including disclosure and indemnity for potential ground stability and contamination issues;
AND THAT the proposed disposition of City lands be advertised pursuant to Section 26 of the Community Charter;
AND FURTHER THAT the Mayor and Corporate Officer be authorized to execute the transfer documents.

CARRIED

15. Media and Public Question Period

16. Adjournment
Public Hearing
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, April 7, 2015
at 6:00 p.m.

Present:
Mayor Jakubeit
Councillor Sentes
Councillor Martin
Councillor Picton
Councillor Konanz
Councillor Watt
Councillor Sayeed

Staff:
Chuck Loewen, Acting City Manager
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Mitch Morozuk, Director of Operations
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:01 p.m. for the "Zoning Amendment Bylaw No. 2015-02". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the Local Government Act.

"Zoning Amendment Bylaw No. 2015-02"

The purpose of the Zoning Amendment Bylaw is to amend "Zoning Bylaw 2011-23" as follows:
• Add section 10.1.3 Site Specific Provisions; .5 In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a day care centre, major shall be permitted.

• The applicant is intending to operate a licensed child care facility.

Councillor Picton declared a conflict of interest and left the meeting at 6:04 p.m.

**APPLICANT**

• Tina Bootsma, provided Council with a presentation outlining the provincial licensing regulations and reasons why she choose 96 Yorkton as the location for a group day care. Mrs. Bootsma held a public meeting on March 19th to address the questions and concerns of the neighbourhood.

**DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

• Chris Stabler, Lee Avenue, Council is being asked to change the law for one business owner, fence will not do anything for the noise, will not be a quiet business, business model can change, once approved owner/occupant can do what they want;
• Albert Cronie, Lee Avenue, directly behind Yorkton Avenue, spoke against the rezoning application, over time it will become an eyesore;
• Ginnie Weston, Yorkton Avenue, purchased home for low density, now and for future retirement years, problem with precedent this will set with zoning change. No need to force a zoning change on a neighbourhood not in favour of it, don't support the zoning change;
• Lenora Robson, Yorkton Avenue, spoke against zoning change;
• Jo Cronie, Lee Avenue, expressed objections with rezoning application;
• Laurie Stabler, Lee Avenue, opposed to zoning amendment, choose property because quiet, a commercial enterprise will do nothing to maintain or improve the quality of life for the neighbourhood;
• Doug, Fairview Road, father of two girls, viewed the area and has one of the busiest parks, lakes, and development. As soon as you take away children we don't have a community anymore, take away one generation, will have a huge gap;
• James Palanio, Lee Avenue, spoke in favour of the application, 13 kids able to walk to our yard from area, community is changing, area is ideal, two schools in area, large single family homes, family oriented, welcome day care to neighbourhood;
• Jill Hart, Hills Avenue, Kids Connection creates comfortable location, Yorkton great place for day care, spoke in support of application;
• Tracy Van Raes, spoke in support of rezoning;
• Tina Zumpano, Fairway Ave, operates a home day care, spoke in support of the application;
• Bob Richards, Ayres Crescent, spoke in support of the day care;
• Kyla Marie, spoke in support of the application, worked for Ms Bootsma, am a certified teacher, chosen to stay with Ms Bootsma, she has a quality day care, a commercial space makes the cost of day care unaffordable to families, need employment and resources for young families such as day care;
• Ann Hurst, spoke in support of application and affordability.
Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- Vies Pahlavan, owner of two properties in Penticton, see wonderful people, not about the money, with change comes anxiety, not going to be that loud;
- Bruce Barker, Lee Avenue, issue is not that we need day care, issue is bringing a commercial institution into a residential zone, don’t need that, ample opportunity elsewhere;
- Ray Van-Ingen, Yorkton Avenue, against proposal, sets a precedent for rezoning;
- Tara Vanden Pol, Acacia Crescent, parent of two young children, on waitlist, home based day care in a home is a comfortable space not a trailer or church basement;
- Jake Kimberly, Lakeshore Drive, not for or against, day and age has changed, understand why the services are needed, both parents working, day care is an essential part of growth for this community.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Mary Morales, Elm Avenue, helping raise granddaughter, looking into day care, nothing available would be great if one down the street, must be a way around parking issues;
- Colleen Pennington, Economic Development Officer, workforce needs childcare, lack of day care in city is an impediment to growth.

