Regular Council Meeting

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

Tuesday, August 6, 2019
at 1:00 p.m.

1. Call Regular Council Meeting to Order
2. Introduction of Late Items
3. Adoption of Agenda
4. Recess to Committee of the Whole
5. Reconvene the Regular Council Meeting
6. Adoption of Minutes:
   6.1 Minutes of the July 16, 2019 Regular Council Meeting
   7. Consent Agenda:
      Minutes:
      - Minutes of the July 16, 2019 Committee of the Whole Meeting
      - Minutes of the July 15, 2019 Public Hearing Meeting
      - Official Community Plan Task Force Minutes of April 1, 2019
      - Official Community Plan Task Force Minutes of June 25, 2019
      - Agriculture Advisory Committee Minutes of April 5, 2019
      - Agriculture Advisory Committee Minutes of April 17, 2019
      - Agriculture Advisory Committee Draft Minutes of June 12, 2019
      - Parks and Recreation Advisory Committee Draft Minutes of August 10, 2019

   Release of Items from Closed Meeting:
   - THAT Council approve the Ironman Agreement dated June 27, 2019;
     AND THAT Council direct the Mayor and Corporate Officer to execute the Agreement.
   - THAT Council support the cancellation of the 2019 Super League event scheduled August 23-25, 2019;
     AND THAT Council relieve MB Events from the financial obligations of the Agreement dated August 9, 2018.

   Staff Recommendation: THAT Council approve the Consent Agenda.

8. Committee and Board Reports:
   8.1 Arts, Creative, Cultural Innovations, Heritage & Museum Committee Draft Minutes of July 9, 2019
Committee Recommendation: THAT the Arts, Creative, Cultural Innovations, Heritage & Museum Committee recommends to Council that City Staff work with appropriate owners and operators of heritage facilities to work towards developing five-year maintenance plans.

9. Correspondence

9.1 Correspondence from Cleland Community Theatre Volunteers
Re: Request review of equipment, rental fees and more

10. Staff Reports:

Siebert 10.1 Consideration of Declaration and Remedial Action
Re: 175 Brunswick Street

Staff Recommendation: That Council pass the following Resolutions:
Whereas the City has authority under section 72(1) (b) of the Community Charter to impose remedial action requirements in relation to a declared nuisance:
1. THAT Council consider this staff report and presentation and, under the authority provided in section 74 of the Community Charter, declare the single detached dwelling and detached shed located at 175 Brunswick Street (the “Property”) legally described as Lot 8 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lyton) District Plan 368 Parcel Identifier 012-496-227 a nuisance as the buildings are dilapidated, unclean and offensive to the community;
2. AND FURTHER THAT Council declare the overgrown vegetation, white two-door car, and RV Camper on the Property a nuisance under the authority provided in section 74 of the Community Charter as they contribute to the unclean and offensive condition of the Property;
3. AND FURTHER THAT Council require remedial action requirements of the owner of the Property as follows:
   • Implement a rodent remediation program with a Pest Control Specialist; obtain a Demolition Permit and demolish the single detached dwelling and detached shed; remove foundations and all demolition material; remove and/or trim overgrown vegetation; remove vehicle and RV camper, and fill in all excavation to prevent water from ponding;
4. AND FURTHER THAT Council set the time limit for completing the remedial action requirements described in Recommendation No. 3 to be no later than 4:30 pm on October 31, 2019 pursuant to section 76 of the Community Charter;
5. AND FURTHER THAT Council, under the authority provided in section 17 of the Community Charter, authorize staff to take appropriate action to ensure that the Property is brought into compliance with remedial action requirements described in Recommendation No. 3 provided that:
   • The property owner did not fully complete all remedial action requirements on or before the time limit specified in this Council resolution;
   • All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and
   • All costs incurred by the City to bring the Property into compliance at the expense of the property owner will be added to the Property taxes and deemed as taxes in arrears in accordance with section 258(1) (c) of the Community Charter.
6. AND FURTHER THAT Council set the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation No. 3 to be no later than 4:30 pm on September 13, 2019 pursuant to section 78 of the Community Charter.

Lockwood 10.2 Council Remuneration and Expense Bylaw No. 2019-27

Staff Recommendation: THAT Council give first, second and third reading to “Council Remuneration and Expense Bylaw No. 2019-27” to implement the recommendations brought forward by the Mayor and Council Remuneration Task Force;
THAT Council rescind Meal Expense Policy, 2002 and Vehicle Mileage Rate Policy, 2004;
AND THAT Council approve “Meal and Travel Reimbursement Rates Policy”.
Staff Recommendation: THAT Council amend the 2019 Fleet Capital Budget to allow for the replacement of Unit #57 – 2011 Hyundai HL757-9 Wheel Loader with $260,000 to be sourced from the Equipment Replacement Reserve; AND THAT the existing loader be retained as the Public Works Yards loader for light duty work until such time as the lack of effective service life warrants disposal.

Staff Recommendation: THAT Council amend the 2019 Sanitary Sewer Capital Budget to increase the budget for the Bioreactor Waste Pump Replacement project, CAP 35013-S23, by $140,000 for a total budget of $365,000 funded from surplus funds available from various already completed sanitary sewer capital projects.

Staff Recommendation: THAT Council amend the 2019 Capital Budget to create two projects:
- Penticton Creek 2018 Freshet Repairs with a budget of $170,000
- Ellis Creek 2018 Freshet Repairs with a budget of $70,000
With funds to be sourced from the Asset Emergency Reserve.

Staff Recommendation: THAT Council approve the “Adjacent Property Owner Contribution Local Area Service Bylaw Policy” dated August 6, 2019; AND THAT Council give first, second and third reading to “Local Improvement Charge Repeal Bylaw No. 2019-28”, a bylaw to repeal Bylaw No. 2525 and amendment Bylaw No. 2810 that sets out the percentage of the works to be charged as owners share.

Staff Recommendation: THAT Council amend the 2019 – 2022 Terms of Reference for the Agriculture Advisory Committee to include a Penticton Indian Band representative as a voting member.

Staff Recommendation: THAT Council approve the 2019 - 2022 Terms of Reference for the Arts, Creative & Cultural Innovation Committee;
AND THAT Council appoint Councillor Sentes as the Council representative to the Committee.

Staff Recommendation: THAT Council approve the 2019 - 2022 Terms of Reference for the Heritage and Museum Advisory Committee;
AND THAT Council appoint Councillor Sentes as the Council representative to the Committee.

Staff Recommendation: THAT Council give first, second and third reading to “Heritage Advisory Committee Repeal Bylaw No. 2019-30”.

11. Public Question Period

12. Recess to a Closed Meeting:
Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:
(c) labour relations or other employee relations;
90(2) (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

13. Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.
14. **Bylaws and Permits:**

**Haddad 14.1** Zoning Amendment Bylaw No. 2019-26
ALR Non-Farm Use PL2019-8504
Re: 965 Naramata Road

**Laven 14.2** Zoning Amendment Bylaw No. 2019-01
Re: 3550 Valleyview Road

**Johnson 14.3** Official Community Plan Bylaw No. 2019-08

15. **Land Matters**

**Haddad 15.1** Temporary Use Permit TUP2019-8558 – 3 Year Extension Request
Re: 1883 Dartmouth Road & 1886 Dartmouth Road

*Staff Recommendation:* THAT Council approve “Temporary Use Permit TUP2019-8558”, for Lot 8, District Lot 38215, Similkameen Division Yale District, Plan 16251, located at 1886 Dartmouth Road and Lot 3, District Lots 34295 and 38215, Similkameen Division Yale District, Plan 19115, Except Plan 25700, located at 1883 Dartmouth Road, a permit that allows for industrial uses on those parts of the subject properties as identified on Schedule A of the permit;
AND THAT the permit be valid for a period of three years, commencing October 1, 2019;
AND THAT staff be directed to renew the Licence to Use Agreements for use of City land for an additional three year period, in line with the Temporary Use Permit TUP2019-8558;
AND FURTHER THAT staff continue to work with the adjacent property owners, who have requested long term licence renewals, to protect and enhance the existing business operations and Ellis Creek, in line with the Licence to Use Agreements and Ellis Creek Master Planning process over the coming years.

**Laven 15.2** ALR Exclusion PL2018-8363
Re: 3810 Valleyview Road

*Staff Recommendation:* THAT Council deny support for the “ALR Exclusion PL2018-8363” application to the Agricultural Land Reserve (ALR) for Lot 2, District Lot 587, Similkameen Division Yale District, Plan 15977, Except Plans 20013 and 20826, located at 3810 Valleyview Road.

**Tanguay 15.3** Soil or Fill Use Application
Re: 1053 Ohlhausen Road

*Staff Recommendation:* THAT Council support the “Soil or Fill Use” application to the Agricultural Land Reserve (ALC) to allow placement of fill in the ALR to soil bound agriculture on Lot B, District Lot 199, SDYD, Plan 43708, located at 1053 Ohlhausen Road.

**Tanguay 15.4** Zoning Amendment Bylaw No. 2019-29
Re: 595 Vancouver Avenue

*Staff Recommendation:* THAT “Zoning Amendment Bylaw No. 2019-29”, a bylaw that rezones “Proposed Lot 1” to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 to R2 (Small Lot Residential) of the subdivision of “Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662” (595 Vancouver Avenue), as shown on Schedule ‘A’ of the bylaw, be given first reading and be forwarded to the August 20, 2019 Public Hearing;
AND THAT prior to adoption of “Zoning Amendment Bylaw No. 2019-29”, the following condition be completed:
- Registration of a Covenant to restrict direct vehicular access to Proposed Lot 3 (access will need to come through an easement on the Proposed Lot 2 panhandle)
- Demolition of the current single family dwelling
Staff Recommendation: THAT Council support naming the portion of road running north/south between Westminster Ave East and Cambie Place “Oliver Place”.

16. Notice of Motion

17. Business Arising

18. Council Round Table

19. Public Question Period

20. Adjournment
Minutes

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

Tuesday, July 16, 2019
at 1:00 p.m.

Present:
Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff:
Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Mitch Morozuk, General Manager of Infrastructure
Blake Laven, Planning Manager
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order
The Mayor called the Regular Council Meeting to order at 1:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

335/2019
It was MOVED and SECONDED
THAT Council adopt the agenda for the Regular Council Meeting held on July 16, 2019 as presented.
CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole
Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

5. Reconvene the Regular Council Meeting
Council reconvened the Regular Council Meeting at 2:19 p.m.
6. Adoption of Minutes:

6.1 Minutes of the July 2, 2019 Regular Meeting of Council

336/2019

*It was MOVED and SECONDED*

THAT Council adopt the minutes of the July 2, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

337/2019

*It was MOVED and SECONDED*

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

10.1 Zoning Amendment Bylaw No. 2019-26

ALR Non-Farm Use PL2019-8504

Re: 965 Naramata Road

338/2019

*It was MOVED and SECONDED*

THAT “Zoning Amendment Bylaw No. 2019-26”, a bylaw to amend “Zoning Bylaw No. 2017-08” by adding Section 9.2.6.13 “In the case of Lot B District Lots 204 and 205 Similkameen Division Yale District Plan 32206, located at 965 Naramata Road, a Craft Brewery/Distillery, subject to a maximum gross floor area of 400 square meters, shall be permitted”, be given first reading and be forwarded to the August 6, 2019 Public Hearing;

AND THAT Council, after hearing from the public at the August 6, 2019 Public Hearing, consider sending a positive recommendation to the Agricultural Land Commission in support of the proponents ‘non-farm use’ application (ALC Application #58759).

CARRIED UNANIMOUSLY

10.2 Community Emergency Preparedness Fund Grant Application

339/2019

*It was MOVED and SECONDED*

THAT Council approve the application for grant funding from UBCM to support the annual Wildfire Urban Interface (WUI) Training Symposium curriculum development.

CARRIED UNANIMOUSLY

10.3 Official Community Plan Bylaw No. 2019-08

*It was MOVED and SECONDED*

THAT Council considers it has provided appropriate opportunities for consultation with the persons, organizations and authorities it considers will be affected by the Official Community Plan;

THAT Council give second and third reading to “Official Community Plan Bylaw No. 2019-08”;
AND THAT Council adopt “Official Community Plan Bylaw No. 2019-08”, a bylaw that provides a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries.

340/2019

It was MOVED and SECONDED

CARRIED

Councillors Robinson, Watt and Bloomfield, Opposed

10.4 Heritage Designations

341/2019

It was MOVED and SECONDED
THAT Council receive into the record the report titled “Heritage Designations” dated July 16, 2019; AND THAT Council direct staff to maintain the ‘status quo’ approach to heritage properties and maintain the timeline for the Heritage Strategy update (currently a medium term project in the 2019 OCP); AND THAT Council re-instate the Heritage Advisory Committee as a standalone advisory committee and direct staff to bring back Terms of Reference for the Heritage Advisory Committee for Council approval.

CARRIED UNANIMOUSLY

10.5 Municipal Grants Policy

342/2019

It was MOVED and SECONDED

CARRIED UNANIMOUSLY

10.6 Second Quarter Corporate Business Plan Update

343/2019

It was MOVED and SECONDED
THAT Council receive into the record the report titled “Second Quarter Corporate Business Plan Update” dated July 16, 2019.

CARRIED UNANIMOUSLY

10.7 Second Quarter Financial Update

344/2019

It was MOVED and SECONDED
THAT Council receive into the record the report titled “Second Quarter Financial Update” dated July 16, 2019.

CARRIED UNANIMOUSLY
10.8 Penticton Art Gallery – Funding Request

345/2019

It was MOVED and SECONDED
THAT Council support 50% ($14,481.97) of the request from the Penticton Art Gallery with $3,266 funding coming from the unallocated 2019 grant budget for the Penticton Art Gallery and the remaining balance ($11,255.97) found through administrative savings.

DEFEATED
Mayor Vassilaki, Councillors Regehr, Robinson, Kimberley, Sentes, Watt and Bloomfield, Opposed

346/2019

It was MOVED and SECONDED
THAT Council approve $23,463.94 funding request from the Penticton Art Gallery to cover the cost of recent break-ins and security upgrades with $3,266 coming from the unallocated 2019 grant budget for the Penticton Art Gallery and the remaining balance ($20,197.94) found through administrative savings.

CARRIED UNANIMOUSLY

11. Bylaws and Permits
12. Land Matters
13. Notice of Motion:

13.1 From Councillor Robinson on July 2, 2019:

347/2019

It was MOVED and SECONDED
THAT Council direct staff to review and report back with options to regulate the distribution and collection of sharps in the City of Penticton.

CARRIED UNANIMOUSLY

14. Business Arising

14.1 From the July 16 Committee of the Whole delegation - Proposed Visioning Workshop dealing with Cultural Future of South Okanagan

348/2019

It was MOVED and SECONDED
THAT Council approve the request from the South Okanagan Performing Arts Centre Society for $5000.00 to help fund the proposed October/November 2019 workshop.

CARRIED
Councillor Watt, Opposed

15. Council Round Table
16. Public Question Period
17. **Adjournment to a Closed Meeting:**

349/2019

It was MOVED and SECONDED

THAT Council adjourn at 4:44 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(c) labour relations or other employee relations;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.

**CARRIED UNANIMOUSLY**

Certified correct: ______________________________

Confirmed: ______________________________

____________________________
Angie Collison
Corporate Officer

____________________________
John Vassilaki
Mayor
Committee of the Whole
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, July 16, 2019
Recessed from the Regular Council Meeting at 1:00 p.m.

Present: Mayor Vassilaki
         Councillor Bloomfield
         Councillor Kimberley
         Councillor Regehr
         Councillor Robinson
         Councillor Sentes
         Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
      Angie Collison, Corporate Officer
      Jim Bauer, Chief Financial Officer
      Anthony Haddad, Director of Development Services
      Mitch Moroziuk, General Manager of Infrastructure
      Blake Laven, Planning Manager
      Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

The Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED
THAT the agenda for the Committee of the Whole meeting held on July 16, 2019 be adopted as presented.

   CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 Penticton Peach Festival – August 7-11, 2019

Don Kendall, President of Penticton Peach Festival provided Council with an overview of all the free family fun events happening at Penticton Peach Festival, August 7-11, 2019.

3.2 Proposed Visioning Workshop dealing with Cultural Future of South Okanagan

South Okanagan Performing Arts Centre Society - Board of Directors: Leighton McCarthy, Glenn Sinclair, Cal Meiklejohn and John Archer provided Council with an overview of a proposed workshop.
Council agreed by consensus to refer the funding request from the South Okanagan Performing Arts Centre Society, for $5000.00 to help fund the proposed October/November 2019 workshop, to the Regular Meeting - Business Arising.

3.3 **Changing the Rate of Electricity Purchase from Net Metering Customers**

Janelle Parchomchuk and Patrick Dunn provided Council with an overview of changing the rate of electricity purchase from net metering customers and for the City of Penticton to allow net metering customers to bank their kWh’s in the summer and use in the winter at equal value.

**It was MOVED and SECONDED**
THAT Council refer to staff the request to change the rate of electricity purchase from solar panel/net metering customers.

**CARRIED UNANIMOUSLY**

3.4 **Utility Rate Review**

Andrew McLaren, Intergroup, provided Council with a presentation on the City of Penticton Utility Rate Review.

3.5 **RCMP Quarterly Report**


4. **Adjourn to Regular Meeting**

**It was MOVED and SECONDED**
THAT Council adjourn the Committee of the Whole meeting held July 16, 2019 at 2:19 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct: ___________________________ Confirmed: ___________________________

____________________________ ______________________________
Angie Collison  John Vassilaki
Corporate Officer  Mayor
Public Hearing
held at Penticton Trade and Convention Centre Rooms 1 and 2
273 Power Street, Penticton, B.C.

Monday, July 15, 2019
at 6:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Blake Laven, Planning Manager
Anthony Haddad, Director of Development Services
Ben Johnson, Special Projects Manager
Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:04 p.m. for Official Community Plan Bylaw No. 2019-08. 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 bylaw. 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.


The Official Community Plan Bylaw No. 2019-08:

Will provide a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries and contains a sustainable growth and land use plan, policy direction in key areas, development permit area guidelines and an implementation plan.

The Corporate Officer advised that 21 letters have been received since the printing of the agenda and distributed to Council.
DELEGATIONS

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

- Sue Mocchia, Chair of Official Community Plan Task Force, spoke in support of the task force.
- Lynn Kelsey, Oakville Street, Vice Chair of Official Community Plan Task Force, spoke in support of the task force and the work that was done.
- Don Cummings, Kendall Crescent, concerns with affordable housing and vacation homes negatively affecting neighbours and neighbourhoods.
- Jeanette Beaven, Front Street, on behalf of Anne Hargrave, read into the record their late submission.
- Deborah Webb, Van Horne Street, spoke in support of heritage houses, concerns with urban residential and buildings taller than ten stories. Transit needs to be improved and need more green space and pocket parks.
- Hannah Hyland, Elm Avenue, spoke in support of parks, thanked Task Force. Parks and Recreation Master Plan had good values and parks are an asset to public and to protect.
- Jessica Achtem, Front Street, read into the record their late submission from Peter Achtem.
- Randy Boras, Lakeside Road, on behalf of Lakeside Corridor Residents read into the record their late submission.
- Randy Manuel, West View Drive, read into the record their late submission. On behalf of Bob Parliament, read into the record their late submission.
- Gary Denton, Front Street and Kendall Crescent, need protection of heritage properties. Affordable housing and short-term rentals are a concern, as there should be bylaws in place. Consider long-term rentals in the City.
- Kim Lister, Kendall Crescent, residential guidelines are too intensive and need regulations. Carriage houses are an issue with regulations including size and height, as it should only be one, not more. Need more specifications for staff on how to respond to development permits for size of carriage houses, bylaw is still for two stories.
- Wiltse Holdings, summarized into the record their late submission. Concerned with hillside development, as they will lose 30% of their land. Unable to sell to developers if the future is unknown.
- Jeanette Beaven, Front Street, read into the record their late submission.
- Allan Todd, Randolph Road, there are problems with affordable housing and vacation rentals need to be affordable. There is a shortage of rentals for students. Residents on Randolph Road near the Campbell Mountain Landfill are okay with 300-meter buffer, but not okay with the 500-meter buffer.
- Dick Nickel, Lakeside Road, Lakeside Corridor Residents, would like the details discussed in a memorandum of understanding so it is a record. Time can lose reflections on the current situation.
- Denis O’Gorman, Farrell Street, Task Force member, bylaw is a guideline on how to set principles and formats. Five stories on Front Street is too high, need urban design that fits the context and can be improved overtime.
- Daryl Clarke, Power Street, how do we get around our city by bicycle, we need to connect streets with bike lanes. Rather than just painting lines, make separate bike lanes. People are moving in different ways and need to incorporate all the different modes of transportation.
- Lorraine Stephanson, Farrell Street, turned a few corners in recent years with good staff being hired and electing an educated Council. Citizen push back with vacation homes and secondary suites. There were lots of engagement sessions.
- Cal Meiklejohn, West Bench and Front Street office, need a bigger vision for the city. South Okanagan Events Centre is good. Good design of buildings, streets and parks are highly important. Questionable words in the bylaw in regards to heritage, historical and traditional. There are old buildings downtown and falling apart and should be replaced. The amount of stories on Front Street should depend on quality of project.
Mayor Vassilaki asked the public for the second time if anyone wished to speak to the application.

- Brad Elenko, representing owner of 3810 Valleyview Road, lands should not be designated agriculture, less than a ¼ of the property can be used for agriculture.
- Kristie Tatebe, Newton Drive, member of the Agriculture Advisory Committee. In support of food systems in OCP, and if adopted Penticton will be a leader in the region for supporting sustainable local food systems.
- Jessica Achtem, Front Street, continued to read into the record late submission from Peter Achtem.

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

- No one spoke.

The public hearing for “Official Community Plan Bylaw No. 2019-08” was terminated at 8:26 p.m. and no new information can be received on this matter.
Minutes

Official Community Plan Task Force Meeting
Held at City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Monday April 1, 2019
at 5:30 p.m.

Present: Suzanne Mocchia, Chair
         Brian Symonds, Member at Large
         Denis O’Gorman, Member at Large
         Evelyn Riechert, RDOS Representative
         Jillian Tamblyn, Member at Large
         Kristi Estergaard, Interior Health Representative
         Lynn Allin, Downtown Penticton Association Representative
         Lynn Kelsey, Vice Chair
         Randy Kowalchuk, Member at Large
         Randy Manuel, Member at Large
         Rhys Spencer, Member at Large
         Sharon Fletcher, Member at Large
         Warren Sanders, Member at Large
         Jake Kimberley, Councilor

Staff:   Ben Johnson, Special Projects Manager
         Anthony Haddad, Director of Development Services
         Blake Laven, Planning Manager
         Joanne Kleb, Engagement Specialist
         Cheryl Hardisty, Executive Assistant

1. Call to Order

   The Official Community Plan Task Force called to order at 5:26 p.m.

2. Adoption of Agenda

   It was MOVED and SECONDED
   THAT the Official Community Plan Task Force adopt the agenda for the meeting held on March 20, 2019 as amended to include a round of introductions.

   CARRIED UNANIMOUSLY
3. Approval of Minutes
3.1 It was MOVED and SECONDED
THAT the Official Community Plan Task Force adopt the minutes of the March 20, 2019
meeting as amended to correct attendance.
CARRIED UNANIMOUSLY

4. New Business

4.1 Introductions
The Task Force members, Council Members in attendance and staff introduced
themselves to the group.

4.2 Draft OCP Overview Presentation
The Special Project Manager provided background information on the OCP, including
the various sections and their intent. The process the task force has followed was
outlined, including engagement and consultants. The Heritage Community scenario
was reviewed, how and why the HCAs were ultimately removed from the OCP.

4.3 Workshop Discussion & Review of Draft Document
Director of Development Services reviewed the various sections of the OCP and
provided information on their respective purposes. He also included some of the
questions that will be included in the engagement process such as did we get it right,
is it the mix you want to see.

5. Next Steps

5.1 Committee of the Whole & Final Phase of Community Engagement

5.1.1 Regroup after this meeting, but will follow a similar approach to this evening. Task
Force members are all welcome and encouraged to attend that council meeting.

5.1.2 The Task Force will be asked to participate in engagement steps. Committee of the
Whole is for observation purposes at this time only

6. Next Meeting

The next meeting of the Official Community Plan Task Force will be a working review with
Council, date to be determined as soon as possible.

7. Adjournment

It was MOVED and SECONDED that the Official Community Plan Task Force adjourn the
meeting on Monday April 1, 2019 at 7:39

Certified Correct:

Cheryl Hardisty
Executive Assistant
Official Community Plan Task Force Meeting
Held at City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday June 25, 2019
at 5:30 p.m.

Present: Suzanne Mocchia, Chair
Brian Symonds, Member at Large
Denis O’Gorman, Member at Large
Jillian Tamblyn, Member at Large
Kristi Estergaard, Interior Health Representative
Lynn Kelsey, Vice Chair
Randy Kowalchuk, Member at Large
Sharon Fletcher, Member at Large
Jake Kimberley, Councillor
Judy Sentes, Councillor
Katie Robinson, Councillor

Staff: Ben Johnson, Special Projects Manager
Anthony Haddad, Director of Development Services
Blake Laven, Planning Manager
Joanne Kleb, Engagement Specialist
Cheryl Hardisty, Executive Assistant

1. **Call to Order**

The Official Community Plan Task Force called to order at 5:26 p.m.

2. **Adoption of Agenda**

   It was MOVED and SECONDED
   THAT the Official Community Plan Task Force adopt the agenda for the meeting held on June 25, 2019 as amended to include addition of letter distribution from community member, and movement of item 5.3 to item 5.1 and add 5.6 Letter from community member.

   CARRIED UNANIMOUSLY

3. **Approval of Minutes**

   3.1 It was MOVED and SECONDED
   THAT the Official Community Plan Task Force adopt the minutes of the April 1, 2019 meeting as amended to correct punctuation.

   CARRIED UNANIMOUSLY
4. **Business Arising**

4.1 Special Projects Manager provided a review of the OCPs process to date and current status.

5. **New Business**

5.1 June Engagement recap: The Community Engagement Specialist provided an update of what they have done over the last 2 months, including a newspaper insert, community centre display, open houses and road shows. The Community Engagement Specialist identified key themes and felt the results are a good indication of the support for the policy.

5.2 OCP Key Issues:

5.2.1 Smythe Drive: Resolution has been reached: the landowner will max at 27 units, no carriage houses, tourist component remains the same. Refinement will take place through the zoning process. Will include a contribution to upgrade the intersection. This will be one of a few site specific designations in the OCP.

5.2.2 Heritage: Some concerns were voiced regarding the lack of focus on heritage in this OCP. Staff will be recommending reinstatement of the heritage committee, outline tools available to municipalities. The Special Projects manager noted the previous OCP was written before the Heritage strategy resulting in a seemingly larger focus on heritage. The Task Force discussed height restrictions on Front Street; leaving to 5 storeys allows for flexibility. Staff reminded the Task Force that the OCP is a guideline and ultimately the decision rests with Council.

5.2.3 Landfill: The Draft OCP maintains 300m buffer. Staff will work with RDOS to find solutions to their concern.

5.3 Edits to Draft OCP – comments and questions. Special Projects Manager sought comments or question on the draft revisions and reviewed some basic questions on language.

5.4 Council Report, Council dates and Task Force Role – the Special Projects Manager reviewed the upcoming process for adoption of the OCP. Councillor Kimberley suggested a separate public hearing meeting. CAO noted the options. Agenda for July 2nd can be amended to hold COW portion in the evening.

5.5 Task Force direction on Draft OCP – Chair seeks motion from the Task Force

**It was MOVED and SECONDED**

THAT the Official Community Plan Task Force endorse the Official Community Plan.

CARRIED UNANIMOUSLY

5.6 Letter Distribution from Community Member: The letter was distributed during the height restriction discussion under key issues. The Chair reminded the Task Force they were no longer receiving delegations and directed them to the Public Hearing.

6. **Next Steps**

6.1 Council Meeting July 2, Public Hearing July 16

7. **Next Meeting**

This is the final meeting of the OCP Task Force.

8. **Adjournment**

**It was MOVED and SECONDED** that the Official Community Plan Task Force adjourn the meeting on Tuesday June 25, 2019 at 7:05.

CARRIED UNANIMOUSLY
Certified Correct:

Cheryl Hardisty
Executive Assistant
Minutes

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

Friday, April 5, 2019
at 3:00 p.m.

Present: Rod King, Chair
Paul Gardner
Annelise Simonsen
Doug Mathias
Jesse Chapman
Kristi Tatebe
Darshan Jassar
Councillor Bloomfield

Staff: Blake Laven, Planning Manager
Nicole Capewell, Planner I
Randy Houle, Planner I
Audrey Tanguay, Senior Planner
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Agriculture 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 Agriculture Advisory Committee adopt the agenda for the meeting held on
April 5, 2019 as amended to remove item 5.6.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the minutes of the March 18, 2019 meeting as
circulated.

CARRIED UNANIMOUSLY
4. Business Arising from Prior Meetings

4.1 Election of Vice-Chair

The committee deferred the election of the vice-chair to the next meeting.

5. New Business

5.1 Zoning Amendment PL 2019-8498 - 856 Carder Avenue

Rod King has declared a conflict of interest at 3:11 p.m. as the applicants are a neighbour.

The Planner 1 introduced the applicant and provided an overview of the application. 
The applicants described their proposal in relation to agri-tourism. The Land Commission is in support of the application as it meets all their guidelines.

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee recommend that Council support “RZ PL2019-8498” with a condition that a maximum of six sleeping units is permitted.

CARRIED UNANIMOUSLY

Rod King returned to the meeting at 3:30 p.m.

5.2 Soil or Fill Use Application – 1053 Ohlhausen Road

Annelise Simonsen declared a conflict of interest at 3:36 p.m. as the applicant is a neighbour.

The Senior Planner introduced the applicant and provided an overview of the application. 
The Land Commission has referred the application to the City of Penticton for comment.

It was MOVED and SECONDED
THAT the Agricultural Advisory Committee support the “Soil or Fill Use” application to the Agricultural Land Reserve (ALC) to allow placement of fill in the ALR to soil bound agriculture on Lot B, District Lot 199, SDYD, Plan 43708, located at 1053 Ohlhausen Road.

CARRIED UNANIMOUSLY

Annelise Simonsen returned to the meeting at 3:53 p.m.

5.3 Subdivision in the ALR – 3110 Valleyview Road

The Senior Planner provided the Committee with an overview of the application and introduced the applicants.

It was MOVED and SECONDED
THAT the Agricultural Advisory Committee support the proposed two lot subdivision at 3110 Valleyview Road with the condition that the boundary line be moved to the east to the base of the slope.

CARRIED UNANIMOUSLY
5.4 **Subdivision in the ALR – 720 Naramata Road**

Annelise Simonsen declared a conflict of interest at 4:20 p.m. as the applicant is a friend.

The Senior Planner provided the Committee with an overview of the subdivision proposal. The applicants will require a variance from Council.

**It was MOVED and SECONDED**

THAT the Agricultural Advisory Committee recommend that Council deny the proposed subdivision at 720 Naramata Road.

CARRIED UNANIMOUSLY

Annelise Simonsen returned to the meeting at 4:26 p.m.

5.5 **Non-Farm Use PL2019-8504 – 965 Naramata Road**

The Planner 1 introduced the applicants and provided an overview of the application. The application has gone through the Agriculture Land Commission and has been referred back to the City of Penticton for comment.

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee recommend that Council support the “non-farm use” application to the Agricultural Land Reserve (ALR) to allow for an alcohol production facility (brewery) at Lot B District Lots 204 and 205 Similkameen Division Yale District Plan 32206, located at 965 Naramata Road.

CARRIED UNANIMOUSLY

**It was MOVED and SECONDED**

THAT the Agricultural Advisory Committee recommend that Council support the site specific rezoning at Lot B District Lots 204 and 205 Similkameen Division Yale District Plan 32206, located at 965 Naramata Road, to allow for the use of a Craft Brewery/Distillery subject to a maximum gross floor area of 400 square meters.

CARRIED UNANIMOUSLY

6. **Council Outcome**

6.1 Council received the minutes of the March 18, 2019 meeting at their meeting held on April 2, 2019. Council received the committee recommendation and agreed it would be beneficial to invite a Penticton Indian Band member to the meetings.

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee recommend that Council amend the Terms of Reference to include a member from the Penticton Indian Band to be a voting member.

CARRIED UNANIMOUSLY

7. **Next Meeting**

The next scheduled meeting of the Agriculture Advisory Committee is April 17, 2019 at 3:00 p.m.
8. **Adjournment**

**It was MOVED and SECONDED**
THAT the Agriculture Advisory Committee adjourn the meeting held on Friday, April 5, 2019 at 4:58 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

[Signature]

Caitlyn Anderson  
Deputy Corporate Officer
Agriculture Advisory Committee Meeting

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

Wednesday, April 17, 2019
at 3:00 p.m.

Present: Rod King, Chair
Annelise Simonsen
Doug Mathias
Jesse Chapman
Kristi Tatebe
Darshan Jassar
Chris Holler
Councillor Bloomfield

Staff: Blake Laven, Planning Manager
Mitch Moroziuk, General Manager of Infrastructure
Paula McKinnon, Legislative Assistant

Guest: Andrew McLaren, InterGroup

1. Call to Order

The Agriculture Advisory Committee was called to order by the Chair at 3:00 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on
April 17, 2019 as amended to remove item 5.2.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

4. Business Arising from Prior Meetings

4.1 Election of Vice-Chair

Members at large nominated Doug Mathias as Vice Chair and he accepted.

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee elect Doug Mathias as Vice Chair.
5. **New Business**

5.1 **Utility Rate Review**

The General Manager of Infrastructure informed the Committee that the first utility rate review took place in 2015 which did not include agriculture water rates. The current utility rate review process was then explained with the goal to have the rate structure implemented by January 1, 2020.

Andrew McLaren of InterGroup presented the utility rate review which included proposed rates for the City's electric, water and sanitary sewer utilities for 2020 through 2022. Specifically, the presentation focused on the agriculture system rate approach. Two rate increase options were presented to the Committee as follows:

- Option 1: 10% rate increase in 2019 followed by 4%/year increases; or
- Option 2: Continue 4%/year increases.

Discussions ensued regarding water management through the use of water meters and whether their installation would result in cost savings, billing rates and costs including rate structures with different rate classes and irrigable areas.

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee supports staff’s recommendation of the 4% annual increase for the next four years.

CARRIED UNANIMOUSLY

6. **Council Outcome**

The Committee was informed that the motions voted on at the April 5 Committee meeting were not raised at the Council meeting because confirmation is required by the Penticton Indian Band in regards to having a voting member on the Committee.

7. **Next Meeting**

The next scheduled meeting of the Agriculture Advisory Committee is to be determined.

8. **Adjournment**

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee adjourn the meeting held on Wednesday, April 17, 2019 at 4:06 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

[Signature]

Paula McKinnon
Legislative Assistant
Agriculture Advisory Committee Meeting

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

Wednesday, June 12, 2019
at 2:00 p.m.

Present:  Rod King, Chair
           Paul Gardner
           Annelise Simonsen
           Doug Mathias
           Jesse Chapman
           Kristi Tatebe
           Darshan Jassar
           Chris Holler
           Steven French *(Left the meeting at 4:11 p.m.)*
           Councillor Bloomfield

Staff:    Blake Laven, Planning Manager
           Nicole Capewell, Planner 1 *(Left the meeting at 3:02 p.m.)*
           Len Robson, Manager of Public Works
           Randy Houle, Planning Technologist 1 *(Left the meeting at 3:02 p.m.)*
           Paula McKinnon, Legislative Assistant
           Derek Phillips, Meters, Dams and Irrigation Foreman
           David Best, Public Works Utilities Supervisor

Guest:    Brad Elenko, McElhanney Consulting Services Ltd. *(Left the meeting at 3:02 p.m.)*
           James Parker *(Left the meeting at 3:02 p.m.)*

1. **Call to Order**

   The Agriculture Advisory Committee was called to order by the Chair at 2:01 p.m.

2. **Adoption of Agenda**

   **It was MOVED and SECONDED**
   THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on June 12, 2019 as amended including items 5.3 – Penticton Indian Band Membership Update and 5.4 – City Zoned Farmland vs. ALR Rules.

   **CARRIED UNANIMOUSLY**
3. **Adoption of Minutes**

3.1 Minutes of the April 5, 2019 Agriculture Advisory Committee Meeting

*It was MOVED and SECONDED*

THAT the Agriculture Advisory Committee adopt the minutes of the April 5, 2019 meeting as presented.

*CARRIED UNANIMOUSLY*

3.2 Minutes of the April 17, 2019 Agriculture Advisory Committee Meeting

*It was MOVED and SECONDED*

THAT the Agriculture Advisory Committee adopt the minutes of the April 17, 2019 meeting as presented.

*CARRIED UNANIMOUSLY*

4. **Business Arising from Prior Meetings**

5. **New Business**

5.1 **ALR Exclusion PL2018-8363 – Valleyview Road**

The Planner 1 provided the Committee with an overview of the application and introduced the applicants who also provided an overview of the application. The application has been submitted to the Agriculture Land Commission and was referred back to the City of Penticton for support.

*It was MOVED and SECONDED*

THAT the Agriculture Advisory Committee recommend that the area above the identified bedrock line be excluded from the Agricultural Land Reserve and that the area below the identified line be maintained in the Agricultural Land Reserve while maintaining the existing south east road access.

*CARRIED*

Kristi Tatebe and Steven French, Opposed

5.2 **Agricultural Irrigation Service Upgrades and Metering**

The Manager of Public Works and Public Works Utilities Supervisor presented to the Committee an introduction to the north and south irrigation systems and the challenges associated with the systems and their servicing and why the City should consider installing water meters on our irrigation systems.

The Committee was informed that next steps include engineering, consultation and implementation. During the consultation phase, the design would be brought back to the Committee for review and feedback.
Agricultural Irrigation Service Upgrades and Metering - Continued

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee receive the presentation on “Agricultural Irrigation Service Upgrades & Metering”.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee pending final design of the Irrigation Service Connection support the service upgrades as proposed.

CARRIED UNANIMOUSLY

5.3 Penticton Indian Band Membership Update

The Planning Manager briefly informed the Committee that the Penticton Indian Band has been notified of the Committee’s request to assign a voting member to the Agriculture Advisory Committee; however, a response to the request made has not been received yet.

5.4 City Zoned Farmland vs. ALR Rules

This item has been deferred to the next Agriculture Advisory Committee meeting.

6. Council Outcome

7. Next Meeting

The next scheduled meeting of the Agriculture Advisory Committee is to be determined.

8. Adjournment

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adjourn the meeting held on Wednesday, June 12, 2019 at 4:27 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_________________________________________
Paula McKinnon
Legislative Assistant
Minutes

Parks and Recreation Advisory Committee Meeting
Held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Wednesday, July 10, 2019
at 1:30 p.m.

Present:    Councillor Bloomfield, Acting Chair
            Tyson Bull
            Gary Dean
            Lesley Chapman
            Donna Ritchie
            Lee Davidson
            Sandy Ross
            Peter Osborne
            Michaela Wooldridge
            Julia Barber
            Drew Barnes

Staff:      Len Robson, Public Works Manager
            Anthony Haddad, Director of Development Services
            Donny van Dyk, Chief Administrative Officer
            Kelsey Johnson, Recreation Business Supervisor
            Paula McKinnon, Legislative Assistant

Guest:      Doug Cox, Riddle Road FireSmart, Delegation

1.  Call to Order:

   The Parks and Recreation Advisory Committee was called to order by the acting chair at 1:34 p.m.

2.  Introduction of Late Items

3.  Adoption of Agenda:

    It was MOVED and SECONDED
    THAT the Parks and Recreation Advisory Committee adopt the agenda for the meeting held on
    July 10, 2019 as amended to include the item titled ‘Outdoor Temporary Ice Rink Discussion’.

    CARRIED UNANIMOUSLY
4. **Adoption of Minutes:**

**It was MOVED and SECONDED**
THAT the Parks and Recreation Advisory Committee adopt the minutes of the June 11, 2019 meeting as presented.

**CARRIED UNANIMOUSLY**

5. **Delegations:**

5.1 1400 Riddle Road (Three Blind Mice) – Doug Cox, Riddle Road FireSmart

Mr. Cox provided the Committee with a presentation on allocating 332 acres at 1400 Riddle Road (Three Blind Mice) from its current zoning of Forestry Grazing to Parks and Recreation for consistency purposes with the Official Community Plan and also with a goal to have the Staff research and implement ways to manage the property from a safety perspective, specifically with fire mitigation.

A member at large informed the Committee that PACA had permission from the City of Penticton to build bike trails contrary to the information being provided.

**It was MOVED and SECONDED**
THAT the Parks and Recreation Advisory Committee direct staff to prepare a report for consideration at an upcoming meeting.

**CARRIED UNANIMOUSLY**

**Mr. Cox left the meeting at 2:13 p.m.**

**The Chief Administrative Officer entered the meeting at 2:06 p.m.**

6. **Business Arising from Prior Meetings:**

7. **Correspondence:**

7.1 Long Term Leasing of Public Park Land – Protect Penticton Parks Society

**It was MOVED and SECONDED**
THAT correspondence from Protect Penticton Parks Society regarding “Long Term Leasing of Public Park Land”, dated June 10, 2019, be received for information.

**CARRIED UNANIMOUSLY**

8. **New Business:**

8.1 Outdoor Temporary Ice Rink Discussion

The Chief Administrative Officer informed the Committee that the City has been approached with an offer to invest funds into an outdoor ice arena. The capital funds would be invested with the agreement that the City look after all operating costs. Staff are currently reviewing potential city-owned sites which include the Riverside Park basketball court and Skaha Park hockey court.
Brief Discussion ensued regarding operating responsibility and the advantages of the Skaha Lake Parkhockey court as an ideal potential location.

The Chief Administrative Officer and Recreation Business Supervisor left the meeting at 2:29 p.m. and did not return.

8.2 Okanagan Avenue Properties

The Director of Development Services provided the Committee with an update on a letter received by the City regarding encroachments on City-owned land along a portion of Okanagan Avenue. Historically there weren’t any official agreements to use the land; however, Council authorized Temporary Use Permits allowing the industrial uses to continue on the land for a period of three years.

9. Council Outcome:

Councillor Bloomfield informed the Committee that at the July 3 regular meeting of Council the Robinson Property Master Plan was approved and Interior Health Authority presented to Council regarding sharps and informed the Committee that Bylaw Officers are responding with regular sweeps of City parks until a solution is determined.

10. Next Meeting:

The next Parks and Recreation Advisory Committee Meeting will be decided at a later date.

8. Adjournment:

It was MOVED and SECONDED
THAT the Parks and Recreation Advisory Committee adjourn the meeting held on Wednesday, July 11, 2019 at 3:01 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

________________________________________
Paula McKinnon
Legislative Assistant
Arts, Creative, Cultural Innovations, Heritage & Museum Committee Meeting
Held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Tuesday, July 9, 2019
at 2:00 p.m.

Present:
Judy Sentes, Councillor
Timothy Tweed, Arts Council/Leir House (Chair)
Randy Manuel
Anne Hargrave
Ron Crawford
Anita Petersen
Tristan Kaulback
Shelley Clarke, SD67 Representative

Staff:
Dennis Oomen, Museum Manager
Kelsey Johnson, Recreation Business Supervisor
Michael Hodges, Development Infrastructure Manager
Heather McDonald, Planning Clerk
Paula McKinnon, Legislative Assistant

1. Call Regular Committee Meeting to Order

The Arts, Creative, Cultural Innovations, Heritage & Museum Committee was Called to order by the acting Chair at 2:02 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

It was MOVED and SECONDED
THAT the Arts, Creative, Cultural Innovations, Heritage & Museum Committee adopt the agenda for the meeting held on July 9, 2019 as amended with the removal of item 6.3 – Election of Vice Chair.

CARRIED UNANIMOUSLY
4. **Adoption of Minutes**

It was MOVED and SECONDED THAT the Arts, Creative, Cultural Innovations, Heritage & Museum Committee adopt the minutes of the March 21, 2019 meeting as amended:

- Strike ‘Anita Petersen’ from the list of Present Attendees

CARRIED UNANIMOUSLY

5. **Business Arising from Prior Meetings**

6. **New Business**

6.1 **Proposed New Street Name: Magnolia Lane**

The Development Infrastructure Manager presented to the Committee the proposed new street name of Magnolia Lane for the section of road currently referred to as Cambie Court.

Discussion ensued regarding the proposed name. Members at large proposed the name ‘Parrott Spur’ associated to the BC Railway after Mr. John Perkin Parrott or ‘Spur Street’.

It was MOVED and SECONDED THAT the Arts, Creative, Cultural Innovations, Heritage and Museum Advisory Committee deny the request to name Magnolia Lane for the section of road currently referred to as Cambie Court.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED THAT the Arts, Creative, Cultural Innovations, Heritage and Museum Advisory Committee recommend that the developer work with City Staff to determine a railway theme name.

CARRIED UNANIMOUSLY

6.2 **Helping Hand Installation Update**

The Recreation Business Supervisor informed the Committee that the current location of the Helping Hand structure has been assessed by various City Staff and it’s been determined that the sculpture will need to be relocated due to the tree’s deteriorating health from being intertwined with the sculpture.
7. **Representative Updates**

7.1 **District Arts Council**
Informed the Committee that they have hired a new Administrator.

7.2 **School District 67**
Informed the Committee that schools have shut down for the summer period and that they are working towards upgrading energy efficiencies within their buildings. The Committee was also informed that negotiations for extending the lease continues.

**It was MOVED and SECONDED**
That the Arts, Creative, Cultural Innovations, Heritage & Museum Committee recommends to Council that City Staff work with appropriate owners and operators of heritage facilities to work towards developing five-year maintenance plans.

**CARRIED UNANIMOUSLY**

7.3 **Members at Large**
The Museum Manager provided clarification on a description attached to a photo of himself and the Friends and Museum Society printed in the Herald Newspaper.

Councillor Sentes informed the Committee that Council will be receiving the Official Community Plan recommendations at the regular meeting scheduled for July 16 following the Public Hearing scheduled for July 15 at 6:00 p.m. at the Penticton Trade and Convention Center.

8. **Council Outcome**

9. **Next Meeting**

9.1 The next scheduled meeting of the Arts, Creative, Cultural Innovations, Heritage & Museum Committee is to be determined.

10. **Adjournment**

**It was MOVED and SECONDED**
That the Arts, Creative, Cultural Innovations, Heritage & Museum Committee adjourn the meeting held on July 9, 2019 at 3:14 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

__________________________________
Paula McKinnon
Legislative Assistant
Date: August, 6, 2019       File No: RMS
To: Donny van Dyk, Chief Administrative Officer
From: Michael Hodges, Development Infrastructure Manager

Subject: Arts, Creative, Cultural Innovations, Heritage & Museum Committee – Recommendation
Heritage Facility Maintenance Plans

Recommendations

Alternative 1

THAT Council deny the recommendation by the Arts, Creative, Cultural Innovations, Heritage & Museum Committee to developer 5 year maintenance plans for Properties on the Heritage registry.

Alternative 2

THAT Council direct staff to incorporate the potential for developing ongoing maintenance plans for properties on the heritage registry into the Heritage Strategy update process, currently a medium term project, in the 2019 Official Community Plan.

Background

The Arts, Creative, Cultural Innovations, Heritage & Museum Committee raised concerns that there are a number of heritage properties within Penticton that may not currently have a plan for maintaining their heritage property into the future. The committee recognized that it is often more complex and expensive to maintain these older facilities especially when trying to maintain the heritage integrity and characteristics of the property. The committee would like City staff to find ways in which to support the owners and operators of these properties in maintaining these buildings.

While the Committee is not looking to the City to fund the maintenance of these properties, the committee would like the City to investigate ways that they could support the owner/operator of the property to assist in the development of five year maintenance plans. These plans could identify the required maintenance, develop a schedule and budget for the maintenance and to support the owner/operator in identifying any possible grant or funding source for the maintenance. This assistance would be intended to be applied to both private and public sites listed on the City’s heritage register.

The recommendation from the Committee is:

THAT the Arts, Creative, Cultural Innovations, Heritage & Museum Committee recommends to Council that City Staff work with appropriate owners and operators of heritage facilities to work towards developing five-year maintenance plans.
Financial implication

The Committee is not recommending that the City fund the maintenance, however, there would be a significant staff time commitment and resource allocation to complete this work for the 55 sites listed on the Penticton Heritage Registry. Without further review by staff it is not possible to determine the actual staff time required or the final cost of this program. A workplan item like this is not currently on the City’s list of priorities.

Analysis

The possibility of assisting the owners and operators of heritage properties to improve the maintenance and long term protection of heritage properties has merit to ensure the long term maintenance and retention of heritage facilities, however having City of Penticton staff responsible for this, especially with regards to privately owned facilities or buildings, is not considered appropriate. The City could not require owners, or operators, to work with the City in developing these maintenance plans, and it would be a voluntary program.

Other tools are available, such as Heritage Revitalization Tax agreements, which could be put in place to offset the costs of heritage building upgrades and renovation plans, so this mechanism could be applied in the future – as directed through the eventual Heritage Strategy review. The City has had examples of this applied to heritage buildings in the past.

Staff have just completed a similar process for some City owned facilities, but it was undertaken by consultants, looking at upcoming building maintenance and upgrade requirements and costing. This review was very time consuming and complex without the added complexity of dealing with Heritage properties. To offer this support of all 55 properties on the Penticton heritage register could not be completed in a single year and would likely involve a significant workplan and budget item.

The proposed 2019 Official Community Plan identifies an update to the Heritage Strategy to be implemented as a medium term project. By potentially incorporating this type of program into the Heritage Strategy, the City can ensure that any maintenance plans are in line with the Strategy and this will allow for a more holistic approach in developing and meeting the goals of the Heritage Strategy. This issue can also be investigated further, with advice from the new Heritage and Museum Committee – recently authorized by Council.

The Alternatives available for Council will provide direction for staff. At this time, Staff do not recommend moving ahead with such an initiative, and Alternative 1, should be supported. It should however be noted, that even if this type of project can be identified and developed through the eventual Heritage Strategy, it would involve significant staff time and resources to be implemented. It may not be practical or even lawful for city staff to get involved in a project like this, and especially for private property, that are ultimately the responsibility of the private property owner to maintain and fund.

Respectfully submitted,

Michael Hodges
Development Infrastructure Manager
City of Penticton Mayor & Councillors,

Cleland Theatre has a group of dedicated & selfless volunteers who usher and take on other tasks as required to ensure a positive experience for both the performers and the patrons. We have listened to much feedback and suggestions over the years from which we have put together a document providing some background and summarizing the suggestions requiring attention.

Our volunteer group is urgently suggesting:

1) **An immediate review** of the theatre rates be conducted & suggest competitive pricing be adopted in line with competing Theatres (Oliver/Kelowna/Vernon); (refer to attached document for rate comparisons)

2) **An immediate review** of equipment and outdated equipment be replaced (to be competitive with Oliver/Kelowna/Vernon).

We have also attached a document outlining twelve deficiencies at Cleland Theatre as well as suggestions to improve utilization, service/amenities offered, and **create new revenue streams. Many of the suggestions are little to no cost.** Feel free to contact our group if further information is required. If you have trouble opening the document (sent in 2 formats), please let the sender know and it shall be resent in a different format.

Background: It is well noted by this group how Cleland Theatre is **extremely** underutilized because of the high cost to rent the theatre by comparison to all the Okanagan Theatres, as well as outdated equipment. More and more performers are choosing not to stop at Cleland Theatre.

Glaring examples of this situation include:

1) Murray McLaughlin touring Vernon, Kelowna & Oliver but **not Penticton**

2) Colin James tours Kelowna **but not Penticton** even though he had sold out shows in 2013 & 2017.

There are **many** other examples.

Performers are **opting out** of the high risk rental charge that Cleland Theatre presents. **The current situation requires immediate attention.**

We shall await for a response regarding our concerns and information presented in the document **attached.**

Thank you.
Sincerely,

Submitted on behalf of a group of City of Penticton ~ Cleland Community Theatre Volunteers

Lesia, Andrina, Jim, Jane, Joanne, & Gwyn
Cleland Theatre ~ Business Practices for consideration

The City of Penticton Cleland Theatre is an extremely under-utilized theatre by comparison with other neighbouring theatres listed below. By raising awareness to some of the issues associated with the low number of shows being booked, it is hoped that changes will happen to the delight of live music/theatre presenters and patrons of the theatre. Small investments and changes by the City of Penticton would make the Cleland more competitive as well as enhance the experience for all.

We are bringing forward some suggestions from observations over the past few years at the Cleland Community Theatre. Many of these items have been raised by Consultant Reports filed with the City of Penticton.

1. Rental Cost

Cleland Theatre has the highest theatre rental rate in the valley.
Penticton Cleland Theatre is not competitive in pricing compared to the market.
Client’s response “The rent is too high”. Patrons comments “Why can’t we attract those performers here?”

Note the numerous events posted on each of the following Theatres websites vs Cleland (2 shows).
Examples: It can be noted that Colin James has skipped Penticton on his tour this year even though he had a sold out show last year at the Cleland. This year his concert is in Kelowna, and Murray McLaughlin’s concerts are in Kelowna, Vernon and Oliver.

**Penticton - Cleland Theatre (443 seats):** https://www.penticton.ca/
Rent: $1500.00 or more + rental of sound equipment ($500.00)

**Oliver Venables Theatre (373 seats):** https://www.venablestheatre.ca/
Rent: $400.00

**Kelowna Community Theatre (853 seats):** https://theatre.kelowna.ca
Rent: $725.00

**Vernon (750 seats):** https://www.ticketseller.ca/venues/vernon-and-district-performing-arts-centre
Rent: $1,200 or 10% of FULL GROSS ticket sales whichever is greater.

Suggestions include:

1. An immediate review of the rental rates and ensure that they are competitive with surrounding theatres to encourage groups to choose Cleland Theatre for its competitive pricing and amenities. Consider renting for less and having more shows (and returnees).

2. Potential to add other creative options -
   - Offer 2 days’ rentals at a discounted rent for popular groups (i.e.: Colin James). If he were to have shows for 2 nights in a row...maybe the full rate the first night and a half rate for the 2nd night.
   - Offer discounts to Agents/Concert Planners who book 4 shows per year (even if the artists are different).
   - Offer loyalty rates (discounts) for groups who return year after year. OR...offer incentives to a group upon completion of their show, to return within 12 months for a discounted Theatre Rate.
2. Technical Equipment

There is an urgent need to update Technical Equipment used by performers in the Theatre. Equipment is inadequate and out dated, and some performances require additional equipment that what is provided, which is rented adding additional costs to present their show (as much as $500).

I am not familiar with the technology but only familiar with the complaints of the outdated equipment from performers. More details are likely found in Consultant reports and feedback from Community Centre Managers and staff on what is required to update and to be competitive with other theatres.