The public hearing for “Zoning Amendment Bylaw No. 2015-02” was terminated at 7:18 p.m. and no new information can be received on this matter.

Councillor Picton returned to the meeting at 7:20 p.m.

2. Call to order

Mayor Jakubeit called the public hearing to order at 7:24 p.m. for the “Official Community Plan Amendment Bylaw No. 2015-16” and “Zoning Amendment Bylaw No. 2015-17”. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the Local Government Act.

“Official Community Plan Amendment Bylaw No. 2015-16” & “Zoning Amendment Bylaw No. 2015-17”

The purpose of the Official Community Plan Amendment Bylaw is to amend “Official Community Plan Bylaw 2002-20” as follows:

- Change Schedule ‘B’ future land use designation for Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Dr.); Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Dr.); Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Dr.); Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Dr.); Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Dr.); Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Dr.); Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292
South Beach Dr.; Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Dr.); and Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Ave.) from PR (Parks & Recreation) to MR (Medium Density Residential)

- Change Schedule ‘H’ to include Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Dr.); Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Dr.); Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Dr.); Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Dr.); Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Dr.); Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Dr.); Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Dr.); Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive); and Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Ave.)

The purpose of Zoning Amendment Bylaw is to amend “Zoning Bylaw 2011-23” as follows:

- To rezone Lot 1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Dr. and 300 Sudbury Ave., from P2 (Parks & Recreation) to RM2 (Low Density Multiple Housing).

The Corporate Officer advised that written correspondence has been received and distributed to Council.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.
- John Hanson, South Main, ten years down road will need the property to increase park, want it to stay as park;
- Randy Manuel, Westview Drive, very expensive and extensive community plans and consultant reports completed, provide outdoor opportunities for Penticton, look at 2008 plan on development park in archives, background of region, Council had a long term vision and knew that they had to do something. City bought his family home, now beach volleyball courts, Penticton is under parked;
- Dorothy Tinning, Wiltse Place, opposed to OCP amendment, to date only one property has been purchased, specific park funds and casino funds earmarked for parks, quite an accumulation in reserve for parks;
- Pieter Koster, Sudbury Avenue, adjacent to property up for redevelopment, unanimous in neighbourhood don't want this to happen, if it has to be sold, change to single family residential, why in a rush to sell or change Coburn property if no master plan? Opposed to rezoning;
- Dennis Gormen, Farrell Street, recommend rejection of staff recommendation, 1993 OCP designated park, acquisition of properties, why wasn’t the 2010 master plan adopted, waterfront scarce resource, lake shore parks integral to identity and attractiveness, should enhance;
- Jake Kimberly, Lakeshore Drive, where did it initiate from, 20 year OCP, need more beach, need a vision, where will we go when increase population comes around, provide amenities they will require, long term, going to cost a lot of money, we have a unique location for this city, only second city in world to have lake either end of the city, don’t
lose sight of main responsibilities;

- Guenter Hoernig, Scotia Street, only thing going for the city are the beaches, abandon plans for rezoning, acquire properties on water, start the process of long term acquisitions;
- Glenn Sinclair, 3301 Skaha Lake Road, don't think study taken into consideration in staff report, unpaid value, need a plan back in place, take back all those homes, beach dominant attractant for tourists;
- Ron Ramsey, Creekside Road, new to Penticton, opposed to reclassification, within months a will have a developer and a tower in five years;
- Shirley Martin, Sudbury Avenue, opposed to rezoning;
- Ray Schachter, Sudbury Avenue, family owned property since 1962, five generation, David Coburn unable to attend, had communications submitted, against rezone and OCP amendments, until council and planning go through process and public education is complete, will not be in possession of appropriate information;
- Gary Gratton, Corry Place, use Skaha Lake, first heard early 90s plan to acquire lands for park use, wonderful plan, makes me proud, shocked that it's not from a developer and that from staff, opposed as this is opposite of smart growth;
- Ann Thompson, South Beach Drive, down the road it should be park land;
- Rod Krantz, South Beach Drive, adjacent to the subject property, most affected by this, thank Council for consideration, bought in 2006, didn't buy to make money or to sell it, would like to see it rezoned out of parks and recreation, fear mongering about lack of beaches, in reality only full twice a year, rezone low density residential, renovate or build new home for families to enjoy, will take a long time before my family will ever sell it to the city;
- Sandra Smith, Lower Bench Road, opposed to re-designation of properties, where did the 25 million dollar figure come from.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- Nora Hunt aff, Elm Avenue, opposed to change, fear that property will not become available, don't want decision based that will never get these properties, investments for future made today;
- Joan Moffat, don't want Skaha to turn out like Okanagan, try and acquire more beach land and keep in natural state, houses in park land now, would want to see thought going into changing this, lakefront expensive to reacquire, invaluable to tourist industries, keep within park, acquire all waterways, public access for all citizens;
- Kevin Harvey, Finerty Road, moved here because Penticton unique, all but one in favour of leaving as park;
- Mary Morales, Elm Avenue, consider future generations, asset to have more beach;
- Randy Manuel, Skaha most popular park, Edmonton Journal voted as number one, should be expanded, complete purchase and amalgamate;
- Jake Kimberly, was Mayor when signed Coburn Agreement, if any other properties become available staff should advise council and should initiate process of purchase properties, policy that was established;
- John Hanson, South Main, don't destroy what you have in Penticton, don't make another Kelowna.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Pieter Koster, Sudbury Avenue, everyone in area opposed to the rezoning, live within 45m of property, had three days to respond to rezoning, sign on properties confusing, tremendous number of people did not understand what it meant or intended to be
about, appears to us on Sudbury and South Beach ramming through, make road safer, fire trucks can’t get through, 45m furthest you go from property you give notice to, consider regulation change, vitally important matter to people in neighbourhood;

- James Brown, Skaha Lake Road, respectfully speak in opposition of this rezoning.

The public hearing for “Official Community Plan Amendment Bylaw No. 2015-16” and “Zoning Amendment Bylaw No. 2015-17” was terminated at 9:01 p.m. and no new information can be received on this matter.

3. Call to order

Mayor Jakubeit called the public hearing to order at 9:03 p.m. for “Zoning Amendment Bylaw No. 2015-18”. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the Local Government Act.

“Zoning Amendment Bylaw No. 2015-18”

A number of housekeeping amendments are being proposed to Zoning Bylaw 2011-23.

The Corporate Officer advised that no written correspondence has been received.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for “Zoning Amendment Bylaw No. 2015-18” was terminated at 9:03 p.m. and no new information can be received on this matter.

Certified correct: _______________________________ Confirmed: _______________________________

Dana Schmidt Andrew Jakubeit
Corporate Officer Mayor

Minutes of April 7, 2015 Public Hearing
Minutes

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, April 7, 2015
Following the Public Hearing at 6:00 p.m.

Present:  Mayor Jakubeit
Councilor Sentes
Councilor Konanz
Councilor Martin
Councilor Watt
Councilor Picton
Councilor Sayeed

Staff:  Chuck Loewen, Acting City Manager
Dana Schmidt, Corporate Officer
Mitch Morozijk, Director of Operations
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 9:14 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

189/2015

It was MOVED and SECONDED
THAT Council adopt the agenda for the Regular Council meeting held on April 7, 2015 as amended and remove item 8.3 Rocky Mountain Ridge Mussel Stewardship Agreement.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the March 16, 2015 Public Hearing

190/2015

It was MOVED and SECONDED
THAT Council receive the minutes of the March 16, 2015 Public Hearing as circulated.

CARRIED UNANIMOUSLY
4.2 Minutes of the March 16, 2015 Regular Council Meeting

1/2015

It was MOVED and SECONDED
THAT Council adopt the minutes of the March 16, 2015 Regular Council Meeting as circulated.

CARRIED UNANIMOUSLY

4.3 Minutes of the March 23, 2015 Special Council Meeting

192/2015

It was MOVED and SECONDED
THAT Council adopt the minutes of the March 23, 2015 Special Council Meeting as circulated.

CARRIED UNANIMOUSLY

5. Presentations

5.1 BC Transplant Society Organ and Tissue Donor Awareness Month - April

Mayor Jakubeit proclaimed April as BC Transplant Society Organ and Tissue Donor Awareness Month.

5.2 Canadian Cancer Society National Daffodil Month - April

Mayor Jakubeit proclaimed April as Canadian Cancer Society National Daffodil Month.

6. Delegations

6.1 CTQ Consultants – Ed Grifone

Ed Grifone, CTQ Consultants, provided Council with an overview of the SS Sicamous Area Master Plan.

7. Reconsideration of Bylaws and Permits

Councillor Picton declared a conflict of interest and left the meeting at 9:54 p.m.