Suggestions include:

1. Consult with Theatre Technicians for feedback for equipment deficiencies.

3. Communication with Booking Agencies and/or Performers

Performers are not aware that Penticton has a Community Theatre. Volunteers have reached out to Booking agencies and groups and invited them to come to Cleland Theatre and have had success with 3 new shows making a stop in Penticton and 2 returning. Promotion of Cleland Theatre & the City of Penticton is needed.

Suggestions include:

1) Staff member dedicated to connect with appropriate agencies/performers to let them know the existence & amenities of Cleland Theatre

2) Participate in annual Pacific Contact Conference, BC Touring Council (April) to promote the theatre and connect with booking agencies and performers. This would be a staff member and an ambassador for the City who is aware of the Technical information of the theatre including sound, lights and video etc.

4. Human Resources

It takes time and dedication to seek performers/agencies (appropriate for Cleland) and reach out to them.

Suggestions include:

1) Tasking a staff member a couple hours a week to searching & reaching out to performers and letting them know about Cleland Theatre & the City of Penticton, or

2) Hire someone part-time dedicated to this task (one idea could be when a summer student is hired, assigning the student a day each week to work on the “Cleland Project” to recruit performers and set up a Facebook page (promotion of shows). The student would have to be enthusiastic and interested in promotion, business, marketing & computer technology.

3) Hire/contract out someone to provide a service a couple of hours a week (a pilot project for a few months) and review value a few months down the road. Not a long-term commitment & low cost.
4) Continue with recruiting volunteers to promote theatre; provide the volunteers with training and ‘a tool kit’ of information about the theatre.

5. Volunteers

1) Recruit volunteers to promote shows at Cleland Theatres

2) Prepare a package for volunteers to use – (i.e.: a template email containing information) and Theatre information.

6. Promotion of Shows

Promotion of shows being held at Cleland Theatre is critical for the success of a show. The agencies often do their own promotion remotely, on social media and with posters, but local support is also key.

Suggestions include:

1) Poster Distribution (Continue with this effort of offering poster distribution)

2) Set up a more visible poster location at the Community Centre so that every visitor to the CC sees the posters for the upcoming shows. An idea would be to post the current month’s upcoming shows just below the reception desk where people arrive to pay for swimming and/or set up a new display in the area where customers wait to pay for CC services. While people wait in line to pay, they will read about the upcoming performances.

3) The City should seek Community locations and billboards to display information on upcoming Cleland Shows (similar to the sign displays at the corner of Westminster/Eckhardt and near the Curling rink).
   Also, co-ordinate with SOEC to flash upcoming shows (at Cleland) on their display board and also inside in the arena (especially during hockey games).

4) City Hall to have a display board of Cleland Shows in front of City Hall where members of the public can view and know that it is there.

5) Set up a Facebook Page and post new shows as they are booked

7. Okanagan Valley Theatres & Shared Communications

Often groups will plan a tour (for example Western Canada).

Suggestions include:

1. Connect with other Theatre Managers and support each other by recommending partnering theatres to artists (Vernon, Kelowna, Nelson, Kamloops, Nanaimo to name a few).
8. Hospitality – Welcoming & Added value Income

Patrons at Cleland often question a service they would like provided – sale of wine, beer and water.

Suggestions include:

1) Contract out to the Wine Centre or local winery/brewery to provide this service at each show. The contractor would pay a percentage of sales to the City.

2) Allow community groups to sell water, non-alcohol beverages and treats for their non-profit organizations.

9. Community Relations & Partnerships

Encourage local groups to rent the theatre.

Suggestions include:

1) Offer affordable, low risk options for local groups to rent the Theatre, (i.e. minimum cost and/or a percentage of gross ticket sales).

2. Foster and encourage relationships, especially with Community Groups who have brought in amazing quality shows in the past, and build and encourage new community relations. Past partnerships include: Art Gallery (numerous), Arts Council (numerous), Natures Fare (Gregg Braden), Penticton Community Concerts.

3. Seek partnerships with new community groups and City Events. Encourage theatre rental, such as shows in the theatre during Peach Fest, Peach City Beach Cruise, Scottish Festival, and Kitchen Stove Series, more movies/documentaries. Successful shows occurring annually - Banff Film Festival & Apex Ski-Warren Miller Movies.

4. Foster new partnerships and uses with groups like: YES, and Community Foundations.

5. Foster, encourage and partner with Penticton Indian Band for use of our theatre/screen, etc. There is also another group that has had events and films, Naramata Truth and Reconciliation Group.

6. Encourage groups and offer incentive rates for groups using the C.C. for other events to use the Theatre for a guest speaker or film or documentary. The Wellness Conference group comes to mind.

7. Community Theatre to host more movie nights/events – such as during Family Day, March Break, Halloween, or a Community Family Christmas event.

8. Encourage Re-establishment of Penticton Community Concerts Society to reinvent/refresh and bring in Community Groups (perhaps with some City Support to get going again). New volunteers with new faces and fresh ideas.

9. Prepare and deliver packages (for use of) to targeted groups about Cleland Theatre
10. Suggestion Box

Often the patrons are the ones who can make great suggestions for upcoming shows or amenities.

Suggestions include:

1) Set up a suggestion box (plexi glass permanent type) in the Theatre Foyer; with available tear off notepad and pen for patrons/visitors.

11. Ticket Box Office & Scanner

Patrons have complained and been confused about where to get tickets for shows of interest. It is always different because Cleland Community Theatre does not offer on-line ticket sales.

Suggestions include:

1. Set up a ticket box office, purchase a scanner. The purchase of such equipment would be offset by the fees charged on each ticket purchased.

12. Positive Promotion

Continue to promote Cleland Theatre as a positive venue and a valuable asset to the Community. Consider consultants’ reports and make changes as funds permit to enhance the theatre experience for both the band/theatre/promoter and the patrons.
Council Report

Date: August 6, 2019                                                                 File No: CFS: 157947
To: Donny van Dyk, Chief Administrative Officer
From: Jennifer Wells, Property Use – Licence Inspector
Address: 175 Brunswick Street

Subject: Consideration of Declaration and Remedial Action

Staff Recommendation

That Council pass the following Resolutions:

Whereas the City has authority under section 72(1) (b) of the Community Charter to impose remedial action requirements in relation to a declared nuisance:

1. THAT Council consider this staff report and presentation and, under the authority provided in section 74 of the Community Charter, declare the single detached dwelling and detached shed located at 175 Brunswick Street (the “Property”) legally described as Lot 8 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 368 Parcel Identifier 012-496-227 a nuisance as the buildings are dilapidated, unclean and offensive to the community;

2. AND FURTHER THAT Council declare the overgrown vegetation, white two-door car, and RV Camper on the Property a nuisance under the authority provided in section 74 of the Community Charter as they contribute to the unclean and offensive condition of the Property;

3. AND FURTHER THAT Council require remedial action requirements of the owner of the Property as follows:
   - Implement a rodent remediation program with a Pest Control Specialist; obtain a Demolition Permit and demolish the single detached dwelling and detached shed; remove foundations and all demolition material; remove and/or trim overgrown vegetation; remove vehicle and RV camper, and fill in all excavation to prevent water from ponding;

4. AND FURTHER THAT Council set the time limit for completing the remedial action requirements described in Recommendation No. 3 to be no later than 4:30 pm on October 31, 2019 pursuant to section 76 of the Community Charter;

5. AND FURTHER THAT Council, under the authority provided in section 17 of the Community Charter, authorize staff to take appropriate action to ensure that the Property is brought into compliance with remedial action requirements described in Recommendation No. 3 provided that:
   - The property owner did not fully complete all remedial action requirements on or before the time limit specified in this Council resolution;
• All costs incurred by the City to bring the Property into compliance at the expense of the property owner is recovered from the property owner as a debt owed to the City; and
• All costs incurred by the City to bring the Property into compliance at the expense of the property owner will be added to the Property taxes and deemed as taxes in arrears in accordance with section 258(1) (c) of the Community Charter.

6. AND FURTHER THAT Council set the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation No. 3 to be no later than 4:30 pm on September 13, 2019 pursuant to section 78 of the Community Charter.

Executive Summary

Staff recommends Council declare the dwelling, shed, overgrown vegetation, vehicle, and RV Camper a nuisance and impose remedial action on the owner to remedy the situation or the work will be done by the City at the cost of the owner.

Strategic Priority Objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Background

The land is designated Duplex Housing under Zoning Bylaw No. 2017-08. A single detached dwelling and detached shed are the two buildings located on Property. The Property also contains an RV Camper and a vehicle. A Land Title and Survey Authority of British Columbia recent title search provides that Joanne Lynne Taylor (the “Owner”) is the registered owner of the Property.

The Property has generated significant enforcement history since 2011. The file was transferred to the Property Use & Licence Inspector in July 2017 to resolve. Unfortunately, the Owner would not complete the Vacant Building Registration Permit. On Sept 28, 2018 the Fire Chief deemed the vacant Property an imminent danger to life and property and ordered the disconnection of the electrical power. The Owner did not respond to the Order and, as a result, staff completed the disconnection and removed the hazard.

Staff continue to receive complaints from the community and consistently attend and board the buildings.

Financial implication

Section 17(1) of the Community Charter (excerpts attached) allows a municipality to undertake remedial action requirements (“RAR”) if not carried out within the time set by a Council resolution. The City will collect the amount incurred from the Owner in the same manner and remedies as property taxes. Therefore, the taxes are deemed in arrears if unpaid. Also, the unpaid taxes would constitute a charge on the land and have priority over any other claim, lien, privilege or encumbrance of any person (except the Crown).

The 2019 BC Assessment provides that the land is valued at $341,000 and Buildings at $95,200. Staff believe that there is sufficient equity in the Property to recover incurred expenses if it is necessary for the City to complete the remedial action work.
Analysis

The advantage of RAR is that it imposes a timeline for completion of the remedial action work and, if works are not completed, enables the City to complete the work.

Division 12 of the Community Charter provides authority for Council to declare and impose RAR on items such as a building, something in or around a building, or something Council considers dilapidated or unclean as to be an offense to the community. The RAR may require the Owner to demolish, fill, cover, alter, bring the Property up to a standard specified by bylaw, or otherwise deal with it in accordance with the directions of Council.

Section 74 of the Community Charter also allows RAR in respect of “matters or things” that are in or about any matter of thing (i.e. the buildings). In this respect, staff would like Council to consider that the overgrown vegetation and unsecured vehicle and RV Camper contribute to the nuisance on the Property.

As per section 76 of the Community Charter, a Council resolution must specify a time that the required action must be completed which is not be earlier than 30 days after notice of the RAR is provided. Generally a time limit of between 60 and 90 days is recommended. As such, staff provided over 60 days for RAR to be completed.

Staff would like Council to consider the following information when considering RAR for the Property:

- Chronology of Events detailing the actions staff has attempted to remedy the issues;
- Communication from RCMP advising that they attended 5 calls for Trespass, Break and Enter, and Theft between July 2017 and May 2018 as well as describing hazards to First Responders who may have to attend the Property;
- Complaints providing that the Property is a continuous nuisance due to vacancy, break and enters, and lack of maintenance;
- Order from the Fire Officer identifying a hazard eventually remediated by staff due to lack of action from the Owner;
- Report from Bylaw Officer providing that the Property is neglected; and
- Photographs illustrating that the Property is dilapidated and unclean

Staff followed Council approved Building Compliance Policy as well as best practices provided by the Licence Inspectors and Bylaw Enforcement Association of British Columbia. Staff will continue to follow the Community Charter requirements for providing notice of the RAR to affected persons and reconsideration by Council.

Regrettably, but in the interest of the safety and protection of nearby persons and properties, staff believe that it is appropriate for Council to declare the single detached dwelling, detached shed, overgrown vegetation, vehicle, and RV Camper on the Property all a nuisance as a result of consistent complaints from the community, multiple break and enters, squatting, vacancy, lack of maintenance, overgrowth, and lack of response from the Owner. Further, Council should impose remedial action by providing the Owner with notice to remedy the situation or the work will be done by the City or authorized agents at the cost of the Owner.
Attachments

Attachment A - Chronology of Events
Attachment B - Communication from RCMP
Attachment C – Letter to Owner dated Dec 4, 2017
Attachment D - Written complaint
Attachment E - Letter to Owner dated Sep 12, 2018
Attachment F - Order from Fire Officer
Attachment G - Letter to Owner dated Oct 23, 2018
Attachment H - Report from Bylaw Officer
Attachment I - Photographs
Attachment J - Community Charter Excerpts

Respectfully submitted,

Jennifer Wells
Property Use – Licence Inspector

Concurrence

<table>
<thead>
<tr>
<th>Director</th>
<th>Chief Administrative Officer</th>
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ATTACHMENT A

Chronology of Events

1. June 25, 2017 - staff received email from RCMP that advised that: squatters have moved onto the property, dangerous health hazard, mold, and unsecure (Attachment B).
2. June 27, 2017 - staff mailed registered letter with photographs requesting Owner either apply for a Vacant Building Registration, or renovate to a state of occupancy, or demolish within 90 days.
3. July 13, 2017 - Owner advised staff that some clean up works had begun and security was hired to patrol as per the Vacant Building Registration (VBR) permit process (The security company advised that they ceased patrolling due lack of payment).
4. July 18, 2017 - Owner advised staff that an on-site walk through will be scheduled as soon as the boarding is completed; this was last communication from Owner to staff.
5. October 6, 2017 - staff emailed owner that the VBR permit is unable to be issued as items remain outstanding.
7. March 13-16, 2018 - Bylaw Officer attended property due to complaints of unauthorized entry and squatting. Staff trimmed trees away from power wires and the doors/windows of the house, accessory building, and camper to be boarded.
8. July 6, 2018 - written complaint of continuous nuisance occurring at the property including: break and entering into dwelling, camper, car, and shed; security concerns due to vacant property; and property is an eye sore (Attachment D).
9. August 29, 2018 – Complaint that the old house has garbage in the back yard, a leaning fence that looks ready to topple over, a dilapidated looking shed, and the excessive weeds growing.
10. September 12, 2018 – Registered letter mailed to Owner requesting compliance (Attachment E).
11. September 28, 2018 - Fire Inspector and staff attended the vacant property. Due to the Imminent Danger to life and property, ordered the disconnection of the electrical wiring. Owner did not comply and staff completed the disconnection to remove the hazard (Attachment F).
12. October 23, 2018 - Registered letter mailed, emailed, and posted letter at the property requesting Owner to bring the property up to standard or demolish the dwelling and detached accessory building, remove the vehicles, and pay all outstanding amounts owing to the City (Attachment G).
13. November 28-30, 2018 - Bylaw Officer attended property due to complaints of unauthorized entry.
14. February 12, 2019 - Complaint that property was vacant and the door is wide open. At staffs’ request, Lawyer previously retained by Owner reached out and provided staffs’ contact information.
15. February 12, 2019 – Bylaw Officers attended property due to complaint of unauthorized entry. Officer noted rodent droppings, the smell of mold and damp, and belongings piled high throughout (Attachment H).
16. February 25, 2019 – Bylaw Officer attended property due to complaint of unauthorized entry.
17. May 10, 2019 - Bylaw Officer and RCMP attended due to complaint of unauthorized entry.
18. May 14, 2019 – Complaint from neighbour concerned with vacant property.
19. June 17, 2019 - Bylaw Officer attended due to unauthorized entry.
20. June 25, 2019 - Bylaw Officer attended due to unauthorized entry.
21. July 2, 2019 – Concerned complainant advised that the property often getting broken into.
22. July 12-13, 2019 - Bylaw Officer and RCMP attended property due to complaint of unauthorized entry and complaint of rodents.
ATTACHMENT B

From: [Redacted]
To: [Redacted]
Subject: re: 175 Brunswick St
Date: June 23-17 4:48.32 PM

Hello,

It appears that squatters have once again moved into 175 Brunswick St. Police file 2017-9329. On 17-06-25 the owner [Redacted] contacted us to report 3rd hand information that the premise was broken into, police attended and observed that lights were on and fridge was full, so to assume Pentiction's finest are coming and going at leisure. The place is a dangerous health hazard!!! We had to ensure no one was inside which meant using rickety stairs to access the attic and basement and stepping over piles of stacked belongings. I opened an inside door which made the ceiling collapse and expose large chunks of mold. [Redacted] was unable or unwilling to attend to secure premises. [Redacted] ultimately agreed to having a neighbour screw up some boards over the entrances however it will not take much effort for further entry to be gained. I encouraged [Redacted] to cut the power to reduce fire hazard and to sell the place as it cannot obviously maintain it. I'm shocked that you haven't had more complaints from the neighbours, it would be a scary place to live close to.

Hope you can work some magic with this one.

Cherish:

CT:
Penticton RCMP D' Watch
Tel. (250) 492-4300
Fax. (250) 492-4851

From: Jennifer Wells
To: [Redacted]
Subject: Re: 175 Brunswick Street, Penticton, BC
Date: October 18-18 11:21:29 AM
Attachments: ATT0001.jpg

Jennifer

In 2018: Police attended 3 times
18-7359: Trespass Act: May 20th. [Redacted] called to report that people were inside of the residence. Plywood was removed allowing access inside. No one located. Attempts to speak with owner negative. Bylaws updated.
18-3275: Break and Enter: Mar 10. Someone broke into the shed area on the property and stole tools.

In 2017 police attended 2 times
17-13418: Theft from Motor Vehicle: July 11. Plates stolen from the vehicle parked at the property.
17-9329: Break and Enter: Residence abandoned and insecure. Lots of signs that someone was staying inside.

Hope this helps. Let me know if you need anything else.

[Redacted]

Royal Canadian Mounted Police / Penticton RCMP Detachment
1188 Main Street
Penticton, BC
ATTACHMENT C

Via Registered Mail

December 4, 2017

Date: [redacted]

RE: COMPLIANCE ORDER - CFS File No. 157947

CIVIC: 175 Brunswick Street, Penticton

OWNER: [redacted] (Registered via Land Titles Survey Authority)

LEGAL: Lot 8 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 368 Parcel Identifier 027-696-332

This letter serves as written notice pursuant to the City of Penticton Good Neighbour Bylaw No. 2012-5030 (the Bylaw) that you must bring the vacant buildings located at 175 Brunswick Street, Penticton into compliance with the Bylaw within fourteen (14) days.

As you are aware, the City advised you via registered letter dated Jun 26, 2017 that the property requires a Vacant Building Registration (VBR) Permit, Building Permit, or Demolition permit. You met with staff on July 18, 2017 and submitted an application to register the vacant buildings. As discussed, you were to contact staff before July 28, 2017 with regards to the maintenance of the property in compliance with the Bylaw. You did not contact staff and have not responded to staff's repeated request for contact. Unfortunately, the building remains in contravention of the Bylaw and I am issuing an order requiring compliance within fourteen (14) days.

Specifically, the following is to be remedied:

1. Remove tree branches in contact with utility poles/wires;
2. Secure buildings as outlined in part two Schedule "G";
3. Contact the undersigned for an inspection to confirm the items 1 & 2 have been completed to obtain VBR Permit;

Please be aware that the Bylaw provides that the City may, without further notice, proceed to carry out the work required if you fail to comply. Further, the cost of such work will be added to the taxes of the real property and you may be prosecuted for an offence.

[Images of buildings]
Please contact the undersigned directly at 250-490-2588 or jennifer.wells@penticton.ca if you have further questions or concerns.

Respectfully,

Jennifer J. Wells
Property Use – Licence Inspector

cc: [redacted]

Posted to 175 Brunswick Street, Penticton

encl: Vacant Building Permit Requirements (Schedules ‘G’)
Hi Jennifer.

Over the last couple years the house in question has been broken into countless times. The camper, car, and shed have also been subject to break ins. In so doing they throw things around the yard that are not needed. Leaving a terrible mess for us to have to look at.

Had to board up the doorways on a long week end last year with the police on site. Prior to the board up we went through the house with police to make sure no one was in there.

The vacant house is a welcomed target for the homeless who continue time and time again to break in at all times of day or night.

It is an eye sore for the neighbours and is unfair for those of us who are trying to keep things clean and well maintained.

I know have had to tell people many times they can’t be there.

Brunswick which is

Thank you for your time and efforts in this situation.
ATTACHMENT E

September 12, 2018

REGISTERED LETTER

Dear Sir/macam,

RE: City of Penticton Bylaw File Number #167488

The City of Penticton Bylaw Services has received information that the property located at 175 Brunswick Street, Legal: LT 8 PL KAP368 DL 4 SDYD, is in violation of the City of Penticton Good Neighbour Bylaw # 2012-5030. Bylaw Services conducted inspections on September, 5th & 12th, 2018. These inspections confirm that the Property is unsightly which is a violation of the Good Neighbour Bylaw # 2012-5030.

The unsightly violation includes:

- Tall weeds and grass in backyard
- There are a couple of cut tree limbs lying on the ground of backyard
- Scattered garbage in backyard

City of Penticton Good Neighbour Bylaw #2012-5030, states the following:

"UNSIGHTLY", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:

(i) The storage, location or accumulation visible to a person standing on a public highway or on nearby property, or in a building or structure situated on a public highway or nearby property, of filth, rubbish, graffiti or any other discarded materials;

(ii) The untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public highway or from nearby property, or from a building or structure situated on a public highway or nearby property.
(iii) Landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of
maintenance, or is damaged; and
(iv) Any other similar conditions of disrepair, dilapidation, or deterioration.

Regulations
7.2 Except as permitted under Section 7.1.1 and 7.1.2 of this Bylaw, no owner or occupier of Real
Property shall cause, suffer or permit:

(a) Rubbish, Garbage and Discarded Material: All Owners shall not permit the accumulation of
Rubbish, Garbage or Discarded Material upon Real Property and shall remove the same therefrom.

(d) Accumulation of the Vegetation: No Owner shall permit the accumulation of dead landscaping,
vegetation, noxious weeds or other growths to occur or to remain on the Real Property.

(l) City Infrastructure: No Owners shall permit trees or bushes or their root systems located on
their property to become injurious to or interfere with City roadways, sidewalks, electrical utilities or other
utilities or works and shall remove the offending trees and or bushes or the offending portions of trees
and or bushes therefrom.

In Part 7 of this Bylaw:

"ACCUMULATION" means a buildup, growth or collection, either scattered amassed or piled, existing
at the time of inspection.

"BOARD" shall mean a building whose doors and windows have been covered with plywood or other
material for the purpose of preventing entry into the building by persons or animals. The boarding
requirements are outlined in Schedule “G”.

"BOULEVARD" means that portion of highway between the curb lines or the lateral boundary lines of a
roadway and the adjoining property or between the curbs on median strips or islands, but does not
include curbs, sidewalks, ditches or driveways.

"DISCARDED MATERIALS" includes the accumulation of wood, appliances, furniture, mattresses, motor
vehicle parts or tires, construction materials, toys, recreational or sporting equipment carpeting or any
other materials or equipment whereby its placement upon the Real Property is not consistent with its
intended normal use or due to its condition and or state of disrepair is not usable for its normal
intended use.

"GRASS" shall include plants that are commonly known or referred to as grass.

"LANE" means a public thoroughfare or way which affords only a secondary means of access to a lot at
the side or rear.

"OCCUPANT" includes:
\* A person residing on or in the property;
\* The person entitled to the possession of property if there is no person residing on or in the property;
and
\* A leaseholder, and shall include the agent of any such person.

"RUBBISH", in addition to its common dictionary meaning, shall include decaying or non-decaying
solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible
wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above.

"VACANT BUILDING" shall mean a building or structure, which is without lawful resident or occupant or which is not being put to a lawful commercial, residential, or industrial use for a continuous period of over forty-five (45) days within a consecutive sixty (60) day period or which, may be unoccupied and unsecured: occupied and secured by boarding or other similar means; unoccupied and deemed a nuisance or hazardous building or structure or no longer hold a valid building permit.

"WEED" means any unplanned or uncultivated plant growth or bush and shall include any landscaping that is damaged, excessively overgrown or characterized by a lack of maintenance, but does not include any tree.

You are hereby given written notice pursuant to Part 7.2 of the Good Neighbour Bylaw #2012-5030 Regulations that you must remove the unsightly condition and bring the Property Into compliance within 15 days of this written notice.

Failure to comply with this Notice by 2018-September-26, can result in enforcement action and can also result in an order from City Council, as authorized by Section 17 of the BC Community Charter, to have workers or agents of the City of Penticton enter onto the property to remedy the violation and remove the unsightly condition at the expense of the owner who fails to comply.

You are urged to comply with the provisions of the Good Neighbour Bylaw # 2012-5030 to prevent the necessity of further actions on the part of the City.

If you wish to discuss this matter please contact Bylaw Services at (250) 496-2440.

NOTE: It doesn’t appear anyone is living in this house could be vacant and back door has been boarded up. There is a camper in backyard that has had door broken into.

PLEASE NOTE THAT THIS IS YOUR ONLY WRITTEN NOTICE ON THIS MATTER

Yours truly,

[Signature]

Richard Thom
Bylaw Enforcement Officer
Sept 28, 2018

Re: Inspection for Hazard Complaint

To Registered Owner: [REDACTED]

Please be advised that as per Article 6.01 of the City of Penticton Fire and Life Safety Bylaw 2004-57, the Fire Chief deems the condition of the vacant property as an imminent danger to life and property in its present condition and as such orders the disconnection of the electrical power from the City service pole to remove the hazard or risk. This has been ordered today, Sept 28, 2018, and will be completed as soon as possible.

As per Article 15.01 the direct expense shall be reimbursed by the registered Owners. This order is hereby served as per Article 16.03 in writing by email.

In the interest of fire and life safety we appreciate your attention to this matter. If you have any questions or concerns please feel free to contact me.

http://www.penticton.ca/assets/City-Hall/Bylaws/Community-Standards/Fire%20and%20Life%20Safety%20Bylaw%202004-57.pdf

Yours truly,

[Signature]

Mike Richards
Captain/Fire Prevention Officer
L.A.F.C. #1949

City of Penticton
ATTACHMENT G

Dear [Name],

Re: Lot 8 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lilloo District Plan 368 Parcel Identifier 012-496-227

The City of Penticton continue to receive complaints from the community regarding the property legally described above and located at 175 Brunswick Street, Penticton, BC.

On September 28, 2018, our Bylaw Enforcement Officer, Property Use Inspector and Fire Officer inspected the property and observed that the previous requests for compliance have not been followed. The Fire Officer ordered the disconnection of the electrical power from the City due to the hazard present on the property. Staff noted the issues on the property as follows:

- The untenant property is not secure (including the single family dwelling, detached garage, vehicle and camper);
- Rubbish, garbage, and discarded materials accumulate on the property; and
- Dead vegetation and uncontrolled maintenance of vegetation (trees, grass, weeds).

[Images of the property shown]

Penticton.ca
The Royal Canadian Mounted Police advised staff that they have attended the property many times due to individuals’ breaking and entering the buildings. Community members have personally boarded the buildings to keep intruders out of the property and away from the neighbourhood. Staff have phoned, mailed and sent registered mail requesting that you resolve issues on the property. We have not had any response.

Under Division 12 of Part 3, section 74 of the Community Charter, Council has the authority to impose remedial action if Council declares the property a nuisance and to direct that it is remedied. A copy of Division 12, of Part 3, of the Community Charter is enclosed.