7.1 Zoning Amendment Bylaw No. 2015-02
Re: 96 Yorkton Avenue

193/2015

It was MOVED and SECONDED
THAT Council amend “Zoning Amendment Bylaw No. 2015-02” to include hours of operation restrictions of 6:00 a.m. to 7:00 p.m. and read a second time as amended;

AND THAT Council give third reading and adopt “Zoning Amendment Bylaw No. 2015-02”.

CARRIED

Councillor Watt, Opposed

Councillor Picton returned to the meeting at 10:12 p.m.

7.2 Zoning Amendment Bylaw No. 2015-06
Re: 264 Wade Avenue West

194/2015

It was MOVED and SECONDED
THAT Council adopt “Zoning Amendment Bylaw No. 2015-06”.

CARRIED

Councillor Konanz, Opposed
7.3 Fees and Charges Amendment Bylaw No. 2015-11

195/2015

It was MOVED and SECONDED
THAT Council adopt “Fees and Charges Amendment Bylaw No. 2015-11”.

CARRIED UNANIMOUSLY

7.4 OCP Amendment Bylaw No. 2015-16
Re: South Beach Drive and Sudbury Avenue

196/2015

It was MOVED and SECONDED
THAT Council close and abandon “OCP Amendment Bylaw No. 2015-16”.

CARRIED UNANIMOUSLY

7.5 Zoning Amendment Bylaw No. 2015-17
Re: South Beach Drive and Sudbury Avenue

197/2015

It was MOVED and SECONDED
THAT Council close and abandon “Zoning Amendment Bylaw No. 2015-17”.

CARRIED UNANIMOUSLY

7.6 Zoning Amendment Bylaw No. 2015-18
Re: Housekeeping

198/2015

It was MOVED and SECONDED
THAT Council give second and third reading to “Zoning Amendment Bylaw No. 2015-18”;
AND THAT Council adopt “Zoning Amendment Bylaw No. 2015-18”.

CARRIED UNANIMOUSLY

8. Staff Reports

8.1 Development Variance Permit PL2014-104
Re: 1901 Carmi Avenue & 1682 Lawrence Avenue

Delegations/Submissions: Nil

199/2015

It was MOVED and SECONDED
THAT Council approve “Development Variance Permit PL2014-104”, a permit to vary the minimum lot size for a property in the FG (Forestry Grazing) zone from 16 ha to 4.5 ha, to accommodate a lot line adjustment subdivision application between Lot A, District Lot 2710, Similkameen Division Yale District, Plan KAP92935 located at 1901 Carmi Avenue and Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP73304, located at 1682 Lawrence Avenue; AND THAT staff are directed to issue the permit.

CARRIED UNANIMOUSLY

8.2 Development Variance Permit PL2015-021
Re: 2465 Baskin Street

Delegations/Submissions: Nil

200/2015

It was MOVED and SECONDED
THAT Council approve “Development Variance Permit PL2015-021” for Lot 9, District Lot 198, Similkameen Division Yale District, Plan 25119, located at 2465 Baskin Street, a permit to decrease the minimum required side yard from 4.5m to 0.75m and the minimum rear yard
setback from 4.5m to 2.0m, in order to build a garage/workshop on the property; AND THAT staff be directed to issue “Development Variance Permit PL2015-021”.

CARRIED UNANIMOUSLY

8.3 Rocky Mountain Rridged Mussel Stewardship Agreement

Item 8.3 was removed from the Agenda.

8.4 Section 57 Notice on Title and Injunctive Action
Re: 2385 Barnes Street

Mike Nixon, President of Action Steel Sales, Nixon Brothers Holdings, provided Council with a chronological list of the history of the property.

8.5 Section 57 Notice on Title and Injunctive Action
Re: 2360 Government Street

Dennis Meakin, Self Storage, provided Council with an overview of the steps he has taken to date and stated that if the fill was removed, he would build a wall to natural grade of approximately three feet or height determined by geotechnical engineer.

201/2015

It was MOVED and SECONDED
THAT Council postpone placing Section 57 Notice on Titles of 2385 Barnes Street and 2360 Government Street for 30 days to allow Mr. Nixon, Mr. Meakin, city staff and legal counsel an opportunity to meet.