Staff believe that the dwelling, garage, vehicle, camper, discarded materials, dead vegetation, and the uncontrolled vegetation are all nuisances. I therefore serve this notice and request that you complete one of the following options by midnight on November 9, 2018:

**Option One:**

Bring the property up to standard specified by the Good Neighbour Bylaw #2012-5030 (the Bylaw) including:

- Apply and obtain a Vacant Building Registration Permit (application attached) which will include the following:
  - Proof of Liability insurance;
  - Property Maintenance (refer to attached Schedule “F” within the Bylaw);
  - Boarding of the Vacant Buildings (refer to attached Schedule “G” within the Bylaw); and
- Pay all outstanding amounts owing to the City.

**Option Two:**

Obtain and successfully complete a Building Permit to demolish the two structures (dwelling and detached accessory building), remove the vehicles, and pay all outstanding amounts owing to the City.
In the event that you fail to comply with this notice by midnight on November 9, 2018, I must file a report with Council for their attention and further action.

I trust that you will cooperate with the City of Penticton in this regard and see that this matter is resolved to the satisfaction of all concerned.

Respectfully,

[Signature]

Jennifer Wells
Property Use – Licence Inspector
Development Services
City of Penticton

enc:
Division 12, of Part 3, of the Community Charter
Copy of Good Neighbour Bylaw #2012-5030
Vacant Building Registration Permit
Building Permit Application
Order dated September 28, 2018
Local Newspaper Articles dated Oct 3, 2018 and Oct 2, 2018
February 12, 2019

RE: Unsecure Property at 175 Brunswick Street

Bylaw Officers [REDACTED] and myself, Glenn Duffield, attended the vacantand neglected property on this date as a result of a complaint from a member of the community. The Complainant advised that the house and shed at 175 Brunswick Street was again forced open and people had been inside. Prior to boarding the buildings, I entered the property to make certain no one was inside. Multiple photographs were taken. No one was there at the time of inspection.

I can advise the following:
- Contents, including garbage, were everywhere within the house and shed making movement extremely difficult;
- the buildings smelled of mold and damp;
- rodent droppings were everywhere; and,
- fresh footprints and cigarette butts were noted.

Respectfully,

[Signature]

Glenn Duffield
Bylaw Officer
City of Penticton
ATTACHMENT I

Photographs

Dwelling

RV Camper

Unsecured White Two-Door Car
Backyard

Inside unsecured dwelling illustrating hazards to First Responders
Rodent Presence

Needles
Municipal action at defaulter's expense

17 (1) The authority of a council under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the municipality may
   (a) fulfill the requirement at the expense of the person, and
   (b) recover the costs incurred from that person as a debt.

(2) Division 14 [Recovery of Special Fees] of Part 7 [Municipal Revenue] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

Council may impose remedial action requirements

72 (1) A council may impose remedial action requirements in relation to
   (b) matters or things referred to in section 74 [declared nuisances], or

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement
   (a) may be imposed on one or more of
      (i) the owner or lessee of the matter or thing, and
      (ii) the owner or occupier of the land on which it is located, and
   (b) may require the person to
      (i) remove or demolish the matter or thing,
      (ii) fill it in, cover it over or alter it,
      (iii) bring it up to a standard specified by bylaw, or
      (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.

(3) In the case of circumstances referred to in section 75, a remedial action requirement
   (a) may be imposed on the person referred to in that section, and
   (b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

Declared nuisances

74 (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:
   (a) a building or other structure, an erection of any kind, or a similar matter or thing;
   (b) a natural or artificial opening in the ground, or a similar matter or thing;
   (c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
   (d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).

(2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

Time limit for compliance

76 (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.
(2) Subject to section 79 [shorter time limits in urgent circumstances], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [notice to affected persons] is sent to the person subject to the remedial action requirement.

(3) The council may extend the time for completing the required action even though the time limit previously established has expired.

Notice to affected persons

77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to
(a) the person subject to the requirement, and
(b) the owner of the land where the required action is to be carried out.

(2) In addition, notice of the remedial action requirement must be mailed to
(a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
(b) any other person who is an occupier of that land.

(3) A notice under this section must advise
(a) that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [person affected may request reconsideration], and
(b) that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [municipal action at defaulter's expense] at the expense of the person subject to the requirement.

Person affected may request reconsideration by council

78 (1) A person who is required to be given notice under section 77 (1) [notice to affected persons] may request that the council reconsider the remedial action requirement.

(2) Subject to section 79 [shorter time limits in urgent circumstances], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.

(3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [notice to affected persons].

Special fees may be collected as property taxes

258 (1) This section applies to the following:
(c) amounts that a municipality is entitled to recover for work done or services provided to land or improvements under any other provision of this Act or the Local Government Act that authorizes the municipality to recover amounts in the event of default by a person.
Date: August 6, 2019        File No:
To: Donny van Dyk, Chief Administrative Officer
From: Kerri Lockwood, Human Resources Manager

Subject: Council Remuneration and Expense Bylaw No. 2019-27

Staff Recommendation

THAT Council give first, second and third reading to “Council Remuneration and Expense Bylaw No. 2019-27” to implement the recommendations brought forward by the Mayor and Council Remuneration Task Force;

THAT Council rescind Meal Expense Policy, 2002 and Vehicle Mileage Rate Policy, 2004;

AND THAT Council approve “Meal and Travel Reimbursement Rates Policy”.

Background

On June 18, 2019, Taskforce representative Robert Haywood, accompanied by the City's Human Resources Manager, Kerri Lockwood, brought forward a Council Report outlining eleven (11) recommendations resulting from the work done by the five (5) member of the Mayor and Council Remuneration Task Force.

Council voted to adopt all eleven (11) recommendations.

Enclosed are the documents prepared to implement eight (8) of the recommendations.

Regarding the remaining three (3) recommendations, the following will occur:

- A separate budget line item will be set up in 2020 to capture Council’s in-town expenses
- Council’s attendance at council meetings will be reported quarterly by the City
- Council will explore making a recommendation to UBCM to study future remuneration matters

The new Meal and Travel Reimbursement Policy applies the same reimbursement rates for staff as recommended by the Remuneration Task Force.

Financial implication

The financial implications of the Task Force recommendations adopted by Council on June 18, 2019, were estimated at $35,849 for 2019.
Attachments

Attachment A - Council Remuneration and Expense Bylaw No. 2019-27
Attachment B – Meal Expense Policy, 2002 & Vehicle Mileage Rate Policy, 2004
Attachment C – Meal and Travel Reimbursement Rates Policy

Respectfully submitted,

Kerri Lockwood, Human Resources Manager

Concurrence

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<th>A/CFO</th>
<th>Chief Administrative Officer</th>
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<td>AMC</td>
<td>DvD</td>
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</table>
WHEREAS the Council of the City of Penticton wishes to set by bylaw, the remuneration, expenses and benefits for elected officials;

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 “Council Remuneration and Expense Bylaw No. 2019-27”.

2. **Remuneration paid to the Mayor:**

   2.1 Effective January 1, 2019, the Mayor shall be paid an annual indemnity of $68,439 and effective January 1, 2019 increased to $78,332 per annum to compensate for the 1/3 Federal tax exemption change.

   2.2 Effective January 1, 2020 and every January 1 thereafter, the Mayor’s indemnity shall receive an annual adjustment based on the Consumer Price Index (CPI) published by Statistics Canada for the twelve-month period January to December of the previous year.

3. **Remuneration paid to members of Council:**

   3.1 Effective January 1, 2019, members of Council shall be paid an annual indemnity of $23,936, and effective January 1, 2019 increased to $25,936 per annum to compensate for the 1/3 Federal tax exemption change.

   3.2 Effective January 1, 2020 and every January 1 thereafter, members of Council indemnity shall receive an annual adjustment based on the Consumer Price Index (CPI) published by Statistics Canada for the twelve-month period January to December of the previous year.

4. **Benefits:**

   4.1 Participation in BC MSP, Extended Health and Dental benefits is optional and 100% of the premium cost at the Council members’ expense.

   4.2 The City will provide for each member of Council Workers’ Compensation and Accidental Death and Dismemberment coverage while on official business for the Municipality.

5. **Expenses:**

   5.1 The City shall reimburse expenses necessarily incurred by a Council member when the Council Member is:

   i) representing the municipality beyond its boundaries;
   
   ii) engaging in municipal business beyond its boundaries; or
   
   iii) attending a meeting, course or convention beyond its boundaries.
5.2 Expenses shall be provided for in the City budget and include the following types of expenses reimbursed at actual cost, supported by receipts:

   i) economy rate air fare;
   ii) conference and convention registration fees;
   iii) taxi fare, car rental, public transit or car parking;
   iv) accommodation;
   v) meals (not alcohol); and
   vi) incidental expenses.

5.3 Meals, when not part of the conference or course fee, may be claimed at the following per diem rates:

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<thead>
<tr>
<th></th>
<th>Zone A</th>
<th>Zone B</th>
<th>Zone C</th>
<th>Zone D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast:</td>
<td>$20</td>
<td>$20</td>
<td>$15</td>
<td>$15</td>
</tr>
<tr>
<td>Lunch:</td>
<td>$30</td>
<td>$30</td>
<td>$25</td>
<td>$20</td>
</tr>
<tr>
<td>Dinner:</td>
<td>$41</td>
<td>$51</td>
<td>$36</td>
<td>$31</td>
</tr>
<tr>
<td>Daily Allowance:</td>
<td>$91</td>
<td>$101</td>
<td>$76</td>
<td>$66</td>
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</tbody>
</table>

   Zone A – Vancouver Island
   Zone B – Lower Mainland (includes Whistler and meals outside of BC and Canada)
   Zone C – Okanagan & Thompson Valleys
   Zone D – All other BC

5.4 Council members using their personal vehicle for travel outside the City shall be reimbursed at the per kilometer allowance recommended by the Canada Revenue Agency.

5.5 Travel must be undertaken in the most cost effective manner, and where economy airfare is less than kilometer allowance, the Council member shall only be entitled to payment of the economy airfare rate in lieu of the kilometer allowance.

6. **Review:**

6.1 A review of the base remuneration for Mayor and Council will take place before the end of 2025.

7. **Repeal:**

7.1 “Penticton Municipal Council Indemnity Bylaw No. 2002-35 (2002)” and all amendments thereto is hereby repealed upon adoption of this bylaw.

READ A FIRST time this day of , 2019
READ A SECOND time this day of , 2019
READ A THIRD time this day of , 2019
ADOPTED this day of , 2019

__________________________________________
John Vassilaki, Mayor

__________________________________________
Angie Collison, Corporate Officer
SECTION: FINANCE
SUBJECT: MEAL EXPENSE POLICY

PREAMBLE

THAT the City’s per diem rate for business travel for Council and staff be increased to $55.00 (Fifty-five dollars) per day effective February 1, 2002
And be subject to an annual review.

PROCEDURE

Per Diem Items include the following:

<table>
<thead>
<tr>
<th>Item</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Private Accommodation</td>
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</tr>
<tr>
<td>Breakfast</td>
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<tr>
<td>Lunch</td>
<td>$14.00 per day</td>
</tr>
<tr>
<td>Dinner</td>
<td>$30.00 per day</td>
</tr>
<tr>
<td>Commercial Accommodations</td>
<td>$10.00 per night</td>
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<tr>
<td>Non-commercial Accommodations</td>
<td>$ 5.00 per night</td>
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</table>
CITY OF PENTICTON POLICY

TITLE: Vehicle Mileage Rate Policy
Section: Page: 1
Effective Date: July 1, 2004 Replacing:
Originator: Treasurer Approval:
Council Res #: 610/2004 Council Date: June 7, 2004

PREAMBLE

THAT the staff memorandum dated June 6, 2004 regarding Vehicle Mileage Rates be received;

AND THAT the mileage rate paid by the City be increased from .039/km to 0.46/km effective July 1, 2004;

AND FURTHER THAT the said rate be adjusted semi-annually based on a Rate of 48% of the average price of unleaded fuel within the City boundaries.

PROCEDURE

N.moa.1800/1800.00 vehicle mileage rates policy
Subject: Meal and Travel Reimbursement Rates

Goal
To set the meal and travel rate of reimbursement for City staff for expenses incurred while representing the municipality beyond its boundaries.

Policy

1. Meals (not alcohol), when not part of the conference or course fee, may be claimed at the following rates:

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Zone A – Vancouver Island
Zone B – Lower Mainland (includes Whistler and meals outside of BC and Canada)
Zone C – Okanagan & Thompson Valleys
Zone D – All other BC
2. Expenses shall be provided for in the City budget and include the following types of expenses reimbursed at actual cost, supported by receipts:
   i) economy rate air fare;
   ii) conference and convention registration fees;
   iii) taxi fare, car rental, public transit or car parking;
   iv) accommodation;
   v) private accommodation at $15 per day; and
   vi) incidental expenses.

3. City staff using their personal vehicle for travel outside the City shall be reimbursed at the per kilometer allowance recommended by the Canada Revenue Agency.

4. Travel must be undertaken in the most cost effective manner, and where economy airfare is less than kilometer allowance, City staff shall only be entitled to payment of the economy airfare rate in lieu of the kilometer allowance.

Replaces:

Meal Expense Policy – January 21, 2002

Vehicle Mileage Rate Policy – June 7, 2004

Certified Correct

Angie Collison, Corporate Officer
Date: August 6, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Len Robson, Public Works Manager

Subject: Budget Amendment – Wheel Loader

Staff Recommendation

THAT Council amend the 2019 Fleet Capital Budget to allow for the replacement of Unit #57 – 2011 Hyundai HL757-9 Wheel Loader with $260,000 to be sourced from the Equipment Replacement Reserve;

AND THAT the existing loader be retained as the Public Works Yards loader for light duty work until such time as the lack of effective service life warrants disposal.

Strategic priority objective

Asset & Amenity Management: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

The Hyundai Loader was purchased by the City as a used/demonstration unit in 2012 for daily use at the City of Penticton Compost Facility.

In alignment with the Service Life Guidelines contained in the Vehicle and Equipment Replacement and Acquisition Policy, the 2011 Hyundai Loader has already exceeded its trigger point for replacement based on 10,000 Hrs of usage. The Hyundai Loader was a candidate for replacement in 2019 budget considerations, however, due to potentially changing compost facility requirements along with the condition at the time, an evaluation concluded that extending its usage and evaluating it annually going forward, may be beneficial for the City.

The loader experienced a catastrophic failure in the fall of 2018 with the component which attaches the bucket to the machine called the quick change coupler. This custom made addition to the loader allows for the changing different attachments to the machine. Without this component being in a working state, the operation of the wheel loader is not possible as the operator is not able to secure a bucket or any other attachment to the machine. This particular loader is used primarily at the Penticton Compost Facility and is required to constantly change between 2 buckets to ensure cross contamination between finished compost and bio-solids does not occur.
The design of the existing quick change coupler is considered old technology in the industry. Staff worked with a local machine company to re-build the old style coupler after the original failure. This equated to adapting old technology to the newer geometry of the loader.

The replacement component satisfied the interim requirements of the loader, however, the operational demands at the Compost facility quickly resulted in evidence that the quick change coupler was not able to perform to the level required and resulted in stresses and cracks and accelerated fatigue of the component. This component has failed twice and is expected to continue to require lengthy time commitments from repair crews/contractors to enable its operation going forward and a catastrophic failure of the coupler is imminent.

Confidence in the continued operational requirements of this unit has been diminished.

**Financial implication**

The cost to purchase and commission the replacement wheel loader is estimated at $260,000 and is to be funded from the Equipment Replacement Reserve.

Retention of the existing wheel loader will result in a loss of approximately $30,000 trade-in value or $40,000 to $45,000 from private sale that would be deposited into the Equipment Replacement Fund and will require approximately $3,000 to install a fixed pin arrangement for the bucket.

**Analysis**

Staff is currently in the final stages of the study on the Waste Water Solids Management options. Although there are some alternates to the City composting operations being explored, it is expected that similar operations will continue for years to come. The existing loader and the issues relating to the quick coupler necessitate significant repairs or the replacement of the machine.

Staff considered including the replacement of this loader in the upcoming 2020 budget process. However this approach will consume considerable mechanical staff time and has a high probability of machine downtime due to the frequency and nature of the repairs. Deferring the replacement of the loader until 2020 will result in a 6 – 8 months’ timeframe increasing the potential of component failure until a replacement loader is received. Repair costs would continue to escalate with every required repair.

Staff explored the opportunity to purchase a custom manufactured quick change coupler to replace the existing coupler with a modern design. This approach is estimated to cost $25,000 and will require development and design time as well as machine downtime to accomplish. The result will be a wheel loader with over 10,000 hours with a maximum value estimated of $45,000 when we replace the machine in 2020. The investment in the modern designed coupler would have to remain with the loader as they are not interchangeable between manufacturers and could not be transferred onto a new replacement loader. A reasonable time frame to complete this work would be approximately 16 – 20 weeks. If the existing coupler failed, the City would be required to rent a wheel loader while the loader was being repaired at an approximate cost of $8000/month plus fuel and minor maintenance costs.

Amending the 2019 Fleet Replacement budget to facilitate the purchase of a replacement loader in 2019 would allow for the expedited replacement of the loader and also bring the loader’s equipment up to date. A reasonable timeframe to procure a replacement loader would be approximately 10 weeks.
Presently the Public Works Department has two wheel loaders, one at the compost facility as referred to in this report, and a second loader that is used on various projects by the Public Works Dept. The second loader is used as a catch all for tasks including moving material and equipment, loading trucks with aggregates, waste materials, and winter maintenance materials such as salt and winter aggregate, as well as flail mowing rural roads. Changing methodologies in Snow and Ice Control procedures has resulted in excellent results in utilizing the second loader with a snow plough to assist with storm clean up, this has resulted in an increase in operational efficiency and response times for winter maintenance as well as decrease in costs when compared with historical methods.

When the loader is out of the yards on assignment, regardless of season, there is no equipment available to effectively address the various functions at the yards and thereby limits options for deployment and restricts Public Works from utilizing the machine to its full potential. Given the maximum estimated value of $45,000 staff is requesting the authorization to retain this piece of equipment to assist in the various Public Works related tasks that come up that require a basic loader with a fixed bucket attachment. The wheel loader would be modified to a fixed pin arrangement for the bucket thus eliminating the ability to change attachments.

Alternate recommendations

Alternate recommendation 1.

THAT Council amend the 2019 Fleet Capital Budget to allow for the replacement of Unit #57 – 2011 Hyundai HL757-9 Wheel Loader with funds to be sourced from the Equipment Replacement Reserve.

AND THAT the existing loader be disposed of for the highest dollar value offered through trade-in or private sale and that the funds be deposited into the Equipment Replacement Reserve.

Alternate recommendation 2.

THAT staff be directed to maintain the existing wheel loader as required until such time as the 2020 Fleet Replacement Budget is approved and a replacement wheel loader is secured.

Alternate recommendation 3.

THAT the Annual Fleet Operational Budget be amended to include $25,000 for the development and installation of the quick coupler suitable for installation on Unit #57 – 2011 Hyundai HL757-9 Wheel Loader.

Attachments

N/A

Respectfully submitted,

Len Robson, AScT
Public Works Manager
Staff Recommendation

THAT Council amend the 2019 Sanitary Sewer Capital Budget to increase the budget for the Bioreactor Waste Pump Replacement project, CAP 35013-S23, by $140,000 for a total budget of $365,000 funded from surplus funds available from various already completed sanitary sewer capital projects.

Strategic priority objective

This project support the following two Strategic Priority Objectives:

- **Asset & Amenity Management:** The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.
- **Community Safety:** The City of Penticton will support a safe, secure and healthy community.

Background

In 2018, the Advanced Waste Water Treatment Plant (AWWTP) suffered a waste pump failure in one of the two parallel bioreactor process trains, which reduced the plant’s ability to remove solids from the process. A failure of this type, without emergency repair, has the potential to compromise effluent quality. This was not the case in this situation as crews were able to address the repair in an expeditious manner.

Pump repairs were very difficult to undertake, as the pump is located in a very deep confined space within the bioreactor. During the repair work, the pump was observed to have excessive wear and a decision was made to limit the repair to minor work and to undertake a full replacement of the failed pump along with the other three pumps in the bioreactor. The addition of the other three pumps was done as a precautionary measure. This project was included in the 2019 budget.

The project was designed and tendered but resulted in only one bid being submitted which was considerably over budget. As only one bid was received staff negotiated with the bidder to reduce the bid price but not to a point where the bid was within budget. A budget amendment of $140,000 is required to see the project completed.
Financial implication

An additional $140,000 is required to complete the work, total budget $365,000. The Advanced Waste Water Staff have completed several projects already this year and there are sufficient surplus funds available in the following projects to fund the shortfall:

- CAP35013-S02: Fine air socks replacement/bio baffles - $20,000
- CAP35013-S07: Replace one cake pump - $75,000
- CAP35013-S12: Main breaker Power Distribution Center replacement - $15,000
- CAP35013-S13: 2nd Dissolved Air Flotation pump - $15,000
- CAP35013-S16: Disk Filter cloth replacement - $15,000

Analysis

The bioreactor pumps are a critical component of the Advanced Waste Water Treatment Plant and they need to be replaced in order to avoid any impact to effluent quality. It is noted that since the pump failure in the fall of 2018 a second pump failed in the spring of 2019 further confirming that all pumps need to be replaced.

Alternate recommendations

N/A

Attachments

N/A

Respectfully submitted,

Ian Chapman P.Eng.

City Engineer

Concurrence

<table>
<thead>
<tr>
<th>A/CFO</th>
<th>General Manager of Infrastructure</th>
<th>Chief Administrative Officer</th>
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Staff Recommendation

THAT Council amend the 2019 Capital Budget to create two projects:

- Penticton Creek 2018 Freshet Repairs with a budget of $170,000
- Ellis Creek 2018 Freshet Repairs with a budget of $70,000

With funds to be sourced from the Asset Emergency Reserve.

Strategic priority objective

This project support the following two Strategic Priority Objectives:

**Asset & Amenity Management**: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

**Community Safety**: The City of Penticton will support a safe, secure and healthy community.

Background

During the 2018 spring freshet the high water flows in Penticton and Ellis Creeks caused damage and deposition of material that requires repair prior to the next large flow event. A detail inspection of Penticton and Ellis Creeks, post 2018 freshet, were completed two reports were generated by Mould Engineering which documented the Priority 1 and Priority 2 repairs that should occur. The reports identified 23 items for repair including items such as tree removal, gravel removal to increase bridge clearance, gravel bar removal, repair of concrete structures and repair of concrete lining.

Examples of the damage repairs are illustrated in Figure 1 to 4 below.
An application for a Change Approval and Notification for Work in or About a Stream has been submitted to the Province of BC for both Penticton and Ellis Creeks and staff are waiting to hear back with respect to approval. The intention is to complete the work during August and September of 2019.

**Financial implication**

The cost to complete the works included in the application for a Change Approval Notification have been estimated at $170,000 for Penticton Creek and $70,000 for Ellis Creek. Funds for this work are available in Asset Emergency Reserve.
Analysis

Damage was done to both Penticton and Ellis Creeks during the 2018 freshet. The damage has been identified, prioritized and an application for a Change Approval Notification to complete the work has been submitted to the Province of BC. Funds in the amount of $240,000 are required and available in the Asset Emergency Reserve to pay for the necessary work. A budget amendment is required to secure the needed funds.

Alternatively, Council could decide to take no action and address any issues that arise in Penticton and Ellis Creeks as an emergency.

Alternate recommendations

1. THAT Council instruct staff to take no action with respect to repairing the 2018 freshet damage to Penticton and Ellis Creeks and address any issues that arise as an emergency.

Attachments

N/A

Respectfully submitted,

Mitch Moroziuk, P.Eng. MBA
General Manager of Infrastructure

Concurrence

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<thead>
<tr>
<th>CFO</th>
<th>Chief Administrative Officer</th>
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<tbody>
<tr>
<td>LWB</td>
<td>DvD</td>
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</table>
Council Report

Date: August 6, 2019      File No: 1610
To: Donny van Dyk, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure

Subject: Adjacent Property Owner Contribution Local Area Service Bylaw Policy

Staff Recommendation

THAT Council approve the “Adjacent Property Owner Contribution Local Area Service Bylaw Policy” dated August 6, 2019;

AND THAT Council give first, second and third reading to “Local Improvement Charge Repeal Bylaw No. 2019-28”, a bylaw to repeal Bylaw No. 2525 and amendment Bylaw No. 2810 that sets out the percentage of the works to be charged as owners share.

Strategic priority objective

Asset & Amenity Management: Promote continuous improvement on our Asset Management process.

Background

One of the initiatives in the 2019 Corporate Business Plan is to update the 1968 Special Area Bylaw.

In 1968 Bylaw 2525 was adopted. In 1971 amending Bylaw 2810 was adopted. Both of these bylaws set out the percentage of the works to be charged as owners share on capital projects. Over the years, the City has undertaken several projects that included funding from adjacent property owners. Projects included Penticton Industrial Development, Downtown Revitalization and Corry Place. The amounts charged as owners share varied as shown in Table 1.

<table>
<thead>
<tr>
<th>Infrastructure</th>
<th>Past Practice</th>
<th>PIDA</th>
<th>Corry Place</th>
<th>Downtown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanitary</td>
<td>50% of Cost</td>
<td>0% of Cost</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Storm</td>
<td>0% of Cost</td>
<td>50% of Cost</td>
<td>0% of Cost</td>
<td>N/A</td>
</tr>
<tr>
<td>Water</td>
<td>N/A</td>
<td>0% of Cost</td>
<td>0% of Cost</td>
<td>N/A</td>
</tr>
<tr>
<td>Roads</td>
<td>50% of Cost</td>
<td>0% of Cost</td>
<td>0% of Cost</td>
<td>N/A</td>
</tr>
<tr>
<td>C&amp;G</td>
<td>50% of Cost</td>
<td>0% of Cost</td>
<td>25% of Cost</td>
<td>N/A</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>N/A</td>
<td>N/A</td>
<td>25% of Cost</td>
<td>N/A</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>0% of Cost</td>
<td>0% of Cost</td>
<td>25% of Cost</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table 1- City of Penticton Past Practice
Staff also reviewed the percentage charged as owners share for different improvements from 16 other municipalities. Table 2 illustrates the results.

<table>
<thead>
<tr>
<th>Item</th>
<th>Number that Do it</th>
<th>% Range Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Sanitary Sewer</td>
<td>1</td>
<td>50%</td>
</tr>
<tr>
<td>Storm</td>
<td>6</td>
<td>30% - 53%</td>
</tr>
<tr>
<td>Roads</td>
<td>9</td>
<td>25% - 75%</td>
</tr>
<tr>
<td>C &amp; G</td>
<td>10</td>
<td>30% - 75%</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>11</td>
<td>25% - 75%</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>10</td>
<td>40% - 100%</td>
</tr>
<tr>
<td>Landscaping</td>
<td>4</td>
<td>50% - 100%</td>
</tr>
</tbody>
</table>

Table 2- Other Municipalities

The City has used Local Area Service Bylaws 11 times since 1999 and recovered only a small percentage of the overall annual capital spend as illustrated in Figure 1.

![Figure 1- % of Total Capital Spend Funded by Local Area Service Bylaw](image)

Staff from the Engineering, Planning and Finance areas worked to create a Council Policy that would provide guidance to staff on how to address Local Area Service Bylaws. The work included setting out: What percentage should be owners share for various types of improvements; what interest rate should be charged; and what considerations should be made prior to advancing a Local Area Service Bylaw. The attached Council Policy dated August 6, 2019 contains the result of this work.

In setting the owners share percentage consideration was given to past City of Penticton practice, what other municipalities have done and work done on the Utility Rate Review. The proposed Council Policy has also undergone legal review.

As each Local Area Service requires its own Bylaw to implement it is no longer necessary to have Bylaws 2525 and 2810 and they should be repealed.
Financial implication

Analysis

Staff from three departments have worked to create a Council Policy that sets direction as to what percentage should be charged as owners share for various types of capital works, have set out how the interest rate should be determined and have set out considerations to be made prior to advancing a Local Area Service Bylaw. The Council Policy has considered past practice, what other municipalities do and Utility Rate Review work. The proposed policy has undergone legal review and is now ready for the consideration of Council.

Should Council wish they could decide not to adopt the policy and send the matter back to staff with direction.

Alternate recommendations

THAT Council not adopt the policy and send the policy back to staff with specific direction.

Attachments

Attachment A – Adjacent Property Owner Contribution Local Area Service Bylaw Policy
Attachment B – Bylaw No. 2525 and amending Bylaw No. 2810
Attachment C – Local Improvement Charge Repeal Bylaw No. 2019-28

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure

Concurrence

<table>
<thead>
<tr>
<th>Director of Development Services</th>
<th>A/CFO</th>
<th>Chief Administrative Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>AH</td>
<td>AMC</td>
<td>DvD</td>
</tr>
</tbody>
</table>
Subject: Adjacent Property Owner Contribution Local Area Service Bylaw Policy

Goal
To provide guidance to staff on how to address funding amounts from benefitting properties through the Local Area Service Bylaw process for the different categories of infrastructure construction.

Scope
This Policy sets out:

- The percentage of owners share to be charged to benefitting property owners for improvements such as: Water, Sanitary, Storm, Roads and Lanes, Curb Gutter and Sidewalk, Street Lighting, Electrical Distribution and Landscaping and Street Furniture;
- The interest rate to be charged for Local Area Service Bylaws; and
- How annual bylaw administration costs vs. annual revenues received will be considered when determining if a Local Area Service Bylaw should be implemented.

As each project progresses through the design phase, this Council Policy will be used as a guideline to determine if and how to bring a Local Area Service Bylaw to Council for their consideration in advance of tendering the work.

Policy

Percentage of Owner Share

Part 7, Division 5 - Local Service Taxes, of the Community Charter [SBC 2003] Chapter 26 sets out the mechanism by which a municipal government may establish a Local Service Tax for the provision of services that a Council considers to provide a particular benefit to a part of the municipality and are to be paid for in whole or in part by a local service tax. The municipality must adopt a bylaw that describes the service, defines the boundaries of the service and identifies the method of cost recovery and the portion of the costs for the service that are to be recovered as a Local Service Tax.

The City of Penticton had two bylaws in place: Bylaw 2525, August 26, 1968 and Bylaw 2810, August 9, 1971 that set out the percentage of the works to be charged as owners share. As part of the adoption of this Council Policy these two bylaws would be repealed and the City will use this Council Policy to guide decisions on the percentage of the works to be charged as owners share and the interest rate to be used. Project specific bylaws will be used to address the other requirements of the Community Charter.
This Council Policy only applies to construction that is to take place in an existing built up area. This Council Policy is not to be used for the construction of infrastructure that is part of the development of raw land; that process is governed by Subdivision and Development Bylaw 2004-81.

In setting the percentage of the works to be charged as owners share in this Council Policy City staff considered: City of Penticton Bylaw 2525 and Bylaw 2810; other percentages charged as owners share from five historic Special Area Bylaws; and a review of how sixteen other municipalities address the percentage charged as owners share.

City staff also considered the impact of the percentage charged as owners share on: adjacent owners; the likelihood of the project proceeding; and the type of service being proposed replacement; upgrade or new.

Table 1 shows the suggested percentages as owner’s share to be used when drafting Local Service Area Bylaws. Any costs that are not the owners share will be funded by the City and are subject to budget approval.

<table>
<thead>
<tr>
<th>Infrastructure Item</th>
<th>% as Owners Share of Design, Supply and Install Cost</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER (Includes all aspects of the Water System including but not limited to: Mains, Appurtenances, Treatment, Pumping and Storage)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water replacement of existing</td>
<td>0%</td>
<td>Funded through water rates.</td>
</tr>
<tr>
<td>Water new 150mm dia in a residential OCP or zoned area</td>
<td>100%</td>
<td>Providing a new service, water to the area, adjacent owners should pay 100% of a 150mm dia residential water main.</td>
</tr>
<tr>
<td>Water new greater than 150mm dia in a residential OCP or zoned area</td>
<td>100% of the cost of a 150mm water main</td>
<td>Providing a new service, water to the area, adjacent owners should pay 100% of a 150mm dia residential water main. Any oversizing funded from the Water Utility.</td>
</tr>
<tr>
<td>Water new 200mm dia in a non-residential OCP or zoned area</td>
<td>100%</td>
<td>Providing a new service, water to the area, adjacent owners should pay 100% of a 200mm dia non-residential water main.</td>
</tr>
<tr>
<td>Water new greater than 200mm dia in a non-residential a OCP or zoned area</td>
<td>100% of the cost of a 200mm water main</td>
<td>Providing a new service, water to the area, adjacent owners should pay 100% of a 200mm dia non-residential water main. Any oversizing funded from the Water Utility.</td>
</tr>
<tr>
<td>Infrastructure Item</td>
<td>% as Owners Share of Design, Supply and Install Cost</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>SANITARY</strong> (Includes all aspects of the Sanitary System including but not limited to: Mains, Appurtenances, Treatment and Pumping)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitary Sewer replacement of existing</td>
<td>0%</td>
<td>Funded through sanitary sewer rates.</td>
</tr>
<tr>
<td>Sanitary Sewer new 200mm dia in a residential OCP or zoned area</td>
<td>100%</td>
<td>Providing a new service, sanitary sewer to the area, adjacent owners should pay 100% of a 200mm dia residential sanitary sewer main.</td>
</tr>
<tr>
<td>Sanitary Sewer new greater than 200mm dia in a residential OCP or zoned area</td>
<td>100% of the cost of a 200mm sanitary sewer main</td>
<td>Providing a new service, sanitary sewer to the area, adjacent owners should pay 100% of a 200mm dia residential sanitary sewer main. Any oversizing funded from the Sanitary Sewer Utility.</td>
</tr>
<tr>
<td>Sanitary Sewer new 250mm dia in a non-residential OCP or zoned area</td>
<td>100%</td>
<td>Providing a new service, sanitary sewer to the area, adjacent owners should pay 100% of a 250mm dia non-residential sanitary sewer main.</td>
</tr>
<tr>
<td>Sanitary Sewer new greater than 250mm dia in a non-residential OCP or zoned area</td>
<td>100% of the cost of a 250mm sanitary sewer main</td>
<td>Providing a new service, sanitary sewer to the area, adjacent owners should pay 100% of a 250mm dia non-residential sanitary sewer main. Any oversizing funded from the Sanitary Sewer Utility.</td>
</tr>
<tr>
<td><strong>STORM</strong> (Includes all aspects of the Storm Water System including but not limited to: Mains, Appurtenances, Treatment, Storage, Pumping and Attenuation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storm Sewer replacement of existing</td>
<td>0%</td>
<td>Funded through storm sewer rates.</td>
</tr>
<tr>
<td>Storm Sewer new 250mm dia any OCP or zoned area</td>
<td>100%</td>
<td>Providing a new service, storm sewer to the area, adjacent owners should pay 100% of a 250mm dia storm sewer main.</td>
</tr>
<tr>
<td>Storm Sewer new greater than 250mm dia in any OCP or zoned area</td>
<td>100% of the cost of a 250mm storm sewer</td>
<td>Providing a new service, storm sewer to the area, adjacent owners should pay 100% of a 250mm dia storm sewer main. Any oversizing funded from the Storm Sewer Utility.</td>
</tr>
<tr>
<td>Infrastructure Item</td>
<td>% as Owners Share of Design, Supply and Install Cost</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>ROADS and LANES</strong> <em>(Includes all aspects of the Road System including but not limited to: Lanes, Medians, Bike Lanes, Bike Facilities, Retaining Walls, Street Furniture, Signs, Line Painting and Transit Facilities)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road replacement of existing in the downtown commercial or urban center OCP or zoned areas</td>
<td>0%</td>
<td>Funded from General Revenue, consistent with past Downtown projects.</td>
</tr>
<tr>
<td>Road replacement of existing in industrial and commercial OCP or zoned areas</td>
<td>0%</td>
<td>To be funded from General Revenue, consistent with the approach taken in the Downtown.</td>
</tr>
<tr>
<td>Road replacement of existing in all other areas</td>
<td>25%</td>
<td>Other areas are a lower priority and there should be an adjacent owner contribution. The City will work with those that want to contribute.</td>
</tr>
<tr>
<td>Road upgrade from gravel to paved roads</td>
<td>50%</td>
<td>Consistent with past Penticton Industrial Development Area projects.</td>
</tr>
<tr>
<td>Lane replacement of existing</td>
<td>100%</td>
<td>Lanes are a low priority and will only be replaced with a 100% adjacent owner contribution.</td>
</tr>
<tr>
<td>Lane upgrade from gravel to paved lanes</td>
<td>100%</td>
<td>Lanes are a low priority and will only be upgraded with a 100% adjacent owner contribution.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Infrastructure Item</th>
<th>% as Owners Share of Design, Supply and Install Cost</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURB GUTTER AND SIDEWALK <em>(Includes all aspects of the Curb, Gutter and Sidewalk System including but not limited to: Curbs, Sidewalks, Trails, Paths, Stairs, Retaining Walls, Street Furniture and Signs)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curb gutter and or sidewalk replacement of existing in the downtown commercial or urban center OCP or zoned areas</td>
<td>25%</td>
<td>Adjacent owner contribution consistent with past Downtown projects.</td>
</tr>
<tr>
<td>Curb gutter and or sidewalk replacement of existing in the industrial and commercial OCP or zoned areas</td>
<td>25%</td>
<td>Consistent with the approach taken in the Downtown.</td>
</tr>
<tr>
<td>Curb gutter and or sidewalk replacement of existing in all other areas</td>
<td>35%</td>
<td>Other areas are a lower priority and there should be an adjacent owner contribution. The City will work with those that want to contribute.</td>
</tr>
<tr>
<td>Curb gutter and or sidewalk new installation</td>
<td>50%</td>
<td>Consistent with past Penticton Industrial Development Area projects.</td>
</tr>
<tr>
<td>Infrastructure Item</td>
<td>% as Owners Share of Design, Supply and Install Cost</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Includes all aspects of the Street Lighting System including but not limited to: Standard and Decorative Street Lights, Pedestals, Wire and Connection Boxes)</td>
<td></td>
</tr>
<tr>
<td>Street lighting replacement</td>
<td>0%</td>
<td>Funded through General Revenue.</td>
</tr>
<tr>
<td>Street lighting upgrade to decorative in the downtown commercial or urban center OCP or zoned areas</td>
<td>25%</td>
<td>Adjacent owner contribution consistent with past Downtown projects.</td>
</tr>
<tr>
<td>Street lighting upgrade to decorative all other areas</td>
<td>100% of the cost difference between standard and decorative street lighting</td>
<td>Providing a new standard, decorative street lighting, to the area, adjacent owners should pay 100% of the cost of the difference between the cost of a decorative street light and a standard street light.</td>
</tr>
<tr>
<td>Street lighting new</td>
<td>100%</td>
<td>Providing a new service, street lighting, benefitting owners should pay 100% of the cost.</td>
</tr>
<tr>
<td>ELECTRICAL DISTRIBUTION</td>
<td>(Includes all aspects of the Electrical Distribution System including but not limited to: Poles, Cross Arms, Insulators, Voltage Regulators, Wire, Conduit, Vaults, Pedestals, Plug Ins, and Transformers)</td>
<td></td>
</tr>
<tr>
<td>Electrical distribution system replacement</td>
<td>0%</td>
<td>Funded through the Electrical Reserve</td>
</tr>
<tr>
<td>Electrical distribution new</td>
<td>100%</td>
<td>Providing a new service, electrical distribution, benefitting owners should pay 100% of the cost.</td>
</tr>
<tr>
<td>Infrastructure Item</td>
<td>% as Owners Share of Design, Supply and Install Cost</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>LANDSCAPING and STREET FURNITURE (Includes all aspects of the Landscaping System including but not limited to: Fill Material, Top Soil, Fertilizer, Tree Wells and Grates, Trees, Shrubs, Grasses and Flowers, Retaining Walls and Street Furniture)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping replacement to same standard as existed prior to construction</td>
<td>0%</td>
<td>Funded through General Revenue.</td>
</tr>
<tr>
<td>Landscaping upgrade to a higher standard than existed prior to construction</td>
<td>80% of the cost difference between the higher standard and existing landscaping less the cost of any new tree installation</td>
<td>Adjacent property owner pays 80% toward the increased landscaping standard they are getting less any costs associated with adding trees to improve the tree canopy.</td>
</tr>
<tr>
<td>Landscaping new to Subdivision and Development Bylaw Standard</td>
<td>100%</td>
<td>Providing a new service, landscaping, benefitting owners should pay 100% of the cost.</td>
</tr>
<tr>
<td>Landscaping new to a standard higher than the Subdivision and Development Bylaw Standard</td>
<td>100% less the cost of any new tree installation</td>
<td>Adjacent property owner pays for the increased landscaping standard they are getting less any costs associated with adding trees to improve the tree canopy.</td>
</tr>
</tbody>
</table>

In situations where the OCP or zoning is different from one side of the street to the other the amount paid as owner share may also be different from each side of the street and will be consistent with the percentage amounts set out in Table 1.

**Interest Rate to be Charged**

When setting up a Local Area Service Bylaw the recommended interest rate used to determine the annual amount to be charged to benefitting properties shall be the Business Prime rate plus 0.5% unless there is an Interest Rate Policy in place in which case the interest rate in the Interest Rate Policy shall be used.

**Administration Costs vs Revenue**

When considering if a Local Area Service Bylaw should move forward to the public process consideration will be given to the annual cost of administering the bylaw vs. the annual revenue received. A Local Area Service Bylaw should not move forward to the public process if there is not a suitable spread between the cost to administer and the revenue received.

**Previous revisions**

Certified Correct

Angie Collison, Corporate Officer
THE CORPORATION OF THE CITY OF PENTICTON

BY-LAW NO. 2525

A BY-LAW OF THE CORPORATION OF THE CITY OF PENTICTON TO ESTABLISH CHARGES FOR EACH CLASS OF WORK UNDERTAKEN AS A LOCAL IMPROVEMENT.

WHEREAS section 594 of the "Municipal Act" provides that the Council shall not undertake any class of work pursuant to Division (1) of Part XIV unless it has been by-law applicable to all works of that class established the proportion of the cost of the class of work to be specially charged against the parcels benefiting from or abutting the work as the owners portion of the cost of the work.

NOW THEREFORE the Council of the Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

1. The proportion of the cost to be specially charged against the parcels benefiting from or abutting the classes of work listed hereunder shall be as follows:

<table>
<thead>
<tr>
<th>CLASS OF WORK</th>
<th>PROPORTION TO BE CHARGED AS OWNERS SHARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Concrete Curb &amp; Gutter (Frontage)</td>
<td>60% of Cost</td>
</tr>
<tr>
<td>B. Concrete Curb &amp; Gutter (Plankage)</td>
<td>40% of Cost</td>
</tr>
<tr>
<td>C. Concrete Sidewalk (Frontage)</td>
<td>60% of Cost</td>
</tr>
<tr>
<td>D. Concrete Sidewalk (Plankage)</td>
<td>40% of Cost</td>
</tr>
<tr>
<td>E. Ornamental Street Lighting</td>
<td>50% of Cost</td>
</tr>
<tr>
<td>F. Local Neighbourhood Parks</td>
<td>75% of Cost</td>
</tr>
<tr>
<td>G. Domestic Water mains</td>
<td>100% of Cost up to 6&quot; line</td>
</tr>
<tr>
<td>H. Off-Street Parking</td>
<td>100% of Cost 100% of Cost</td>
</tr>
</tbody>
</table>

2. This by-law may be cited as "Local Improvement Charge By-law, No. 1 1969".

Read a first, second and third times by the Municipal Council on the 30th day of August, 1969.

Reconsidered and finally passed by the Municipal Council on the 9th day of September, 1969.

[Signature]
MAYOR

[Signature]
CLERK

AMENDED BY BY-LAW No. 2810

THE CORPORATION OF THE CITY OF PENTICTON

BY-LAW NO. 2810

A BY-LAW OF THE CORPORATION OF THE CITY OF PENTICTON TO AMEND BY-LAW NO. 2525

WHEREAS it is deemed expedient to amend By-law No. 2525.

THEREFORE the Municipal Council of the Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

1. That paragraph 1 of By-law No. 2525 be amended by adding thereto as Item 1, the following:

"1. Sanitary Sewer Service Connections - 100% of cost".

2. That paragraph 2 of By-law No. 2525 be amended by adding thereto as Item 2, the following:

"2. Domestic Water Service Connections - 100% of cost".

Read a first, second and third times by the Municipal Council on the 2nd day of August, 1971.

Reconsidered and finally passed by the Municipal Council this 9th day of August, 1971.

[Signature]
MAYOR

[Signature]
CLERK

I, C. James Sewell, Acting-Clerk of the Corporation of The City of Penticton, hereby certify the within to be a true and correct copy of By-law No. 2810 signed by the Mayor and Clerk and sealed with the seal of the said Corporation on the 9th day of August, 1971.

[Signature]
CLERK
The Corporation of the City of Penticton

Bylaw No. 2019-28

A bylaw to repeal Local Improvement Charge Bylaw, No. 1, 1968 and amendment thereto

WHEREAS section 137 of the Community Charter provides that the power to repeal a bylaw must be exercised by bylaw and is subject to the same approval and other requirements, if any, as the power to adopt a new bylaw;

AND WHEREAS the Council of the City of Penticton deems it necessary and expedient to repeal Bylaw No. 2525 Local Improvement Charge By-law No. 1, 1968 and its amendment thereto in its entirety;

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 “Local Improvement Charge Repeal Bylaw No. 2019-28”.

2. **Repeal:**

   Bylaw No. 2525 “Local Improvement Charge By-law, No. 1, 1968” and amending Bylaw No. 2810, 1971 are hereby repealed.

READ A FIRST time this day of , 2019
READ A SECOND time this day of , 2019
READ A THIRD time this day of , 2019
ADOPTED this day of , 2019

______________________________
John Vassilaki, Mayor

______________________________
Angie Collison, Corporate Officer
Date: August 6, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Angie Collison, Corporate Officer
Subject: Committee Terms of References

Staff Recommendation

THAT Council amend the 2019 – 2022 Terms of Reference for the Agriculture Advisory Committee to include a Penticton Indian Band representative as a voting member.

THAT Council approve the 2019 - 2022 Terms of Reference for the Arts, Creative & Cultural Innovation Committee; AND THAT Council appoint Councillor Sentes as the Council representative to the Committee.

THAT Council approve the 2019 - 2022 Terms of Reference for the Heritage and Museum Advisory Committee; AND THAT Council appoint Councillor Sentes as the Council representative to the Committee.

THAT Council give first, second and third reading to “Heritage Advisory Committee Repeal Bylaw No. 2019-30”.

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

Agriculture Advisory Committee

The Agriculture Advisory Committee formed in early 2019 for a four-year term; currently they are without a Penticton Indian Band representative on the Committee. The Committee recommended to Council on March 18, 2019 to explore the possibility of inviting a Penticton Indian Band member in an advisory capacity role. At the April 5, 2019 Committee meeting, the Committee recommended to Council to amend the Terms of Reference to include a Penticton Indian Band representative as a voting member. The amended Terms of Reference are attached for Council approval. Councillor Bloomfield is the appointed Council representative to the Agriculture Advisory Committee.
**Arts, Creative & Cultural Innovation Committee**

On December 4, 2018, Council approved the establishment of the Arts, Creative, Cultural Innovations, Heritage and Museum Committee. This 13-member committee uses the City’s Public Art Policy and the City’s Heritage Strategy as its basis for advising Council.

The 2019 – 2022 Terms of Reference for Arts, Creative & Cultural Innovation Committee is for 9 voting members with a focus on public art.

**Heritage and Museum Advisory Committee**

On July 16, 2019, Council directed staff to re-instate the Heritage Advisory committee as a stand-alone committee and to bring back Terms of Reference for Council approval.

The 2019 – 2022 Terms of Reference for the Heritage and Museum Advisory Committee is for 9 voting members with a focus on guidance and advice on heritage issues.

Bylaw No. 3810 was written in 1980 and establishes a heritage advisory committee for the City of Penticton. Staff are recommending Council repeal the bylaw, and as per Community Charter section 142, establish and appoint a select committee to consider or inquire into any matter and report its findings and opinion to Council. This is achieved with a Council approved Terms of Reference that identifies the Committee’s mandate and meeting expectations.

**Call for Committee Members**

Once the Terms of Reference for both Committees are approved, staff will begin to advertise for members, beginning with an invitation to those already on the Arts, Creative, Cultural Innovations, Heritage and Museum Committee.

**Attachments**

Attachment A – Updated Agriculture Advisory Committee Terms of Reference

Attachment B – Arts, Creative & Cultural Innovation Committee Terms of Reference

Attachment C – Heritage & Museum Advisory Committee Terms of Reference

Attachment D – Heritage Advisory Committee Establishment By-law No. 3810, 1980

Attachment E – Heritage Advisory Committee Repeal Bylaw No. 2019-30

Respectfully submitted,

Angie Collison  
Corporate Officer

Chief Administrative Officer

DvD
2019 – 2022 Terms of Reference
Agriculture Advisory Committee

1. The Committee shall consist of TEN (10) voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:

- Four (4) members of the following commodity groups, associations or interests:
  - Greenhouse and nursery products
  - Tree fruits
  - Wine/grapes

- One (1) Penticton Indian Band representative

- One (1) Penticton Community Gardens Society representative

- Four (4) members of the community on the basis of their direct knowledge or interest or experience in agriculture including:
  - Students and Youth
  - Agricultural finance
  - Academia
  - Horticulture
  - Viticulture
  - Livestock/animal husbandry
  - Agricultural processing
  - Value-added processor (cheese, cider, preserves, oil, etc.)
  - Distribution, including farm retail sales/markets
  - Sustainable development
  - Agri-tourism

Where insufficient members can be identified to represent the specific commodity groups, associations or interests identified above, additional members may be appointed from the community at large.

2. The Committee Members shall appoint a Chair and Vice-Chair each year.

3. Role of Council Representative:

- One (1) Representative
- Non-Voting Member
- Liaison to City Council

4. A majority of appointed voting members shall constitute a quorum.

5. City staff shall attend committee meetings to provide operational support to the Committee.
6. The Corporate Administration Department shall arrange for secretarial services to the Committee.

7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by council or staff requiring immediate action.

8. The Committee’s mandate is to make recommendations to the Council on all matters referred to the Committee, including:

   • Making recommendations on all aspects of the agricultural industry, including land use, economic development and cultural matters;
   • Acts as a liaison between Council and the agricultural community;
   • Review and make recommendations on applications initiated under the Agricultural Land Commission Act, which are to be considered by Council;
   • Applications to amend the Official Community Plan and Zoning Bylaw where the subject property is zoned agricultural or has a direct impact on agriculturally zoned parcels;
   • As directed by Council, reviewing initiatives to enhance the agricultural economy and promote Agri-business and Agri-tourism opportunities;
   • As directed by Council, providing input on submissions to other levels of government;
   • As directed by Council or requested by staff, advising staff on issues related to the irrigation systems, draining, roads or other municipal services affecting agricultural lands;
   • As directed by Council, the Committee will undertake, research, develop or propose cultural tourism initiatives or potential partnerships in line with the City’s vision and for consideration by the City’s Tourism Committee. These initiatives may include (but are not limited to):
     o Agricultural heritage exhibit
     o Farm tours and farm demonstrations
     o Horse riding including cattle drive activities
     o Horse or other livestock shows
     o Hay, tractor and sleigh rides
     o Pumpkin patch tours and related activities
     o Picnicking
     o Farm related educational activities including cooking classes using farm products from the farm
     o Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
     o Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
     o Charitable fundraisers
     o Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen
     o Corn mazes
     o Bird and wildlife refuges and rescue services
   • The Committee, for any initiative it puts forward, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards, senior levels of government, and/or municipal funding.
• As directed by Council, the Committee undertakes to review and make recommendations on applications proposing community urban agriculture projects in passive areas of the City, including brownfields, pocket gardens, parks, green spaces, etc.

• Advise Council with respect to impacts of climate change and/or invasive species.

• Working with Council, at Council’s request, on submissions related to agricultural issues with other levels of government.

• As directed by Council, recommend actions, education and marketing initiatives which promote increased public awareness and participation in residential and communal agriculture in the community.

• The committee will not participate in operational matters respecting the City of Penticton.

9. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

10. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

• Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.

11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.
1. The Committee shall consist of Nine (9) voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:

- One (1) Shatford Centre and Okanagan School of the Arts representative
- One (1) Penticton Art Gallery representative
- One (1) Penticton & District Community Arts Council representative
- One (1) South Okanagan Performing Arts Centre Society representative
- One (1) Penticton Indian Band representative
- Four (4) members of the community on the basis of their knowledge or an interest in arts and culture that could include, but is not limited to:
  - Art professionals
  - Art collectives
  - Architects
  - Landscape designers
  - Urban designers
  - Wineries
  - Conservation society

2. The Committee Members shall appoint a Chair and Vice-Chair each year.

3. Role of Council Representatives:

- One (1) Representative
- Non-Voting Member
- Liaison to City Council

4. A majority of appointed voting members shall constitute a quorum.

5. The Director of Recreation & Facilities and Director of Development Services or designates, shall attend committee meetings to provide operational support to the Committee.

6. The Corporate Administration Department shall arrange for secretarial services to the Committee.

7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.

8. The Committee’s mandate is to make recommendations to the Council on all matters referred to the Committee, including:

- The Committee uses the City's Public Art Policy as its basis for advising City Council and its boards, agencies, commissions, committees or staff, developers and citizens when reasonable and objective advice and guidance on public art is needed.
• The Committee is responsible to ensure that the monies set aside for public art are spent to fulfill the directives of the Public Art Policy. Any expenditure must be pre-approved by City Council.
• The Committee undertakes to research, develop and propose an outdoor sculpture program to complement community revitalization efforts.
• The Committee undertakes to research, develop and propose a Downtown mural partnership alongside private and non-profit sector partners.
• The Committee undertakes to research, develop and propose other creative and cultural programs in line with the City’s vision.
• The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding.
• The Committee is to analyze current capacity, existing utilization, market demand and projected needs of City-owned arts amenities in accordance with asset management plans for the City of Penticton, and make recommendations on achieving net neutrality on City operating budgets.
• Review all requests for assistance from the community arts and cultural groups and organizations and recommend appropriate actions to Council.
• Recommend actions which promote increased collaboration and communication between arts and cultural groups.
• Recommend actions, education and marketing initiatives which promote increased public awareness and participation in arts and culture in the community.
• The committee will not participate in operational matters respecting the City of Penticton.

9. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory Task Force of the City of Penticton for a period of one year.

10. Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.
1. The Committee shall consist of **NINE (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
   - One (1) Shatford Centre and Okanagan School of the Arts representative
   - One (1) Leir House representative
   - One (1) Penticton Library representative
   - One (1) Okanagan College representative
   - One (1) School District 67 representative
   - One (1) SS Sicamous Society representative
   - One (1) Penticton Indian Band representative
   - Two (2) at-large members of the Community on the basis of their knowledge or an interest in arts and culture that could include, but is not limited to:
     - Aboriginal groups
     - Students and youth
     - Educators, teachers, professors – currently employed or otherwise
     - Archivist
     - Conservationist
     - Business community

2. The Committee Members shall appoint a Chair and Vice-Chair each year.

3. Role of Council Representatives:
   - One (1) Representative
   - Non-Voting Member
   - Liaison to City Council

4. A majority of appointed voting members shall constitute a quorum.

5. The Director of Recreation and Facilities and the Penticton Museum & Archives Curator/Manager or designates, shall attend committee meetings to provide operational support to the Committee.