DEFEATED
Councillors Sayeed, Watt, Picton, Sentres, Opposed

202/2015

It was MOVED and SECONDED
THAT Council, having given the owners an opportunity to be heard, resolve to place a Notice on Title under Section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot B, District Lot 251 5DYD, Plan 31870 located at 2385 Barnes Street, stating the following:

“Failure to control surface water which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45”;

AND THAT further injunctive action (Community Charter Division 12 – Remedial Action Requirements) be commenced by staff within 30 days of Section 57 Notice on Title being registered if building permit for storm drainage control and to repair the retaining wall is not commenced.

DEFEATED
Mayor Jakubeit, Councillors Watt, Sayeed, Konanz, Martin, Opposed

203/2015

It was MOVED and SECONDED
THAT Council postpone placing Notice on Titles of 2385 Barnes Street and 2360 Government Street to give both property owners, staff and legal counsel an opportunity to meet; AND THAT if not resolved, these items come forward to the April 20th Regular Meeting of Council.

CARRIED
Councillors Picton, Sayeed, Sentres, Opposed

4/2015

It was MOVED and SECONDED
THAT Council extend the Regular Council Meeting of April 7, 2015 past 11:00 p.m.

CARRIED UNANIMOUSLY
8.6 Three Mile Beach

205/2015

It was MOVED and SECONDED
THAT Council direct staff to take no action with respect to changes at Three Mile Beach and that the Status Quo be maintained.

CARRIED
Councillors Sayeed and Martin, Opposed

8.7 2015 Special Occasion (Beer/Wine Garden) Licence Applications

206/2015

It was MOVED and SECONDED
THAT Council, subject to the approval of the RCMP and Liquor Control and Licensing Branch, approve the following Special Occasion (Beer/Wine Garden) Licenses:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Event Location &amp; est. attendance</th>
<th>Beer Garden or Whole Site License</th>
<th>Event Dates Requested</th>
<th>Event Operating Hours</th>
<th>Number of Event Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penticton Soccer Club Tournament</td>
<td>Kings Park (400)</td>
<td>Beer Garden</td>
<td>May 16, 2015</td>
<td>10:00am to 10:00pm</td>
<td>03</td>
</tr>
<tr>
<td>(re-occurring event)</td>
<td></td>
<td></td>
<td>May 17, 2015</td>
<td>10:00am to 7:00pm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>May 18, 2015</td>
<td>10:00am to 2:00pm</td>
<td></td>
</tr>
<tr>
<td>Penticton &amp; Wine Country Chamber</td>
<td>Rotary Park (400 to 450)</td>
<td>Beer Garden</td>
<td>May 20, 2015</td>
<td>4:30am to 7:00pm</td>
<td>01</td>
</tr>
<tr>
<td>of Commerce (new event)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Graham Tournaments</td>
<td>Lions Park (120 to 180)</td>
<td>Beer Garden</td>
<td>June 19, 2015</td>
<td>6:00pm to 9:30pm</td>
<td>03</td>
</tr>
<tr>
<td>Father's Day Slo-Pitch (new event)</td>
<td></td>
<td></td>
<td>June 20, 2015</td>
<td>11:00am to 6:00pm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>June 21, 2015</td>
<td>11:00am to 3:00pm</td>
<td></td>
</tr>
<tr>
<td>Rotary Club of Penticton Family</td>
<td>Okanagan Lake Park (10 000)</td>
<td>Beer Garden</td>
<td>July 3, 2015</td>
<td>11:00am to 9:00pm</td>
<td>03</td>
</tr>
<tr>
<td>Rib Festival (new event)</td>
<td></td>
<td></td>
<td>July 4, 2015</td>
<td>11:00am to 9:00pm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>July 5, 2015</td>
<td>11:00am to 9:00pm</td>
<td></td>
</tr>
<tr>
<td>Sheila Bishop Memorial Slo-pitch</td>
<td>Lions Park (100 to 120p)</td>
<td>Beer Garden</td>
<td>Aug 08, 2015</td>
<td>10:00am to 9:00pm</td>
<td>02</td>
</tr>
<tr>
<td>Tournament (re-occurring event)</td>
<td></td>
<td></td>
<td>Aug 09, 2015</td>
<td>10:00am to 9:00pm</td>
<td></td>
</tr>
<tr>
<td>Survivorship Dragon Boat Team Society</td>
<td>Skaha Lake Park (800 to 1000p)</td>
<td>Beer Garden</td>
<td>Sept 12, 2015</td>
<td>11:00am to 6:00pm</td>
<td>02</td>
</tr>
<tr>
<td>(re-occurring event)</td>
<td></td>
<td></td>
<td>Sept 13, 2015</td>
<td>11:00am to 6:00pm</td>
<td></td>
</tr>
</tbody>
</table>

Total Days 14

CARRIED UNANIMOUSLY

8.8 Liquor-Primary Licence Application
Re: Cronies Auto Parts Ltd.

207/2015

It was MOVED and SECONDED
THAT staff be directed to commence public notification of the proposed Liquor-Primary for Cronies Auto Parts Ltd.; AND THAT staff report back to Council at their meeting May 4, 2015 the results of the public consultation for Council’s consideration.

CARRIED UNANIMOUSLY

8.9 Application for a Winery Lounge and a Special Event Area (SEA) Endorsement
Re: 1775 Naramata Road

208/2015

It was MOVED and SECONDED
THAT Council direct staff to commence public notification of the proposed Winery Lounge and Special Event Area (SEA) Endorsement for Bench 1775 Winery; AND THAT staff report back to Council at their meeting on May 4, 2015 with the results of the public consultation for Council’s consideration.

CARRIED UNANIMOUSLY
8.10 Zoning Amendment Bylaw No. 2015-20 and DVP 2015-19
Re: 1473 Duncan Avenue East

209/2015

It was MOVED and SECONDED
THAT “Zoning Amendment Bylaw No. 2015-20”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP90597, located at 1473 Duncan Avenue E, from R1 (Large Lot Residential) to R2 (Small Lot Residential), be given first reading and be forwarded to the April 20th, 2015 Public Hearing;
AND THAT Council support “Development Variance Permit PL2015-019” for Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP90597 located at 1473 Duncan Avenue E, a permit to reduce the minimum lot width from 13m to 12m;
AND THAT staff are directed to issue DVP PL2015-019, subject to adoption of “Zoning Amendment Bylaw No. 2015 -20”.

CARRIED UNANIMOUSLY

8.11 Zoning Amendment Bylaw No. 2015-21
Re: 1028 Dynes Avenue

210/2015

It was MOVED and SECONDED
THAT “Zoning Amendment Bylaw No. 2015-21”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 26, District Lot 3, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1017, located at 1028 Dynes Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the April 20th, 2015 Public Hearing.

CARRIED UNANIMOUSLY

8.12 OCP Amendment Bylaw No. 2015-23
Re: SS Sicamous Master Plan

211/2015

It was MOVED and SECONDED
THAT Council endorse the SS Sicamous Area Master Plan;
AND THAT “OCP Amendment Bylaw 2015-23”, being a bylaw to amend Official Community Plan 2002-20 to include the SS Sicamous Area Master Plan in the OCP, be read a first time and be forwarded to the April 20th, 2015 Public Hearing for comment from the public; AND THAT Council consider whether early and ongoing consultation in addition to the public hearing is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and,
5. The provincial or federal government and their agencies;

AND THAT it is determined that no additional consultation is required;
AND THAT Council direct staff to begin work on an Economic Investment Zone (EIZ) bylaw for the Lakeshore Drive and Riverside Drive area once the first Phase of construction of the SS Sicamous Master Plan has occurred.

CARRIED UNANIMOUSLY
8.13 Gas Tax Strategic Priorities Fund Grant Application

212/2015

It was MOVED and SECONDED
THAT Council support a grant application for the Main Street Reconstruction and Revitalization Project from Lakeshore Drive to Nanaimo Avenue to the capital infrastructure projects stream of the “Gas Tax Strategic Priorities Fund”;
AND FURTHER THAT the Director of Operations, Mitch Morozuk, and the Chief Financial Officer, Colin Fisher, be authorized to sign any required forms related to the application.

CARRIED UNANIMOUSLY

8.14 Fire Services Agreement between the Penticton Indian Band and the City

213/2015

It was MOVED and SECONDED
THAT Council approve the attached Fire Services Agreement and attached schedules and authorize the Mayor and Corporate Officer to sign on behalf of the City of Penticton.

CARRIED UNANIMOUSLY

9. Correspondence

9.1 Victoria Leaf Club
Re: Legislation Changes to Improve Electric Vehicle Charging Infrastructure

214/2015

It was MOVED and SECONDED
THAT Council receive for information the correspondence from Victoria Leaf Club regarding legislation changes to improve electric vehicle charging infrastructure.