6. The Corporate Administration Department shall arrange for secretarial services to the Committee.

7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.

8. The Committee’s mandate is to make recommendations to the Council on all matters referred to the Committee, including:
• The Committee undertakes to promote the interests of the Penticton Museum & Archives, SS Sicamous Society, Shatford Centre and Okanagan School of the Arts, Leir House and other educational and knowledge-based sectors desiring support, such as the Penticton Library, Okanagan College and School District 67.
• The Committee will use the City’s Heritage Strategy as its basis for advising City Council and its boards, agencies, commissions, committees or staff, developers and citizens when reasonable and provide objective advice and guidance on heritage issues as needed.
• The Committee will respect the existing governance and direction provided to the Penticton Library, Okanagan College and School District 67 and Penticton Indian Band, and will tap into their collective insight and expertise to better inform the community’s heritage and knowledge resources.
• The Committee, for each initiative it proposes to execute, research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding.
• Although not a design or planning committee (and will not be asked to make decisions around urban design or urban planning), the Committee will advise on guidelines and developments that pertain to or affect priority items on the heritage list.
• The Committee will recommend actions, education and marketing initiatives which promote increased public awareness and participation in community heritage resources and knowledge.
• The Committee will make recommendations of additions to the city street name list.
• The Committee will not participate in operational matters respecting the City of Penticton.

9. Disqualification from Office

If an advisory committee member is continuously absent from committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the committee members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

10. Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.
THE CORPORATION OF THE CITY OF PENTICTON

BY-LAW NO. 3810

A BY-LAW OF THE CORPORATION OF THE CITY OF PENTICTON TO ESTABLISH A HERITAGE ADVISORY COMMITTEE IN AND FOR THE CORPORATION OF THE CITY OF PENTICTON

The Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:-

1. This By-law may be cited as "the Heritage Advisory Committee Establishment By-law No. 3810".

2. A Committee to be known as "the Heritage Advisory Committee (hereinafter referred to as "the Committee") is hereby established pursuant to Section 715 of the "Heritage Conservation Act", S.B.C. 1977, Chapter 37.

3. (a) The members of the Committee shall be seven (7) in number and shall be appointed at any regular meeting of the Council.

(b) The Committee shall consist of:

Two (2) members of the Municipal Council and Five (5) members of the City at large.

4. (a) It shall be the duty of the Committee to advise the Council on those matters coming within the scope of Part III of the "Heritage Conservation Act" which are from time to time referred to it by the Council and, in particular, to make recommendations to Council respecting designation of heritage buildings, structures and lands, and the demolition, preservation, alteration, or renovation of those buildings, structures and lands.

(b) When any matter is referred to the Committee pursuant to this By-law, the Committee shall, where possible, meet and report back on such matter to the next general meeting of the Council.

5. (a) The Committee shall be presided over by a Chairman who shall be elected annually by a majority vote of the members of the Committee from among the said members.

(b) The Chairman may from time to time appoint a member of the Committee as Acting Chairman to preside in his absence.

(c) Meetings of the Committee shall be at the call of the Chairman, who shall give or cause to be given to each member not less than twenty-four (24) hours' notice of each meeting, provided that such notice may be waived by unanimous vote of the Committee.

(d) A majority of the members of the Committee shall constitute a quorum.

(e) The Chairman shall preserve order at all meetings and decide all points of order which may arise.

(f) All questions before any meeting of the Committee shall be decided by a majority of the members present including the Chairman, and the Chairman shall in addition have a deciding vote in the event of an equality of votes.

(g) The Chairman shall cause minutes of all meetings and proceedings of the Committee to be recorded in a book kept for that purpose and shall forthwith after the adoption by the Committee of such minutes sign and deliver the same to the City Clerk.
(h) Save with respect to matters expressly dealt with or provided for in this By-law, the rules governing proceedings of the Committee shall be those governing proceedings of the Council under the Procedural By-law of the Council passed under Section 172 of the "Municipal Act", insofar as the said rules may be applicable.

Read a first, second and third time by the Municipal Council on the 7th day of January, 1980.

Reconsidered and finally passed by the Municipal Council this 14th day of January, 1980.

[Signatures]

I, George A. Paul, Clerk of The Corporation of the City of Penticton, hereby certify this to be a true and correct copy of By-law No. 3810, duly passed by the Municipal Council of The Corporation of the City of Penticton on the 14th day of January, 1980.

Certified this 14th day of January, 1980.

[Signature]
The Corporation of the City of Penticton

Bylaw No. 2019-30

A bylaw to repeal Heritage Advisory Committee establishment bylaw

WHEREAS section 137 of the Community Charter provides that the power to repeal a bylaw must be exercised by bylaw and is subject to the same approval and other requirements, if any, as the power to adopt a new bylaw;

AND WHEREAS the Council of the City of Penticton deems it necessary and expedient to repeal Bylaw No. 3810 the Heritage Advisory Committee establishment bylaw in its entirety;

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 “Heritage Advisory Committee Establishment Repeal Bylaw No. 2019-30”.

2. **Repeal:*

   Bylaw No. 3810, 1980 cited as “the Heritage Advisory Committee Establishment By-law No. 3810” is hereby repealed.

   READ A FIRST time this day of , 2019
   READ A SECOND time this day of , 2019
   READ A THIRD time this day of , 2019
   ADOPTED this day of , 2019

__________________________________________

John Vassilaki, Mayor

__________________________________________

Angie Collison, 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 2017-08;

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. 2019-26”.

2. **Amendment:**
   
   2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

   Add Section 9.2.6.13: “In the case of Lot B District Lots 204 and 205 Similkameen Division Yale District Plan 32206, located at 965 Naramata Road, a Craft Brewery/Distillery, subject to a maximum gross floor area of 400 square meters, shall be permitted.”

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

READ A FIRST time this 16 day of July, 2019

A PUBLIC HEARING was held this 6 day of August, 2019

READ A SECOND time this day of 2019

READ A THIRD time this day of 2019

ADOPTED this day of 2019

Notice of intention to proceed with this bylaw was published on the 26 day of July, 2019 and the 31 day of July, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

________________________________________
John Vassilaki, Mayor

________________________________________
Angie Collison, Corporate Officer
965 Naramata Road
(A-Agriculture Zone)

Site specific zoning amendment to permit a Craft Brewery/Distillery, subject to a maximum gross floor area of 400 square meters.
Zoning Amendment Bylaw No. 2019-01

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2019-01”.

2. **Amendment:**
   
   2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 9.2.6:

   .11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.

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

READ A FIRST time this 8 day of January, 2019
A PUBLIC HEARING was held this 22 day of January, 2019
READ A SECOND time this 22 day of January, 2019
READ A THIRD time this 22 day of January, 2019
ADOPTED this day of , 2019

Notice of intention to proceed with this bylaw was published on the 11 day of January, 2019 and the 18 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

_______________________________
John Vassilaki, Mayor

_______________________________
Angie Collison, Corporate Officer
Agriculture (A) Zone – Site Specific Zoning Amendment
Add agri-tourism as a permitted use at 3550 Valleyview Rd
Staff Recommendation

On July 16, 2019, Council postponed the following resolution to the August 6, 2019 Regular Meeting of Council:

THAT Council considers it has provided appropriate opportunities for consultation with the persons, organizations and authorities it considers will be affected by the Official Community Plan;

THAT Council give second and third reading to “Official Community Plan Bylaw No. 2019-08”;

AND THAT Council adopt “Official Community Plan Bylaw No. 2019-08”, a bylaw that provides a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries.

Strategic priority objectives

Asset & Amenity Management: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community’s vision for the future.

Background

The Official Community Plan (OCP) (Attachment A) is a vision for the future of Penticton to the year 2045 that will guide growth and direct development. The Plan is the result of two years of extensive and creative community engagement, research and analysis, and input from a range of consultants. It will guide future City plans, strategies and initiatives through its goals and policies in important areas like housing, transportation, the economy, arts culture and heritage, and the environment. It also clearly describes a growth strategy and future land use plan, and contains tools to guide development such as Development Permit Area Guidelines.

The engagement with the community on the Plan was the largest-ever engagement effort undertaken by the City of Penticton. The community was kept informed about the work throughout the process and were provided
multiple opportunities to discuss their views with staff and formally provide comments on the work in each stage. The broad range of diverse and innovative outreach efforts resulted in 3,600 conversations to guide development and refinement of the OCP.

On July 2\textsuperscript{nd}, 2019, after consideration of the OCP and the results from the final round of community engagement, Council passed the following recommendations:

333/2019 It was MOVED and SECONDED

THAT Council give first reading to “Official Community Plan Bylaw No. 2019-08”, a bylaw that provides a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries;

AND THAT Council consider the OCP in conjunction with the financial plan and any waste management plans and refer the OCP to the Agricultural Land Commission for comment;

AND THAT Council hold the Public Hearing on Monday, July 15, 2019 at the Penticton Trade and Convention Centre at 6:00 p.m.

CARRIED UNANIMOUSLY

In the evening of July 15, 2019, a Public Hearing was held at the Penticton Trade and Convention Centre. Twenty-one members of the public addressed Council on a broad range of subjects including general support of the OCP and the process to create, heritage issues and height limits on Front Street, carriage house design and tenure, hillside development guidelines, support for the land use outcome on Smythe Drive, and support for agricultural land protection.

On July 16, 2019, after consideration of the OCP and the input received at the Public Hearing, Council made the following resolutions but postponed readings of the Bylaw to August 6\textsuperscript{th} to allow additional time for consideration of issues raised at the Public Hearing:

It was MOVED and SECONDED:

THAT Council considers it has provided appropriate opportunities for consultation with the persons, organizations and authorities it considers will be affected by the Official Community Plan;

THAT Council give second and third reading to “Official Community Plan Bylaw No. 2019-08”;

AND THAT Council adopt “Official Community Plan Bylaw No. 2019-08”, a bylaw that provides a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries.

READINGS POSTPONED TO AUGUST 6, 2019

\textbf{Agricultural Land Commission Referral}

At their meeting on July 2, 2019 Council referred the OCP to the Agricultural Land Commission (ALC) for review as required under the \textit{Local Government Act}. The ALC provided a positive response to the Plan, concluding:
“[I]n general, ALC staff has no objection to the proposed OCP and its associated land use designations. The ALC commends the City for its efforts to not only maintain its agricultural land base, but seek out ways in which to improve and enhance it.”

The ALC’s review of the OCP is included as Attachment B.

Analysis

The Official Community Plan sets a positive vision for the City of Penticton to guide our growth, development and change for the next thirty years. This vision directly reflects the values and aspirations of many of Penticton’s residents and businesses who had the opportunity to guide the creation of the new OCP during the most intensive and creative engagement process the City has undertaken. The directions in the Plan are also guided by comprehensive new studies of our population growth, housing needs and commercial and industrial land use needs.

Staff believe that the Official Community Plan provides a comprehensive and thoughtful framework to guide future City of Penticton master plans, strategies and initiatives as well as tools to guide new development. The OCP Task Force, who met regularly throughout the two-year process to guide and participate in the engagement, assist in the creation of policies, and shape, review and refine all elements of the Official Community Plan has unanimously recommended that Council adopt the Plan.

At their meeting on June 25, 2019, the Official Community Plan Task Force passed the following recommendation:

It was MOVED and SECONDED that the Official Community Plan Task Force recommend:

That Council give the Official Community Plan first reading.

CARRIED UNANIMOUSLY

Alternate Recommendation

1. THAT Council support the postponed resolution to adopt “Official Community Plan Bylaw No. 2019-08”, and direct staff to report back with amendments to specific sections of the Bylaw:
   a. To Downtown Development Permit Area Guidelines as they relate to restoring and integrating heritage buildings;
   b. To the Downtown Mixed Use Land Use Designation as it relates to building height on Front Street;
   c. To Hillside Development Permit Area Guidelines as they relate to protecting Environmentally Sensitive Areas and clarifying landscape retention targets; and/or
   d. Another specific section of the Bylaw, at Council’s discretion.

Attachments

Attachment A – Official Community Plan Bylaw No. 2019-08

Attachment B – Agricultural Land Commission Review of Penticton’s Official Community Plan

Respectfully submitted,

Ben Johnson, Special Projects Manager
The Corporation of the City of Penticton

Bylaw No. 2019-08

A Bylaw to adopt the Official Community Plan

WHEREAS the Local Government Act provides that a local government may adopt an Official Community Plan;

AND WHEREAS the Municipal Council of The Corporation of the City of Penticton is desirous of amending and replacing its Official Community Plan Bylaw No. 2002-20;

AND WHEREAS Council has considered providing opportunities for consultation, whether consultation should be early and ongoing, and provided the consultation opportunities it considers appropriate and has specifically considered whether consultation is required with the persons, organizations and authorities listed in Section 475 of the Local Government Act;

AND WHEREAS this Bylaw has been considered in conjunction with its financial plan, waste management plan and has been referred to the Provincial Agricultural Land Commission for comment;

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

1. **Title:**
   
   This Bylaw may be cited for all purposes as "Official Community Plan Bylaw No. 2019-08".

2. **Application:**
   
   The provisions of this Bylaw, the accompanying text marked Schedule "A" bearing the title "City of Penticton Official Community Plan" and the included maps bearing the certifications:
   
   Map 1: Future Land Use
   Map 2: Transportation Network
   Map 3: Downtown Development Permit Area
   Map 4: Hillside Development Permit Area
   Map 5: Riparian Development Permit Area
   Map 6: Environmental Development Permit Area
   Map 7: Water Network
   Map 8: Sanitary Network

   Attached hereto form part of this bylaw and constitute the City of Penticton Official Community Plan pursuant to the provisions of the Local Government Act of the Province of British Columbia.

3. **Purpose:**
   
   The purpose of the Official Community Plan is to provide a framework of goals and policies to guide decisions on planning and land use within the City of Penticton boundaries. All pertinent bylaws and works undertaken by Council will be consistent with the Official Community Plan.
4. **Repeal:**

"The City of Penticton Official Community Plan Bylaw No. 2002-20 (2002)" and all amendments thereto, is repealed upon the adoption hereof.

**READ A FIRST time this**  2  day of  July, 2019

**REFER to Agricultural Land**  3  day of  July, 2019

**A PUBLIC HEARING was held this**  15  day of  July, 2019

**READ A SECOND time this**  day of , 2019

**READ A THIRD time this**  day of , 2019

**ADOPTED this**  day of , 2019

Notice of intention to proceed with this bylaw was published on the 5 day of July, 2019 and the 10 day of July, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

__________________________

John Vassilaki, Mayor

__________________________

Angie Collison, Corporate Officer
Official Community Plan

A connected, vibrant, prosperous and healthy small city in a uniquely beautiful lakefront setting

penticton.ca/ocp
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Chapter 1
Vision and Introduction
Our Vision

A connected, vibrant, prosperous and healthy small city in a uniquely beautiful lakefront setting.
Our Community Plan Vision

A **connected, vibrant, prosperous and healthy small city** in a uniquely **beautiful lakefront** setting.

- We are **connected** socially, across generations, with our neighbours and through technology.
- We are a **vibrant** and creative community, with a diverse arts and culture scene, exciting venues and events, festivals, markets and restaurants.
- We are **prosperous** because of our strong, integrated and unique local and regional economy.
- We are **healthy**, with a very active community, diverse sports events and opportunities, locally-grown food from our agricultural lands, and a broad spectrum of health care.
- We are a **small city**: it is easy to make social connections and to get around, but we also have great amenities that are the envy of larger cities: concerts, arts, restaurants, sports, recreational facilities and events, warm-water lakes, and ready access to the outdoors and locally-produced food and drink.
- We have a uniquely **beautiful lakefront** setting, nestled in a natural valley between two lakes and their adjoining parks, with unique ecosystems, four great seasons and a very amenable climate.
Purpose & Scope

OCP Purpose

The purpose of the Official Community Plan is to provide a framework of goals and policies to guide decisions on planning and land use within Penticton’s boundaries. All pertinent bylaws and works undertaken by Council must be consistent with the OCP. The goals and policies, Future Land Use Plan and Development Permit Area Guidelines were shaped by extensive community consultation and technical analysis.

OCP Scope

The OCP was created to guide the evolution of the city to the year 2045, by which time it is expected the population will grow to about 42,000 people. The Plan establishes goals and policies for a broad range of interrelated areas to create a holistic vision for the sustainable growth of our community. The OCP achieves this vision by:

- Establishing a growth model that provides opportunity for new residential and economic growth that will sustain our community into the future, while at the same time minimizing impacts on ecological areas and natural systems
- Encouraging the best use of our existing developed urban areas and established infrastructure through sensitive and strategic densification
- Ensuring efficient use of municipal financial resources by establishing clear planning objectives and undertaking thorough analysis of potential outcomes
- Creating a resilient city to ensure that Penticton continues to adapt and thrive in the face of anticipated and unforeseen environmental, social and economic stresses.
**Legislative Authority**

The Local Government Act gives authority to municipalities in British Columbia to adopt an OCP and stipulates what must or may be included in an OCP. The Act also identifies the consultation requirements and adoption procedures to approve the OCP as a bylaw. The OCP has been prepared in compliance with that legislation.

**OCP Task Force**

In March 2017, City Council appointed 19 community members and three Council representatives to the Official Community Plan Task Force. The mandate of the Task Force was to assist Mayor and Council in the creation of an updated Official Community Plan and to work with City staff on technical, process and engagement issues relating to the creation of the Official Community Plan. The Task Force included twelve members at large and seven representatives of specific organizations, agencies or governments:

- Regional District of the Okanagan Similkameen
- School District No. 67
- Penticton Indian Band
- Penticton & Wine Country Chamber of Commerce
- Downtown Penticton Association
- Interior Health
- Penticton Industrial Development Association

The OCP Task Force met multiple times throughout the process and attended all public engagement events and workshops. Its individual members were chosen to represent Penticton’s diverse interests and perspectives. The Task Force provided direction on citizen engagement strategies, evaluated complex ideas with City staff and Council, refined OCP goals and policies, and served as a communication conduit to the broader community, as a communication conduit to the broader community.
OCP Engagement Process

This Plan represents the first comprehensive re-write of Penticton’s Official Community Plan since 2002. Penticton has evolved and matured over the last 17 years in terms of our economy, demographics, housing needs and costs, and social issues; and the city and surrounding region is impacted by larger issues and trends relating to the environment, climate change and broader socio-political factors. In order to meaningfully reflect on and respond to where we are as a city and where we want to go over the next 25-30 years, staff developed an engagement program to involve the community in each step of the process to develop the Plan. Over more than two years, City staff and the community collaborated in conversations, research and analysis, plus explorations of options and trade-offs, which led to the creation of this renewed OCP.

The Local Government Act requires that the OCP amendments and review involve public consultation. The process to update Penticton’s OCP involved substantial community engagement, often in innovative and compelling ways. In addition to traditional open houses and a Public Hearing, the process entailed;

- outreach and “pop-up” events throughout the city;
- public and online presentations (including PenTALKton and Design Penticton);
- a week-long ExpOCP;
- outreach and engagement on social media, communication in traditional print media and digital media; and
- ongoing use of the City’s Shape Your City web platform.

It was anticipated that meaningful engagement, technical analysis, consultant studies, and Plan writing would take 18 to 24 months. The OCP process was launched in February 2017 and concluded in May 2019.
Community Engagement Timeline

2017

- Valentine’s Day Blitz
- Community Visioning
- Pecha Kucha Penticton
- PentaLkton

2018

- Official Community Plan Engagement Process
- Scoping Phase: Community Outreach
- Community Outreach
- Community Visioning & Conversations
- Community Dialogue

2019

- Community Review & Advice
- Draft OCP Engagement
- Heritage Conservation
- Area Sessions
- Design Guidelines Chalette
- Design Panel Sessions
- Open House

Official Community Plan Engagement Process

Scoping Phase: Community Outreach

In the Scoping Phase, the City laid the groundwork for community involvement throughout the development of the Plan. This included creating Guiding Principles to direct how community engagement would be conducted as well as establishing the community-based OCP Task Force to ensure the alignment of the work with the needs of the community.
Guiding Principles

Five high-level Guiding Principles for the OCP Process were endorsed by City Council in January 2017. These speak to ideas of inclusion, knowledge sharing and capacity building, and openness in the creation of the OCP, and they provided a framework which shaped the OCP engagement process.

**Guiding Principles for the OCP Process**

1. **Innovative, Broad and Inclusive Engagement.** Residents, business owners, property owners and renters, First Nations, civic agencies, the Regional District, BC Transit, community organizations, and developers will be engaged throughout the planning in accessible and creative ways. Groups that are traditionally under-represented, such as youth and newer residents, will be encouraged to have a voice in the process.

2. **Knowledge Sharing and Capacity Building.** Through the OCP process, citizens will become informed participants with the ability to assess trade-offs and gauge the broader impact of key decisions.

3. **Clarity and Openness.** The scope and intent of the OCP planning process will be clearly conveyed. Key decision points will be openly communicated and rationalized. Language and illustrations used in the course of the process and in the OCP document will be straightforward, accessible and clear.

4. **Sustainability.** Principles and action around social, environmental and economic sustainability will be foundational elements of the OCP. Growth should be directed in such a way that it capitalizes on existing and future investment in infrastructure and amenities.

5. **Action While Planning.** In the course of the planning, potential initiatives that advance emerging OCP principles may make sense to implement as “quick start” actions. These could be led by the City or planning partners and could focus on issues of affordable housing, sustainability, public realm, food, and other areas.
Phase I: Community Visioning & Conversations

The goal of the first phase of engagement was to support the development of a vision and to identify the primary policy areas for the Official Community Plan. The initial engagement phase ran in the winter and spring of 2017. Community members were asked to share what they value about Penticton as well as their hopes and concerns for the future. In addition to building awareness of the OCP process and how to get involved, community members were also asked to complete the sentence, "In 2045, Penticton will be..." Outreach took the form of open houses, sessions and events throughout the city, at places such as the Community Centre, Seniors Drop-in Centre, Soupateria, Pen Hi and Cannery Brewing. Between February and May contact was made with 1,260 community members, and there were 1,100 visits to the Shape Your City web page. Social media was used extensively during this period as well.

Phase 2: Community Dialogue

With a vision drafted and policy areas identified in the first phase of engagement, the goal of the second phase was to develop the policy statements for each of the policy areas. In this phase, staff wanted to help the community understand the challenges that need to be considered in the development of the Official Community Plan, and to hear their opinions on the needs and opportunities in each policy area. Staff conducted two primary activities to involve the community in this phase of the work.

The first was an entertaining evening called PenTALKton held in November 2017 that was attended by 200 people. This was an evening of short and engaging presentations on a wide range of locally-pertinent topics: arts and culture, history, local food, the environment, housing, transportation and more. The intention was to build energy and excitement, and to encourage thinking about some of these topics, including issues and challenges, facing the community.

With the success of PenTALKton, the next major event was the ExpOCP: a multi-day workshop held in a dedicated storefront in January 2018. The storefront featured displays with information in each of the key policy areas: housing; economy; transportation; environment; arts and culture and heritage; and agriculture.
Each policy area display station featured text and visuals to describe directions in the 2002 OCP, outline what has changed and what we have learned since then, summarize current public feedback, and give examples of goals and policies for the new OCP. Feedback was captured through a “passport” of questions in each policy area.

Staff hosted a series of workshops as part of the Expo with a broad range of groups including the City Advisory Committees, community groups, high school students, and the community at large. In addition to viewing the ExpOCP materials, attendees were invited to participate in hands-on activities to help address some of the challenges and opportunities around the economy, transportation and growth.

Just under 500 people attended the Expo and over 250 attended companion workshops held in the weeks around the Expo. Over 130 completed comment forms were submitted that directly guided the direction and development of the goals and policies in the policy areas in this OCP.

**Phase 3: Community Review & Advice**

Based on the feedback gathered during the ExpOCP engagement, and with guidance from consultant studies estimating population growth and assessing projected housing, commercial and industrial land use needs, staff prepared draft goals and policies as well as a draft Future Land Use Plan. The focus of the third phase of engagement was to review this work first with the OCP Task Force and then with the community.

In September 2018, the community was given the opportunity to review the OCP’s draft goals and policies along with the draft Future Land Use Plan. Open houses were held at the Seniors Drop-in Centre, the Safety Village and at Gyro Park, and featured background information, the draft policies, and an interactive mapping tool to explore the draft Land Use Plan. About 420 people attended these events.

The look and feel of new development was identified as an important issue. Community members wanted development to fit in with and respect the established character of their neighbourhoods. This warranted a substantive ‘refresh’ of the OCP’s form and character design guidelines. As part of this phase of work, staff involved the Task Force and the community in the creation of new design guidelines to be included in the OCP.
MODUS Planning Design and Engagement, a design consultant, co-led the process to create new guidelines. This kicked off with the Design Penticton panel presentation and discussion, attended by 140 members of the community. Ideas and directions for the guidelines were created during a week-long design 'charrette' informed by a workshop and check-ins with the OCP Task Force, local designers, builders and architects. The results were shared with the broader community at an open house at Gyro Park, where 167 community members dropped by. This process and community feedback directly guided the creation of the form and character Development Permit Areas in this OCP.

In late January 2019, engagement efforts focused on the proposal to include Heritage Conservation Areas in the OCP. In response to community concerns about out-of-character development in single-family areas, in particular the "K-Streets" and Windsor Avenue, the City proposed introducing Heritage Conservation Area designations. These would regulate the look and feel of new development and renovations through design guidelines and the Heritage Alteration Permit process. Information was shared through public presentations, webinars and the Shape Your City web page. The proposal to designate Heritage Conservation Areas was not supported by a significant proportion of the residents in these areas (less than 50% support in the K Streets, more so on Windsor Avenue). As a result, a decision was made not to include Heritage Conservation Areas in the OCP. Instead, form and character would be guided by Development Permit Area guidelines and potential future Zoning Bylaw amendments.

Phase 4: Community Advice – Did We Get it Right?

The final phase was focused on confirming the direction of the Plan. Recognizing the importance of the Plan to all members of the community, staff conducted a city-wide communications campaign to inform residents about key features of the Plan. Activities included the development of a newspaper insert and Executive Summary, social media outreach, and a series of open houses around the city in June 2019. City Council gave consideration to the OCP in July.
Acknowledgments

This OCP was created with the support, guidance and input from many groups and individuals who shared ideas, challenged assumptions and invested time in creating this vision for the future of Penticton.

Penticton’s residents, who shared over 3,000 conversations throughout the OCP process.

City Councils

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<th>2015-2018</th>
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<tr>
<td>Mayor Andrew Jakubeit</td>
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<td>Councillor Helena Konanz</td>
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<td>Councillor Campbell Watt</td>
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OCP Task Force
Suzanne Moccia (Chair), Lynn Kelsey (Vice-chair), Lynn Allin (Downtown Penticton Association representative), Tracy Van Raes/Jason Cox (Chamber representatives), Kristi Estergaard (Interior Health representative), Wendy Hyer (School District 67 representative), Dawn Russell/Joan Phillips (Penticton Indian Band representatives), Jill Bateman (Penticton Industrial Development Association representative), Evelyn Reichert (RDOS representative), Garrett Cruikshank, Sharon Fletcher, Randy Kowalchuk, Randy Manuel, Denis O’Gorman, Warren Sanders, Bruce Schoenne, Rhys Spencer, Brian Symonds, Jillian Tamblyn.