CARRIED UNANIMOUSLY

10. Committee and Board Reports

10.1 Agriculture Advisory Committee Meeting of March 11, 2015

215/2015

It was MOVED and SECONDED
THAT Council receive the minutes of the Agriculture Advisory Committee Meeting of March 11, 2015.

CARRIED UNANIMOUSLY

216/2015

It was MOVED and SECONDED
THAT Council support the application to the ALC for an amendment to the current approval for 630 Munson Mountain Road to allow for a BMX track instead of a ball diamond subject to conditions to minimize the impact to neighbouring agriculture properties.

CARRIED UNANIMOUSLY

10.2 Arts, Creative & Cultural Innovations Committee Meeting of March 12, 2015

217/2015

It was MOVED and SECONDED
THAT Council receive the minutes of the Arts, Creative & Cultural Innovations Committee Meeting of March 12, 2015.

CARRIED UNANIMOUSLY
10.3 **Heritage & Museum Committee Meeting of March 18, 2015**

218/2015

It was MOVED and SECONDED
THAT Council receive the minutes of the Heritage & Museum Committee Meeting of March 18, 2015.

CARRIED UNANIMOUSLY

10.4 **Waterfront Revitalization Sub-Committee Meeting of March 27, 2015**

219/2015

It was MOVED and SECONDED
THAT Council receive the minutes of the Waterfront Revitalization Sub-Committee Meeting of March 27, 2015.

CARRIED UNANIMOUSLY

220/2015

It was MOVED and SECONDED
THAT Council authorize staff to remove the flag poles located at the Kiwanis Pier park and be stored until a final design of the Kiwanis Pier park area is completed.

CARRIED UNANIMOUSLY

11. **Notice of Motion**

12. **Other Business**

13. **RDOS Update**

14. **Business Arising from In-Camera**

15. **Media and Public Question Period**

16. **Adjournment**

221/2015

It was MOVED and SECONDED
THAT Council adjourn the Regular Council meeting held on Tuesday, April 7, 2015 at 12:27 a.m.

CARRIED UNANIMOUSLY

Certified correct: 

Confirmed:

[Signature]
Dana Schmidt
Corporate Officer

[Signature]
Andrew Jakubeit
Mayor
Request to Appear as a Delegation

Preferred Council Meeting Date: April 20, 2015

Second choice(s): April 7, 2015 (Have to confirm that the renderings would be ready)

Subject matter: Larry Hunter - Visioning with Mitch

Name of person(s) making presentation: Penticton

Jane Salla

Address: 760 Main St

Phone: Penticton

Email: Penticton

Please provide details of your presentation:

The Okanagan School of the Arts' next exhibit in the City Council Chambers is Larry Hunter: Visioning Penticton. Freelance commercial artist Larry Hunter's art renderings of community & municipal projects illustrate the initial interpretation needed to illustrate future development.

Please note:

- This form and its content is part of the public record.
- Written copies of your submission must be presented to the Corporate Officer by 9:30 a.m. on the Wednesday before the meeting either by email, fax or in person.
- PowerPoint presentations must be emailed no later than 9:30 a.m. the date of the meeting. We recommend you bring backup PowerPoint files with you on a memory stick.
- Delegations are limited to 5 minutes.

Corporate Office
Dana Schmidt, Corporate Officer
171 Main Street, Penticton, B.C., V2A 5A9

Phone: 250-490-2405
Fax: 250-490-2402
dana.schmidt@penticton.ca
Request to Appear as a Delegation

Preferred Council Meeting Date:   April 7 2015

Second choice(s):   April 20 2015

Subject matter:   Archery Bylaw #88-76

Name of person(s) making presentation:

Rick Hamilton

Address: 162 Greenwood Pl, Penticton B.C. V2A 7R3

Phone:   Email:

Please provide details of your presentation:

My presentation will include an explanation of the sport and competition side of archery. Archery is a sport that is all over B.C., in other municipalities and is a part of the B.C. winter games and the Canadian winter games and other various archery events everywhere. I would like council to consider removing draws bows only from Bylaw #88-76 section 9.33(1)(a) of the municipal act.

Please note:

- This form and its content is part of the public record.
- Written copies of your submission must be presented to the Corporate Officer by 9:30 a.m. on the Wednesday before the meeting either by email, fax or in person.
- PowerPoint presentations must be emailed no later than 9:30 a.m. the date of the meeting. We recommend you bring backup PowerPoint files with you on a memory stick.
- Delegations are limited to 5 minutes.

Corporate Office
Dana Schmidt, Corporate Officer
171 Main Street, Penticton, B.C., V2A 5A9

Phone: 250-490-2405
Fax: 250-490-2402
dana.schmidt@penticton.ca
THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 88-76

A BYLAW TO REGULATE OR PROHIBIT THE DISCHARGE
OF FIREARMS WITHIN THE CITY OF PENTICTON

WHEREAS, pursuant to Section 933(1)(a) of The Municipal Act, the Council may
by bylaw regulate or prohibit the discharging of firearms throughout the
Municipality;

AND WHEREAS the Council deems it expedient to regulate the discharge of
firearms within the City of Penticton;

NOW THEREFORE, the Council of the Corporation of the City of Penticton, in
open meeting assembled, ENACTS AS FOLLOWS:

(1) This bylaw may be cited for all purposes as the "City of Penticton
Firearms Regulation Bylaw #88-76 (1988)".

(2) In this bylaw, unless the context otherwise requires

"City" means the Corporation of the City of Penticton;

"Firearms" includes a gun, rifle, pistol, revolver, air gun, air rifle,
air pistol, spring guns, drawbow and crossbow.

(3) No person shall discharge any firearm within the limits of the City.
Notwithstanding the foregoing, the City Chief Inspector may issue a
permit to an applicant authorizing the discharge of firearms in areas
of the City of Penticton zoned agricultural, parks and golf courses.

(4) This bylaw shall not apply to:

(a) any person discharging a firearm in or upon a firing range
designated for that purpose and approved by the City;

(b) police conservation officers and armed services personnel lawfully
engaged in the performance of their duties.

(5) Every person who offends against or violates any provision of this
bylaw or who neglects to do or refrains from doing any of the things
required to be done by the provisions of this bylaw, shall be liable on
summary conviction to a fine not exceeding five hundred dollars
($500.00).
READ A FIRST TIME this 17th day of October, 1988.
READ A SECOND TIME this 17th day of October, 1988.
READ A THIRD TIME this 17th day of October, 1988.
RECONSIDERED, FINALLY PASSED AND ADOPTED
this 31st day of October, 1988.

[Signature]
MAYOR

[Signature]
CLERK

Certified a true copy of
Byslaw No. 89-76 as adopted.

[Signature]
CITY CLERK

B/15
The Corporation of the City of Penticton

Bylaw No. 2015-20

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 2015-20”.

2. Amendment:

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

Rezone Lot 2, District Lot 2710, Similkameen Division Yale District, Plan KAP90597, located at 1473 Duncan Avenue East, from R1 (Large Lot Residential) to R2 (Small Lot Residential).

2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this 7 day of April, 2015
A PUBLIC HEARING was held this 20 day of April, 2015
READ A SECOND time this day of , 2015
READ A THIRD time this day of , 2015
ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 10 day of April, 2015 and the 15 day of April, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
Rezone 1473 Duncan Ave E
From R1 (Large Lot Residential) to R2 (Small Lot Residential)

R.P. | R.P. | KAP | R.P. | Lot B 1379
--- | --- | --- | --- | ---
15162 | 30345 | 90597 | 13316 | 7456
Lot 2 | Lot B | Lot 2 | Lot 2 | Lot 2 1391

City of Penticton – Schedule ‘A’
Zoning Amendment Bylaw No. 2015-20

Date: ________________ Corporate Officer: ____________________
The Corporation of the City of Penticton

Bylaw No. 2015-21

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 2015-21”.

2. **Amendment:**

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

   Rezone Lot 26, District Lot 3, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1017, located at 1028 Dynes Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

   2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

   READ A FIRST time this 7 day of April, 2015
   A PUBLIC HEARING was held this 20 day of April, 2015
   READ A SECOND time this day of , 2015
   READ A THIRD time this day of , 2015
   APPROVAL from Ministry of Transportation day of , 2015
   ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 10 day of April, 2015 and the 15 day of April, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
To Rezone 1028 Dynes Avenue
From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2015-21

Date: _______________  Corporate Officer: ___________________