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• Penticton Indian Band
• Regional District of the Okanagan Similkameen
• School District No.67

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• MODUS Planning, Design and Engagement
• South Okanagan Similkameen Conservation Program (SOSCP)
• Urbanics Consultants

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Chapter 2

Context
Penticton sits in a unique location in the Okanagan Valley nestled between two pristine lakes: Lake Okanagan to the north, and Skaha Lake to the south. Home to 33,761 residents in 2016, Penticton is the largest community in the Regional District of the Okanagan-Similkameen. Penticton offers lifestyle, business, investment and retirement opportunities in a location that has all of the amenities of larger urban centers, yet maintains the tranquility and social connections of a small community.

The 42 square kilometres within the City boundary contain sleep slopes, silt bluffs, environmentally-sensitive areas and Agricultural Land Reserve, which focuses our urbanized areas. To the west we are bordered by the Penticton Indian Band Lands; to the north are Summerland and Naramata; and to the south is Okanagan Falls.
A community of Syilx/Okanagan people have made the area today known as Penticton home for at least 3,000 years. The Nsylxcan word for the area is snpintktn (from which “Penticton” is derived), often translated as “a place to stay forever,” but is more accurately: “a place where people live year-round.” The main village of the Syilx people at the time of initial contact was located on the east bank of the Okanagan River in the area around today’s Fairview Road and Huth Avenue, while smaller Syilx settlements appeared along the river from its mouth down to Skaha (Dog) Lake. There were also encampments at the mouth of Shingle Creek and at the exit of Ellis (Nanisheen) Creek canyon.

In the first half of the 19th Century, use of the Hudson’s Bay Brigade Trails linking Fort Vancouver on the Columbia River and Fort Kamloops, and running north-south through the valley, resulted in regular contact and trade between people of Indigenous and non-Indigenous origin. Use of these trails ended when the US/Canada border was established on the 49th Parallel. The Cariboo Cariboo Gold Rush of the 1860s saw the flow of men, goods and cattle (to feed the miners) re-activate the Brigade Trails.

Tom Ellis of Ireland arrived in the area in 1865 to establish a cattle ranch, and was soon followed by others. In response to the arrival of settlers, Indian Reserves were established largely on the west side of the Okanagan River, separating the settlers from the Indigenous population.

Ellis acquired close to 30,000 acres of land that stretched from Naramata all the way south to the American border. In 1892, Ellis laid out a small townsite at the foot of Okanagan Lake, the start of present-day Penticton.

Development in the following years was slow and things only began to really pick up in 1905, when the South Okanagan Land Company, who purchased the land from Ellis, subdivided large sections of the Ellis holdings. The original townsite, which lay mostly to the east of Penticton Creek, was linked up to the new one by Smith Street (later renamed Front Street), which was the heart of the small town in its earliest days. By 1908, with a population of six hundred, Penticton was incorporated and growth continued at a faster pace than ever.
Because of the difficulties of land travel due to the rugged local terrain, early transportation in and out of Penticton was primarily by water on Okanagan Lake. Much of this travel was aboard steamships like the S.S. Sicamous. Although not the first, the Sicamous was the largest and most famous sternwheeler to grace Okanagan Lake. Known as the “Queen of the Lake,” she was built in Port Arthur, Ontario and assembled at Okanagan Landing. Her maiden voyage was on May 19th, 1914. The Sicamous was retired in 1937, and in 1949 the City of Penticton purchased the ship from the Canadian Pacific Railway in order to preserve this important relic of the age of the lake steamships. She was moved to Penticton in August 1951.

In 1910 an announcement was made that Penticton would serve as the headquarters for the new Kettle Valley Railway, the rail line that would finally link the transportation of the coast near Vancouver to the Southern Interior and the Kootenays. This decision secured Penticton’s economic future. The arrival of the railway in 1915 brought many jobs and the town’s population more than doubled by the time the line was finished. The railway also provided fast and efficient transportation for local products, greatly boosting the then embryonic orchard industry by opening up distant markets to high-quality Okanagan fruit. The KVR also allowed tourists to visit an area that had long been isolated from the rest of the province, enabling Penticton to become a tourist destination.

Following the end of the Second World War, Penticton entered into a golden age of growth and prosperity. A flood of returning veterans led to a post-war population boom. The 1950s and 1960s were busy decades of construction and large infrastructure projects. “Channelization” of the Okanagan River in 1953 and numerous construction projects - including a new city hall (1966), a community arts building, and Penticton’s first major shopping centre (Cherry Lane, 1974) - changed the face of the young city forever.

In March 1955 the city achieved international fame when the Penticton Vees hockey team brought home the World Cup after defeating the Soviet Union 5-0.

Now over one hundred years since the city was incorporated, Penticton continues to evolve. Downtown is revitalizing and attracting businesses, craft breweries and new places to live. The South Okanagan Events Centre opened in 2008 and brings conventions, sporting events, and performances of all kinds. The unique natural environment, athletic events and recreation opportunities, the wine industry, and a combination of rich urban amenities and ‘small-town feel’ are all factors that continue to attract a diverse range of people to move here and to visit.
Penticton Today

Population

Penticton had a population of just under 34,000 in 2016. The city has seen slow but steady growth of about half a percent per year since 1986, when there were about 24,000 residents, and a similar rate of growth is expected in the future (see Chapter 3).

According to the 2016 Census data, our median age is 52.4 years versus the national average of 41.2 years. There is a dip in the population in the 19–34 age cohort, indicating that once out of school, young people often leave the community. The age cohort who are migrating here are mostly 60-65 years, but there is a notable amount of migration of those in the 40-65 year cohort. About 59% of the population is working age (15-64), and 29% is of retirement age (65+), which is about 11% higher than the provincial average.

Immigration may be key to bringing more working-age people to Penticton. As of the 2016 Census, our community is mostly of European origins, but according to the South Okanagan Immigrant and Community Services Society, over 100 different nationalities are represented. Stats Canada 2016 Census data identifies 15% of our population was born outside of Canada. Most people are coming from the UK, the US, Germany, India, and the Philippines. Over half of recent immigrants are sponsored by family. The next largest group consists of people who have been selected for their ability to contribute to Canada’s economy by meeting labour market needs, owning or managing a business, or making substantial investments.

Household size is decreasing, which is typical of an older and aging population. There are about 15,700 households with an average of 2.16 people per household. The proportion of one- and two-person households is over 75%.

Household income is relatively low. The median household income in 2015 was $54,219 as compared to $68,995 for all of BC. The neighbourhood with the lowest median income was Downtown at $36,143 and the highest was Uplands at $73,273.
Housing

The most common form of housing in Penticton is the single-detached house (43%), followed by low-rise apartments (28%). About 18% of the housing stock is infill (rowhouses, townhouses and duplexes), and 6% of housing is high-rise apartments or condos. Mobile homes account for 4% of the housing stock and are important in terms of affordability.

The housing mix has varied over the years. In 1991, single-detached housing was 55% of the total stock, but since then the proportion of infill housing has increased from 10% to 18%. Low-rise apartments have increased by 4% to 28%, and high-rise apartments have seen a modest increase by 1% to 5% of the total. From 2014 to the end of 2018, we have seen about three duplex, infill or apartment units built for every single-detached house (1,101 versus 425 units). This trend towards more intensive forms of residential development is likely a function of limited “greenfield” land development opportunities and cost of new single-family developments in the hillside areas, changing housing needs and preferences, plus affordability challenges that put single-detached houses out of reach for many households.

In terms of housing tenure, 63% of houses are owner-occupied and 37% are rented. This ratio has remained stable since 1991. Non-market housing, providing affordable family, seniors, supportive and transitional housing accounts for about 4% (661 units) of the total housing stock.

Housing affordability is a challenge. In 2016, the median price of a detached home was $425,000 ($525,000 for new homes), which is affordable to only 17% of households in Penticton.

With only a 1-2% vacancy rate, the rental market is exceptionally challenging as well, despite the addition of new rental units to the housing stock in 2017 and 2018. As a result, rents are increasing. The rent for three-bedroom units, for example, increased by over 6% per year between 2011 and 2016.
Employment and Economy

Over 3,000 businesses are licensed with the City of Penticton. Business in Penticton is not restricted to local customer markets – there are many companies which source from and supply goods to the rest of the world.

The economy is increasingly diversified, with 15,565 jobs (2016) in a broad range of sectors including public services and health, retail, agriculture, manufacturing and construction, and hospitality services. The dominant sector in 2016 was health and social services (19.3% of jobs), followed closely by retail trade (17.2%). Accommodation and food services (10.9%), public administration (7.1%) and manufacturing (6.7%) represent other key employment sectors.

Throughout BC and Canada, certain industries have begun to strengthen as “clusters” - groups of interconnected firms, suppliers, related industries, and institutions. They have emerged to provide opportunities for competitive advantage, and collaborative innovation. In Penticton, these clusters are externally focused: tourism, events and arts and culture; construction; manufacturing, and; beer, wine and spirit production. Or are oriented towards local customers and sales: retail and wholesale, sales and services; health care and social assistance, and; business, finance and management.

EMPLOYMENT AT A USUAL PLACE OF WORK*, PENTICTON

2016 CENSUS

<table>
<thead>
<tr>
<th>Employment Category</th>
<th>Jobs 2016</th>
<th>Share of Jobs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Admin</td>
<td>1,180</td>
<td>7.1%</td>
</tr>
<tr>
<td>Other Services</td>
<td>1,805</td>
<td>10.9%</td>
</tr>
<tr>
<td>Accommodations &amp; Food Services</td>
<td>210</td>
<td>1.3%</td>
</tr>
<tr>
<td>Information &amp; Culture Services</td>
<td>880</td>
<td>5.3%</td>
</tr>
<tr>
<td>Health &amp; Social Services</td>
<td>435</td>
<td>2.6%</td>
</tr>
<tr>
<td>Education Services</td>
<td>1,100</td>
<td>6.7%</td>
</tr>
<tr>
<td>Management &amp; Administration</td>
<td>340</td>
<td>2.0%</td>
</tr>
<tr>
<td>Professional &amp; Business Services</td>
<td>1,105</td>
<td>6.7%</td>
</tr>
<tr>
<td>Financial, Real Estate &amp; Insurance</td>
<td>790</td>
<td>4.8%</td>
</tr>
<tr>
<td>Transportation, Warehousing &amp; Utilities</td>
<td>2,860</td>
<td>17.2%</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>735</td>
<td>4.4%</td>
</tr>
<tr>
<td>Wholesale</td>
<td>295</td>
<td>1.8%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1,100</td>
<td>17.2%</td>
</tr>
<tr>
<td>Construction</td>
<td>735</td>
<td>4.4%</td>
</tr>
<tr>
<td>Primary</td>
<td>2,860</td>
<td>17.2%</td>
</tr>
<tr>
<td></td>
<td>1,805</td>
<td>10.9%</td>
</tr>
</tbody>
</table>

*Employment counts by Census Subdivision of Work (worked at home or at a usual place outside the home)
Regional Context Statement

Penticton is within the Regional District of the Okanagan Similkameen (RDOS). The Local Government Act requires that this OCP include a Regional Context Statement which describes how the Plan aligns with the directions in the South Okanagan Regional Growth Strategy (RGS) (Bylaw 2770, 2017).

The RGS is organized around seven policy areas and supporting goals that were developed in consultation with South Okanagan communities and RGS advisory committees. There is a strong relationship between the goals in the RGS and those in the OCP; implementation of the OCP will advance the priorities of the RGS. Below is a table that indicates how Penticton's OCP aligns with the RGS in the key policy areas.

<table>
<thead>
<tr>
<th>RDOS RGS Policy Areas and Supporting Goals</th>
<th>Alignment with Penticton OCP</th>
<th>OCP Section</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Housing and Development:</strong> Focus development to serviced areas in designated Primary Growth Areas and Rural Growth Areas.</td>
<td>Penticton is identified as a Primary Growth Area (larger communities with all the necessary services, infrastructure and amenities in place to accommodate future growth) in the RGS. The OCP anticipates and plans for sustainable growth by 4,500 households by 2046.</td>
<td>3 Growth and Land Use Plan 4.1 Housing</td>
</tr>
<tr>
<td><strong>Ecosystems, Natural Areas and Parks:</strong> Protect the health and biodiversity of ecosystems in the south Okanagan.</td>
<td>Preserving Penticton's compact urban footprint is central to the OCP's growth strategy. Infill development and densification is prioritized over greenfield and hillside development, and environmentally sensitive, riparian and hazard areas are protected through Development Permit Areas (DPAs).</td>
<td>3 Growth and Land Use Plan 4.4 Environment &amp; Resilience 4.7 Parks and Recreation 5 Development Permit Area Guidelines (Environmental, Riparian and Hillside)</td>
</tr>
<tr>
<td>RDOS RGS Policy Areas and Supporting Goals</td>
<td>Alignment with Penticton OCP</td>
<td>OCP Section</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Infrastructure and Transportation: Support efficient and effective infrastructure services and an accessible multi-modal transportation network.</td>
<td>Development is prioritized in areas already serviced or adjacent to existing services. The transportation system prioritizes active modes of transportation and transit above single-occupancy vehicles.</td>
<td>3 Growth and Land Use Plan 4.2 Transportation and Infrastructure</td>
</tr>
<tr>
<td>Community Health and Wellbeing: Foster healthy, safe communities that provide accessible recreational, educational and cultural opportunities.</td>
<td>Land use planning will create healthy communities through appropriate mixing of uses, integration of parks and green space into residential neighbourhoods, access to cultural, social and recreational amenities and a holistic approach to transportation.</td>
<td>3 Growth and Land Use Plan 4.6 Arts, Culture &amp; Heritage 4.7 Parks and Recreation</td>
</tr>
<tr>
<td>Regional Economic Development: Achieve a sustainable, resilient and prosperous South Okanagan regional economy.</td>
<td>Economic development will focus on regional strengths, strong networks and active partnerships within and between communities.</td>
<td>4.3 Economy 4.5 Agriculture</td>
</tr>
<tr>
<td>Engagement and Collaboration: Foster and support regional cooperation, collaboration and civic engagement.</td>
<td>The development of the OCP was driven by robust consultation, collaboration and engagement within Penticton and with regional partners, such as the Penticton Indian Band and the RDOS.</td>
<td>1.3 OCP Process</td>
</tr>
<tr>
<td>Energy Emissions and Climate Change: Reduce energy emissions and ensure the South Okanagan is prepared for a changing climate</td>
<td>OCP outlines strategies for reduction of GHG emissions, protection for natural areas and adaptation to the impacts of climate change.</td>
<td>4.4 Environment and Resilience</td>
</tr>
</tbody>
</table>
Chapter 3

Growth and Land Use Plan
Population Growth Projection

The City of Penticton has experienced slow but steady population growth for the last twenty years, and that trend is expected to continue into the future. The population grew from 32,127 people in 1996 to 33,762 people in 2016. Following relatively rapid growth in the 1980s and slower growth from 1996 to 2006, the city grew by 0.48% per year between 2006 and 2016, which was greater than the Regional District as a whole, but lower than the provincial average of 1.14%.

A population growth rate of 0.65% per year to 2046 is anticipated. This projection is based on fertility rates, death rates and migration, and is a medium growth scenario. Variation in these rates could result in a higher growth rate (1.1%) or low growth (0.1%). Penticton is expected to experience net growth due to positive in-migration offsetting negative natural growth (more deaths than births). As a result, the city is estimated to add about 250 people per year to have a population of around 41,900 by 2046. This represents an increase of about 7,500 people, or about 4,450 new households over 2016 levels.

Penticton’s current population is older than the provincial average. The median age is 52 in Penticton and 43 in BC. Demographic analysis suggests that the 65 and older age groups are estimated to increase as a proportion of the population, growing from 29% in 2016 to 38% by 2046. The working age population is estimated to grow in absolute numbers, but decrease as a percentage of the population 59% to 52%, while the number of children (less than 15), are likely to remain the same.

These estimates, however, do not account for larger-scale economic and social factors, which may not be anticipated and could increase migration to the region, or as proactive efforts to grow existing businesses and/or attract new employers to the Penticton area. The recognition of Penticton as a recognition place to live, work and play may impact these demographic projections by increasing in-migration.
The 2002 OCP assumed growth projections for Penticton which were far more “ambitious”. It was anticipated that the population would grow at over 2% per year, meaning that by 2018 Penticton would have a population of around 45,000. Accordingly, the growth plan in the 2002 OCP needed to accommodate a greater population into the future than this OCP projects. This is reflected in the Future Land Use Plan from 2002, which showed significantly more hillside growth, notably in the Northeast Sector and Campbell Mountain area. Additionally, recent years have seen a much greater emphasis on infill development and intensification of existing neighbourhoods and the Downtown. Given the lower growth projections, the growth plan in this OCP consequently requires less emphasis on hillside development, even though that is still required to some degree, and more emphasis on intensification of our existing developed land base.
Community Expectations Regarding New Development

As Penticton grows to meet its projected residential and economic needs, there are strong community expectations around the quality and character of new development.

Design Expectations
New developments must demonstrate a high quality of design that respects neighbours, is sustainable, and reflects Penticton’s unique climate, generally lower-height of development and natural setting. Many of these expectations are captured in Development Permit Area design guidelines (see Chapter 5).

Environmental Expectations
Development – at the neighbourhood and building level – and all activities in and around the city must be light on the land to protect, preserve and enhance the natural areas, agricultural land and parks that are so highly valued by Penticton’s residents. Environmental, Riparian and Hillside Development Permit Guidelines (see Chapter 5) as well as policies around environment and resilience (Chapter 4) serve to maintain the integrity of these areas and manage development to ensure that these natural and agricultural areas remain intact for future generations.

Expectations for Maintenance
Citizens of this community have expressed expectations that properties will be well maintained, kept attractive and minimize disruptive impacts on neighbours. When these expectations are not met, appropriate enforcement action from the City and from partner agencies from other levels of government with specific regulatory authority will be taken.

Safety Expectations
Safety will be a fundamental consideration in the design of new developments and neighbourhoods. These will be informed by CPTED (Crime Prevention Through Environmental Design - see Glossary) approaches and principles such as “eyes-on-the-street”. Safety in public spaces and for all kinds of mobility (pedestrians, cyclists, seniors and children) must be taken into consideration. Safety in terms of mitigating environmental risk – wildfire, geotechnical hazards and flooding – must be considered as the city grows and develops.
Land Use Needs

There is a direct correlation between population growth (and its associated demographics), and the requirements for additional housing, parks, schools, and commercial institutional and industrial land, which provide employment, shopping and services for the growing community.

Housing Land Use Needs and Targets

Based on our projected population growth, we can expect to add around 4,450 new households to Penticton by 2046, or about 150 new units per year. Of these, ideally 110 would be owner-occupied and 40 rented. To address affordability concerns, about 19 owner-occupied and 27 rental units should be targeted for households in core housing need, which is defined as:

- in housing falling short at least one of adequacy, affordability or suitability standards, and
- spending 30 per cent or more of their before-tax income to pay the rent

While housing in Penticton is predominantly single-detached houses (43% of the total), this proportion has been decreasing. This trend is going to continue into the future due to the limited options for new single-detached neighbourhood development, the increased preference for more urban living closer to the Downtown and other amenities, increased housing costs, and the needs of an aging population. In terms of needs by housing type, the greatest demand will be for duplexes and infill (rowhouses, townhouses, etc.) (1,539 units) and low-rise apartments (1,440 units). There will also be a need for additional single-detached houses (929 units) as well as more limited demand for mid-rise and high-rise apartments and condos (389 units).

It is important to note that these figures represent net growth, and that some redevelopment projects result in the demolition of older units that will be replaced without adding additional housing stock (e.g., if a house is demolished to build a new duplex, only one new unit is added to the housing stock).
HOUSING NEEDS BY TYPE: 2016-2046

Source: Statistics Canada and Urbanics Consulting

Housing Land Use Targets:

- The development of 150 additional homes per year (net), on average
- One in four new housing units should be rental
- Development of a mix of new housing that is 75% multifamily and infill housing and 25% single-detached housing to meet the housing needs of our population, and to make the most efficient use of our limited land base and valuable infrastructure while still meeting the demand for new single-detached housing
Commercial Land Use Needs and Targets

Expected demand for commercial (retail and office) land is derived from an assessment of population growth, employment growth and the regional retail economy (for retail demand).

In terms of land requirements, Penticton currently has about 2.5 million square feet of retail floorspace, and a relatively healthy 5.4% vacancy rate. The greatest amount of retail floorspace (38%) is in the southern end of town due to the Cherry Lane Mall and numerous big box stores. Just over a quarter of the retail floorspace is in the Downtown, although this area also has the highest vacancy rate at 12%. The dominant retail sectors are service commercial (580,000 sf), food and beverage (265,000 sf), and general merchandise stores (215,000 sf).

Based on retail behaviour, Penticton’s place in the region and population growth, it is anticipated that Penticton could support about 3.7 million square feet of retail floorspace in 2046, a growth of 1.3 million square feet, with the greatest growth sectors being grocery, food and beverage, and service commercial. The revitalization of the Downtown and development of mixed-use projects there could likely lead to an intensification of retail uses, including smaller-format grocery, and a reduction in vacancies. Larger-format retail stores will likely remain strong in the central and southern parts of the city, with some potential relocation or new growth occurring on the Penticton Indian Band lands near Green Avenue.

A substantial amount of office space exists, but there is limited new construction taking place, with a few exceptions. About 7.5% of the 773,000 square feet of office space is vacant and demand for office space is limited. Looking ahead to 2046, the city could accommodate about 147,000 square feet of new office space, but in order to be attractive to particular users, like the growing technology sector, this office space would need to be of a higher quality ("Class A"), and in attractive high-amenity areas such as the Downtown.

Commercial Land Use Targets:

- An additional 1.3 million square feet of retail floorspace (43,000 sf/year) through intensification of existing commercially-zoned lands and vacant sites
- Development of an additional 147,000 square feet of office space (5,000 sf/year) with an emphasis on high-quality office space in the more desirable parts of the city, particularly the Downtown
Industrial Land Use Needs and Targets

The industrial sector is a vibrant and fundamental part of the Penticton economy, providing stable, well-paid employment and important services to the region. Currently, there are 280 acres of industrial land, and that land is relatively constrained by existing development and geography. Growth is anticipated in the agricultural, food processing, bioproducts and cannabis production industrial sectors, and by 2046, we are likely to require about 60 more acres of land to meet our needs. There are opportunities to intensify existing industrial developments to a certain degree, but it is quite likely that a proportion of the demand for new industrial land will be met outside of the city, such as on Penticton Indian Band lands, or elsewhere in the region (e.g., Okanagan Falls).

Industrial Land Use Targets:

- No net loss of land currently zoned for industrial uses
- 60 additional acres of industrial land in or near Penticton
Agricultural Land Use Needs and Targets

Almost one-fifth of Penticton’s land base is part of the Agricultural Land Reserve (ALR), with additional land outside of the ALR zoned for agriculture. Agriculture has long been central to Penticton’s economy and identity. Agricultural lands need long-term protection from development and/or degradation to sustain diverse farm and food producing enterprises.

**Agricultural Land Use Target:**

- 843 hectares of land within the Agricultural Land Reserve within city limits
Park Land Use Needs and Targets

The 2018 Penticton Parks and Recreation Master Plan contains a comprehensive analysis of park land supply and an assessment of park land use needs. Penticton generally aligns with averages compared with other municipalities across the province in terms of park land per 1000 residents (2.5 hectares/1000 population in 2018). Spatially, residents in nearly all developed urban and suburban areas are within a 10-minute walk to a city-wide or community park or a 5-minute walk to a neighbourhood park. As the city grows, however, proactive steps will need to be taken to ensure that park standards are maintained, particularly given this OCP’s emphasis on intensification of the existing urbanized areas through infill development.

Park Land Use Targets:

- Develop existing City lands as park or acquire additional park land to meet the standard of 2.5 hectares of active park land per 1,000 population (active park land includes city-wide parks, community parks, neighbourhood parks and trail corridors).
- In the case of new neighbourhood development, meet a standard of 1.55 hectares/1,000 population of community and neighbourhood parks and trail corridors to serve the existing and new population.
How was the Future Land Use Plan Created?

The Future Land Use Plan defines Penticton’s growth over the next thirty years. It was created through evaluation and analysis of a broad range of inputs and ideas:

- The 2002 OCP and Land Use Plan, and subsequent amendments to it
- Existing zoning and current land use
- Community engagement on values, priorities and aspirations through the OCP planning process, including input from the OCP Task Force
- Analysis of the financial implications of approaches to managing growth including consideration of Penticton’s Asset Management Investment Plan
- Existing land use plans, such as the 2012 Downtown Plan, 2004 Northeast Sector Plan and 1996 Columbia Heights Plan
- Limitations and constraints on urban development including the Agricultural Land Reserve, current and proposed natural areas with high ecological value, and steep slopes and flood-prone areas
- Neighbourhood character, including housing age and condition
- Proximity to amenities, employment, transportation options
- Current development trends and recent activity
- Physical geography including terrain, slope and soil stability
- In-depth analysis of growth needs – residential, commercial and industrial
- Economic development strategies
Penticton’s Growth Plan

Penticton’s growth plan places great emphasis on strategic and sensitive use of our limited land base. It recognizes that we must make the most efficient use of the land and infrastructure that we have available, and also protect the natural environment that many of our residents value.

Intensification of Existing Urban Areas

Much of our development will be accommodated through intensification of Penticton’s existing urban areas, maximizing use of existing assets and infrastructure, creating complete and accessible communities, intensifying underused and vacant land, and minimizing negative impacts on natural areas.

Areas close to the downtown and to shopping and employment centres will see appropriate levels of densification, with an emphasis on low-rise and mid-rise developments, rather than high-rise developments. Whereas the 2002 OCP put heavy emphasis on high-density residential development (towers) in the Downtown and “Urban Villages”, this OCP has transitioned many of those areas to mid-scale development that still makes efficient use of valuable land, but in a form more suited to Penticton’s character as well as its expected rate of urban growth.

Some areas on the periphery of higher-density areas, like the Downtown, will see the development of ground-oriented multifamily housing like townhouses and rowhouses, while others area will be ‘infill’ development that is compatible with the scale of existing houses. This form of ‘gentle densification’ will allow more households to live in higher-amenity areas while maintaining neighbourhood character and scale.
2002 OCP and 2006 Comprehensive Development Plan
Growth Areas and Urban Villages

2019 OCP Growth Areas and Infill Areas
Strategic Investment Areas

As the OCP’s Growth and Infill areas redevelop to create sustainable and complete neighbourhoods, a strategic focus will be required on key areas within the city to support implementation of the OCP. The strategic investment focus areas will provide direction for local and regional investors to ensure future development meets the direction and vision created through the OCP. Land use and economic development policies will assist in focusing development into the Downtown, Northern Gateway, Skaha Lake Road and the Industrial area, providing an emphasis on employment growth and increased residential density. Strategic infrastructure investment on the part of the City will be required to support the successful implementation of these strategic areas.
Form and Character Guidelines
New form and character design guidelines, implemented through Development Permit Areas (Chapter 5), are intended to direct the ‘look and feel’ of new development to ensure it is high-quality, attractive and ‘neighbourly’. These will apply to intensive and multifamily residential development as well as commercial and mixed-use development. Area-specific design guidelines will guide development in the Downtown. Created through extensive analysis and community engagement, these guidelines reflect Penticton’s unique history and character and are intended to support development that is viable and practical, but also in context and sensitive.

Single-family Neighbourhoods
Traditional single-family neighbourhoods will see limited change, with detached forms of housing – single-detached houses and in some cases duplexes (where zoning permits) – remaining the norm. Unlike more central neighbourhoods, these neighbourhoods are less suitable for infill and multifamily development.

New Hillside Neighbourhoods
A number of new neighbourhoods are expected to be developed to meet the demand for detached houses. These form a part of the previous OCP and include areas such as the Upper Wiltse, Columbia Heights and the Spiller Road area. Such new developments typically exist adjacent to established neighbourhoods and are generally logical extensions to existing city infrastructure.

Planning of these areas is intended to be guided by the Riparian and Environmental Development Permit regulations informed by sensitivity to ecological values as well as consideration of natural hazards including wildfire, flooding and steep slope (which is specifically regulated in defined areas by the Hillside Development Permit Area guidelines). New neighbourhoods will be designed to support active transportation (walking, cycling) and transit use (where feasible), to include necessary new parks, trails and linkages, and to provide a range of housing options to address different demographic and economic requirements.

Commercial and Employment Lands
Protection of employment lands is a priority. The industrial lands will be protected and expanded into presently underutilized areas (e.g., former aggregate extraction sites), and incompatible adjacent land uses will be discouraged.

Intensification of the present ample commercial land base will occur. Some areas are intended to evolve as mixed-use or higher-density residential to support the revitalization of the Downtown commercial area and other established high-amenity areas such as the Northern Gateway and Skaha Lake Road.
Downtown
The Downtown is intended to continue as a primary commercial, civic, entertainment and residential focus for Penticton. The historical building scale will be protected on Main and Front Streets, but intensification of the surrounding blocks will bring residential and commercial ‘body heat’ into the area. All new development will be directed by the Downtown Development Permit Area guidelines to ensure it is sensitive and attractive.

Agricultural Lands
Agricultural lands – specifically those in the Agricultural Land Reserve on the Naramata Bench and in the Valleyview area, but also other Agriculture (A) zoned properties – are protected from non-agriculture development and are not intended to accommodate urban growth.

Natural Areas and Parks
Almost one-quarter (22%) of the land area in city limits is identified as Natural and Conservation Areas. These areas are not intended for urban growth or development, but rather are established to help maintain important ecological characteristics and natural areas. A further 4% of the land area is designated as Parks, which is fully protected from development. Over half of Penticton’s land base (natural areas, parks and agricultural lands) is not intended for urban development.
### Land Use Designations

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Description</th>
<th>Building Type(s)</th>
<th>Uses</th>
<th>Height / Density</th>
<th>Zone(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential</td>
<td>Rural areas with single-detached houses on large lots with modified services (e.g., septic systems, wells) (including bareland stratas)</td>
<td>• Single detached houses with secondary suites or carriage houses</td>
<td>• Residential</td>
<td>• 1 or 2 units per single lot</td>
<td>• RC</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 1 hectare minimum lot size</td>
<td>• Agriculture</td>
<td>• Generally up to 2 ½ storeys to reflect 30’ maximum in Zoning Bylaw</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Generally up to 2 ½ storeys to reflect 30’ maximum in Zoning Bylaw</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Duplexes</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>• Small-scale neighbourhood commercial building (e.g., corner store, coffee shop)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Manufactured homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site-Specific Rural Residential Policy Statement:</td>
<td>3200 Evergreen Drive (Wiltse South Block) - limited to a maximum of 2 single-family residences in the Rural Residential area.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Detached Residential</td>
<td>Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas</td>
<td>• Single detached houses with secondary suites or carriage houses</td>
<td>• Residential</td>
<td>• 1 or 2 units per lot</td>
<td>• R1, R2, R3, RD1, RSM, C2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Duplexes</td>
<td>• Limited retail/ service</td>
<td>• Generally up to 2 ½ storeys to reflect 30’ maximum in Zoning Bylaw</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Small-scale neighbourhood commercial building (e.g., corner store, coffee shop)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Manufactured homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site-Specific Detached Residential Policy Statement:</td>
<td>375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infill Residential</td>
<td>Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.</td>
<td>• Single detached houses with or without secondary suites and/or carriage houses</td>
<td>• Residential</td>
<td>• 1 to 4 units per single lot</td>
<td>• R1, R2, R3, RD1, RD2, RD3, C2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Duplexes with or without suites</td>
<td>• Limited retail/ service</td>
<td>• Consolidation of lots possible for lower scale multifamily developments</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Triplexes</td>
<td></td>
<td>• Generally up to 2 ½ storeys</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Lower-density rowhouses</td>
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<td></td>
<td></td>
<td>• Small-scale neighbourhood commercial building (e.g., corner store, coffee shop)</td>
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<tr>
<td>Land Use</td>
<td>Description</td>
<td>Building Type(s)</td>
<td>Uses</td>
<td>Height / Density</td>
<td>Zone(s)</td>
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</table>
| Ground Oriented Residential | Medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas. | • Duplexes with suites  
• Cluster housing  
• Fourplexes higher-density rowhouses  
• Townhouses and stacked townhouses  
• Bareland strata developments | • Residential  
• Limited Service/Retail | • Up to 3 ½ storeys | • RM2  
• RM5  
• C2 |
| Urban Residential           | Higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame. | • Townhouses and stacked townhouses  
• Low-rise and mid-rise apartment/condo buildings | • Residential  
• Limited Retail/Service | • Heights up to 6 storeys | • RM3 |
| Site-Specific Urban Residential Policy Statement: | 556 to 736 Lakeshore Drive West: Development up to a maximum of four storeys can be considered subject to assessment of urban design impacts on Lakeshore Drive and the waterfront, Lakawanna Park and neighbouring properties on Churchill Avenue. | | |
| Urban High Density Residential | High-density apartment neighbourhoods of buildings over 6 storeys in high-amenity areas | • High-rise apartment/condo buildings  
• Residential  
• Limited Retail/Service | • Heights greater than 6 storeys | • RM4 |
| Mixed Use                   | A mixed-use area allowing for intensive development with active and vibrant retail or service uses at ground level and multi-family residential and/or office uses. | • Higher-density mixed-use buildings  
• Commercial (retail, service, office)  
• Residential | • Up to 10 storeys | • C3  
• C5 |
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<tr>
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<th>Uses</th>
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<th>Zone(s)</th>
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</thead>
<tbody>
<tr>
<td>Downtown Mixed Use</td>
<td>Downtown developments with active retail, service or civic and cultural uses at ground level and multi-family residential and/or office uses.</td>
<td>• Higher-density mixed-use buildings</td>
<td>• Commercial (retail, service, office) • Residential • Civic and cultural</td>
<td>• Up to 10 storeys. 3 storey maximum on Main St and Front St (Up to 5 storeys in 100 blk Front St subject to contextual design and adherence to DP guidelines)</td>
<td>• C5 • C6 • C9</td>
</tr>
<tr>
<td>Commercial</td>
<td>Areas with a wide range of commercial uses including office, retail, goods and services.</td>
<td>• Commercial (retail/office/service) buildings and mixed-use buildings (in specific areas, residential units limited to the second floor and above)</td>
<td>• Retail, Service • Office • Restaurant • Grocery Store • Residential (in specific zones)</td>
<td>• varies by zone</td>
<td>• C1 • C3 • C4 • C7 • C8</td>
</tr>
<tr>
<td>Tourist Commercial</td>
<td>Areas that serve both visitors and residents, providing accommodation, entertainment, and food and beverage, as well as resort residential uses.</td>
<td>• Hotels • Motels • Restaurants • Complementary residential uses where appropriate</td>
<td>• Tourist Accommodation, Restaurant, Entertainment, Service • Retail • Supporting Residential and Office Uses</td>
<td>• Up to 6 storeys (18m)</td>
<td>• CT1 • CT2</td>
</tr>
</tbody>
</table>

**Site-Specific Tourist Commercial Policy Statement:**
3200 Evergreen Drive (Wiltse South Block) - tourist accommodation resort with a maximum of 20 units and a maximum floor area of 1850m2

<p>| Industrial               | Areas of light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage. | • Industrial buildings • Structures and lands | • General Industrial • Heavy Industrial (M2 zone only) • Wholesale, Storage and Warehouse • Vehicle and Equipment Repair | • Generally 1 or 2 storeys                                                   | • M1 • M2 • M3 |</p>
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<th>Zone(s)</th>
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<tbody>
<tr>
<td>Institutional and Civic</td>
<td>Areas providing a wide range of services and utilities for the community.</td>
<td>• Varies</td>
<td>• Education Services&lt;br&gt;• Health Services&lt;br&gt;• Hospital&lt;br&gt;• Government Service&lt;br&gt;• Utility Services&lt;br&gt;• Fire Halls</td>
<td>• Varies</td>
<td>• P1&lt;br&gt;• P3</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.</td>
<td>• Agricultural buildings&lt;br&gt;• Detached houses</td>
<td>• Agricultural&lt;br&gt;• Residential</td>
<td>• 1-2 units per parcel</td>
<td>• A</td>
</tr>
<tr>
<td>Landfill and Landfill Buffer</td>
<td>Campbell Mountain Sanitary Landfill serving the region in the long-term along with the buffer area determined by the Ministry of Environment.</td>
<td>• Varies</td>
<td>• Landfill site limited to landfill operations including solid waste disposal, composting and recycling activities&lt;br&gt;• Uses in the buffer area are limited to those approved by the Ministry of Environment.</td>
<td>• Varies</td>
<td>• P3&lt;br&gt;(Landfill &amp; buffer)&lt;br&gt;• RC &amp; A (within buffer)</td>
</tr>
<tr>
<td>Parks</td>
<td>Active and passive parks, trails, fields, beaches and outdoor recreation facilities.</td>
<td>• Accessory buildings and structures</td>
<td>• Public Park</td>
<td>N/A</td>
<td>• P2</td>
</tr>
<tr>
<td>Land Use</td>
<td>Description</td>
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<td>Uses</td>
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<tr>
<td>Natural and Conservation Areas</td>
<td>Natural or semi-natural areas with high environmental values intended for conservation and low-impact recreation.</td>
<td>• Accessory buildings and structures</td>
<td>• Public park  • Forestry &amp; grazing</td>
<td>N/A</td>
<td>• P2</td>
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<td>• FG</td>
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<td>• A</td>
</tr>
<tr>
<td>Airport</td>
<td>Airport and aviation uses and limited related commercial activities.</td>
<td>• Airport terminal  • Aviation services</td>
<td>• Airport and associated aviation services  • Aircraft maintenance and repair, and flight training.</td>
<td>N/A</td>
<td>• M2</td>
</tr>
<tr>
<td>First Nations</td>
<td>First Nations lands inside city limits but not under City jurisdiction.</td>
<td>• Varies</td>
<td>• Varies</td>
<td>Varies</td>
<td>Varies</td>
</tr>
</tbody>
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Chapter 4
Land Use Goals and Policies
Housing

Housing Vision
Penticton’s unique setting – in a valley and bounded by two lakes – provides both challenges and opportunities from a housing perspective. We are a growing city, but accommodating that growth through new ‘greenfield’ development is limited by our geography, agricultural lands, and the feeling among many residents that we should protect the natural environment on our hillsides. The opportunities come from a willingness to intensify our existing land base through infill and densification, in a smart and sensitive manner to allow our community to grow sustainably. Much of our recent residential development has been in the form of duplexes, townhouses, carriage houses and secondary suites, and low-rise apartments or condos.

The future of housing development will require balancing sensitive hillside development that is planned to avoid adverse ecological impacts and to minimize long-term social and economic costs, and appropriate and livable intensification of our existing neighbourhoods. New housing development is to be sensitive in scale and character to the neighbourhood around it while at the same time enhancing affordability and delivering a range of unit types to accommodate the diverse needs of citizens across the city. This will include units appropriate for seniors, those entering the housing market, and working families. The City will be an active partner in the creation of affordable housing, by partnering with senior levels of government in affordable housing programs.

Key Facts

In 2016, there were 15,740 households in Penticton. The most common type of housing is the single-detached house (6,749 units) followed by low-rise apartments (4,438 units). Sixty-three percent of households are owner-occupied, and 37% are rented.

While typically we have averaged fewer than 200 new residential units built each year, recent years have shown significant growth, with 438 new units in 2016, 473 in 2017 and 516 in 2018. These figures do not represent net growth, however, as a proportion of them are replacing existing housing.

The Local Government Act requires municipalities to create Housing Needs Assessments on a regular basis. The City of Penticton’s Housing Needs Assessment was written in 2017 and updated in 2018 as part of the OCP process.
Managing Residential Growth

Goal
Ensure that Penticton retains its compact ‘footprint’ to help protect natural areas and environmental values and agricultural lands, avoid excessive infrastructure costs and hazard lands, and help create conditions that support transit and active modes of transportation.

Policies

4.1.1.1 Focus new residential development in or adjacent to existing developed areas

4.1.1.2 Avoid development in environmentally-sensitive areas, geological hazard and flood hazard areas, on steep slopes, in agricultural areas and in areas not readily served by transit.

4.1.1.3 Evaluate the short-term and long-term financial, ecological and social costs and benefits of all proposed new greenfield (largely on hillsides) development proposals through analysis of full life cycle costs of infrastructure, including replacement, and services, and structured assessment of environmental and social impacts.

4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
4.1.2 Housing Affordability

Goal
Increase the availability of affordable housing across the housing spectrum, from subsidized social housing to home-ownership options.

Policies
4.1.2.1 Where the need is demonstrated, partner with senior governments, the non-profit housing sector and the development community to facilitate the development and operation of projects across the housing spectrum including shelters, transitional housing, supportive housing, non-market housing, and affordable rental and ownership housing for singles, families and seniors.

4.1.2.2 Maximize the housing potential of existing land assets (sites and buildings) owned by non-profits and governments, including the City, through strategic partnerships and knowledge sharing.

4.1.2.3 Recognize that while senior governments play the primary role in fostering, funding and delivering affordable housing, the City will provide support through technical assistance, supportive regulations, partnerships, community consultation and project facilitation.

4.1.2.4 Support innovative models of affordable housing, such as modular housing and adaptive re-use of buildings, through technical and regulatory support, using pilot projects or housing demonstration projects.

4.1.2.5 Engage in robust community consultation and work with community partners to gain support for affordable housing projects and to refine projects to reflect community input.

4.1.2.6 Continually improve the efficient processing of development applications.

4.1.2.7 Assess the potential to use Development Cost Charge reductions for secured, long-term affordable housing projects.

4.1.2.8 Provide long-term security for renters in and owners of purpose-built rental projects by requiring Housing Agreements and/or non-stratification covenants.

4.1.2.9 Reduce parking standards for multifamily developments, where feasible, in appropriate walkable, bikeable and transit-oriented neighbourhoods to reduce construction costs and encourage active transportation.

4.1.2.10 Monitor vacation rentals to ensure they do not have a negative impact on the long-term rental stock or negative social impacts on existing neighbours and/or neighbourhoods. Refine vacation rental policy and regulations if necessary.

4.1.2.11 Recognize mobile homes as a form of affordable housing and protect tenants while increasing the livability and character of mobile home parks through landscaping and open space requirements, and integration with surrounding neighbourhoods, through amendments to the Zoning Bylaw, Mobile Home Parks Bylaw and Mobile Home Parks Policy.
4.1.3 Housing Diversity

Goal
Ensure a range of housing types, sizes, tenures and forms exist throughout the city to provide housing options for all ages, household types, and incomes.

Policies

4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.

4.1.3.2 Increase housing options in low-density single family areas through development of secondary suites and carriage houses, and ensure carriage houses are sensitively integrated and designed according to the Intensive Residential Development Permit Area Guidelines.

4.1.3.3 Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in new neighbourhoods and subdivisions, and permitting the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.

4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.

4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.

4.1.3.6 Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.

4.1.3.7 Support the housing needs of the aging population and those with disabilities through universal design principles and standards for accessible units and establishing a minimum proportion of accessible units in multifamily projects in the Zoning Bylaw.

4.1.4 Housing Quality

Goal
Ensure that new housing is attractively and sensitively designed, is water and energy efficient, and that all housing is properly maintained.

Policies

4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.

4.1.4.2 Ensure that housing – both owner-occupied and rental – is well-managed and meets community expectations for standards of maintenance, upkeep and cleanliness.
4.1.5 Housing and Neighbourhood Character

Goal
Ensure that as neighbourhoods grow and change, a sense of place and character is maintained.

Policies

4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).

4.1.5.2 The City will undertake or require neighbourhood redevelopment plans in areas undergoing – or proposed to undergo – transition in the context of the directions in this OCP to ensure: a) sustainable mix of land uses, b) an appropriate scale and design, and c) design that considers transportation options.

4.1.5.3 Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City’s approval processes, the character and feel of residential neighbourhoods, as well as to guide water and energy conservation.

4.1.5.4 Ensure that all new neighbourhood developments and redevelopments of existing large sites, including bareland stratas, are fully integrated into the surrounding community through publically-accessible roads, sidewalks, trails and public park lands.

4.1.6 Complete and Healthy Neighbourhoods

Goal
Provide opportunities to live, work and play in all of Penticton’s neighbourhoods.

Policies

4.1.6.1 Ensure all residential neighbourhoods in Penticton provide a range of appropriately-scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.

4.1.6.2 Increase the supply of neighbourhood amenities, such as pocket parks and trails, for the use, enjoyment and social benefit of the surrounding community as residential intensification occurs.

4.1.6.3 Consult with Interior Health to assist in the preparation of long range plans and strategies (e.g. neighbourhood plans, and parks and transportation plans), as well as guide the review of development applications that have the potential to affect community health.
Transportation and Infrastructure

Transportation Vision
Penticton’s compact and efficient footprint makes it easy to get around, especially if you drive or live in a neighbourhood close to where you work, shop or play. This plan prioritizes planning for and investment in active modes of transportation (like walking and cycling) and transit, which offer significant social, environmental, economic and health benefits. The goal is to provide for ease of mobility regardless of how you choose or are able to get around, where you live, your income or your age. We will make the best possible use of our valuable land that is dedicated to roads, parking and trails. While driving will continue to be an easy way to travel, other modes will be safe, enjoyable, convenient and practical. There is a strong correlation between providing the right kind of infrastructure and expanding peoples’ transportation choices.

Key Facts

Mode split—commute to work (2016):

- **83% CAR, TRUCK or VAN**
  - Average Commute 15.8 mins
- **10% WALKING**
  - Average Commute 14.7 mins
- **3% BICYCLE**
  - Average Commute 15.7 mins
- **2% OTHER**
  - Average Commute 22.7 mins
- **1% MOTORCYCLE or SCOOTER**
  - Average Commute 14.6 mins
- **1% PUBLIC TRANSIT**
  - Average Commute 24.6 mins

The following City of Penticton plans guide transportation planning and decisions:

- Transportation Master Plan
- Comprehensive Development Plan
- Bicycle Plan
- Strategic Sidewalk Priority Plan
- Truck Route Plan
4.2.1 Complete Transportation Approach

Goal
Create and manage a safe transportation system that supports all ages, abilities, and modes of mobility, helps meet environmental objectives, and uses infrastructure responsibly.

Policies

4.2.1.1 Undertake a comprehensive update of the Transportation Master Plan in 2020 guided by the transportation priorities and objectives in this Official Community Plan.

4.2.1.2 Prioritize design, investment and renewal of transportation infrastructure in urban and suburban areas according to the following hierarchy:

4.2.1.3 Design streets for daily traffic volumes rather than seasonal peak volumes when building or renewing roads. Recognize that some congestion will occur as we grow and during peak volume times, but mitigate this through investments in sustainable transportation options like transit, bike routes, sidewalks and trails.

4.2.1.4 Reduce road widths in existing rights-of-way to create spaces that support walking, biking and transit, to increase adjacent green space and to reduce asset management costs.

4.2.1.5 Create ‘complete streets’ (designed for everyone) in suitable areas that provide safe and comfortable mobility (i.e., allow for access, movement and crossing) for all users: pedestrians, cyclists, drivers, commercial vehicle operators and transit users.

4.2.1.6 Create a multi-use pathway (cycling, walking, mobility scooters) within city limits connecting Skaha Lake and Lake Okanagan that is separated from motorized traffic, has minimal grade changes, and has connections to key destinations (e.g., schools, destination parks, trails and shopping areas).

4.2.1.7 Promote walking, cycling and transit use through strategic land use planning that facilitates denser, attractive, mixed-use communities that are rich in amenities.

4.2.1.8 Prioritize municipal investment in improving the transportation system in the downtown, including trails and links to key community nodes.

4.2.1.9 Plan for lane-ways in new neighbourhoods, where possible, to improve the public realm on the street and for access to carriage houses and rear-facing units, garages and driveways, and to facilitate servicing and waste pickup.
4.2.2 Walking

Goal
Ensure that residents and workers throughout Penticton have the opportunity to walk to parks, schools, shopping, employment and other destinations in safety and comfort.

Policies

4.2.2.1 Ensure that pedestrian safety and accessibility is considered a key priority when making transportation decisions in the Downtown.

4.2.2.2 Address gaps in the pedestrian network by providing sidewalks on at least one side of the street in residential neighbourhoods, and commercial and mixed-use areas, using excess street rights-of-way where possible or through land acquisition if necessary. Where possible, provide sidewalks by requiring their construction or upgrades from developers.

4.2.2.3 Enhance and expand the trail and pathway network through capital funding for upgrades, land acquisition, wayfinding, public art, safe street crossings, and by connecting existing trail systems and establishing trail linkages in and through new neighbourhoods.

4.2.2.4 Undertake a corridor plan that includes cross-sections and specifications that will result in improved pedestrian safety and comfort by:
   » buffering sidewalks from traffic through boulevards, landscaping, bikes lanes or parking
   » creating safe crossings by maximizing visibility (using lighting, paint and materials) and shortening crossing distances (extending curbs into the street right of way)
   » planting suitable street trees to create canopy coverage
   » minimizing driveway crossings
   » providing street lighting and street furniture (e.g., benches) where appropriate.

4.2.2.5 Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
4.2.3 Cycling

Goal
Develop a connected network of safe and convenient cycling infrastructure that meets the needs of recreational riders, casual riders and commuters.

Policies
4.2.3.1 Renew the Bike Network Master Plan to confirm that it provides safe and direct connections for cyclists with all of the following:
   » Schools and Okanagan College
   » Employment centres, and major retail and service areas
   » Downtown
   » Parks and beaches
   » Skaha Lake and Lake Okanagan
   » The KVR Trail and the Okanagan Channel Parkway Trail
   » Hillside and valley-bottom neighbourhoods

4.2.3.2 Facilitate multi-modal trips by integrating the bicycle network with other modes of transportation, especially transit, by providing bike racks on buses, and safe and secure bicycle parking.

4.2.3.3 Partner with the Penticton Indian Band, the Province and the Regional District to enhance the multi-modal pathway on the western side of the Channel, and to improve connectivity to the rest of the city.

4.2.3.4 Recognize there are different cycling user groups - recreational riders (including children and seniors), commuters, cyclists with trailers, and competitive athletes - and design routes and cycling infrastructure accordingly.

4.2.3.5 Ensure significant components of the bike network are physically separated from vehicular traffic through barriers and/or grade changes to encourage cycling and protect vulnerable riders.

4.2.3.6 Install bicycle-specific traffic signals and rider-activated signal push buttons where appropriate.

4.2.3.7 Provide convenient, safe and visible bike lock-up facilities in key destinations such as downtown, commercial areas, parks and beaches. Reallocate vehicle parking spaces to bicycle parking spaces, where appropriate.

4.2.3.8 Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
4.2.4 KVR Rails to Trails Network

Goal
Build on the opportunity provided by the former Kettle Valley Railway rail grade to create a cycling and walking trail network that connects the region and provides a unique recreational and cultural amenity for residents and visitors.

Policies
4.2.4.1 Partner with the Penticton Indian Band, the Regional District of the Okanagan-Similkameen, the Province, the Federal Government and the District of Summerland to create, maintain and promote a regional rails-to-trails network on the former KVR rail grade connecting Naramata, Penticton, Summerland and Okanagan Falls.

4.2.4.2 Endeavor to integrate cultural, ecological and recreational opportunities into trail programming.

4.2.4.3 Create a management plan to address erosion and degradation from unregulated use.

4.2.4.4 Explore ways to integrate and promote the KVR trail system with broader regional and national initiatives such as the Great Trail (Trans Canada Trail) and the more recent Trail of the Okanagans Initiative.

4.2.4.5 Connect and improve the elements of the KVR rail grade that currently exist in the city to provide a safe and attractive trail linkage for cycling and walking between the Channel and the Naramata Bench. Prioritize completing the connection between the Okanagan Channel Parkway Trail and Cossar Avenue KVR trailhead through design and the acquisition of land, easements and rights-of-way.

4.2.4.6 Work with the Penticton Indian Band and other parties to assess the feasibility and construction of a pedestrian and cyclist bridge crossing of the Channel on the former KVR rail grade adjacent to Highway 97.
4.2.5 Transit

Goal
Support public transit as a comfortable, affordable, safe and convenient means of local and regional transportation.

Policies
4.2.5.1 Partner with BC Transit to implement the recommendations in the 2015 Transit Future Plan and to ensure future updates to that plan align with City priorities and needs.
4.2.5.2 Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.
4.2.5.3 Explore the feasibility of a Downtown transit hub to provide access to and linkage of multiple local and regional routes, plus shelter from the elements and washrooms. Facilitate its creation if it is shown to have broad benefits.
4.2.5.4 Work with BC Transit to improve the frequency of transit service during peak times and during night time/early mornings to increase ridership.
4.2.5.5 Expand local regional transit network coverage to hillside neighbourhoods like Sendero Canyon and the Upper Wiltse area.
4.2.5.6 Encourage transit use by ensuring that good pedestrian infrastructure exists near bus routes in residential, employment and commercial areas.
4.2.5.7 Work with BC Transit to promote technological advances which improve the experience of using transit, such as AVL (Automatic Vehicle Location) apps that provide real-time reporting on bus locations and schedules, distance to nearby bus stops, and on-demand service. Encourage the posting of bus schedules at all or most bus stops.
4.2.5.8 Develop and/or support partnerships and provide leadership to improve and expand regional transit options, particularly the Penticton-Kelowna route.
4.2.5.9 Work with the Penticton Indian Band and government partners to support innovative transportation solutions that connect communities and regional assets.
4.2.5.10 Work with the School District to ensure routes and schedules meet the needs of students.
4.2.6 Goods Movement

Goal
Support the continued growth and success of a thriving industrial and commercial businesses by ensuring the safe and efficient movement of goods and provision of services in Penticton.

Policies

4.2.6.1 Provide direct and safe connections for goods movements and servicing linking Highway 97 and industrial areas.

4.2.6.2 Ensure truck routes are designed for the safety of truck drivers and other street users, including pedestrians and cyclists.

4.2.6.3 Foster public awareness of the importance of goods movement to businesses and the economy.

4.2.6.4 Work with the Penticton Industrial Development Association and industrial business owners on a strategy to safely and easily accommodate parking of transportation rigs in the Industrial Area during downtimes.

4.2.6.5 Ensure developments in commercial, high-density residential and mixed-use areas are designed with adequate loading zones and access for goods delivery.
4.2.7 Driving

Goal
Ensure that driving is safe for both drivers and other users of the road.

Policies
4.2.7.1 Design streets so as not to encourage speeds beyond the intended speed limit. Where speeding is an on-going concern, consider reducing street widths or employ other design approaches to encourage lower speeds. Refer to and amend the City’s Transportation Safety Policy as necessary.
4.2.7.2 Explore implementation of best practice design solutions to create safe and convenient intersections.
4.2.7.3 Work with the RCMP to enforce speed limits, particularly around vulnerable users such as children and seniors.
4.2.7.4 Continue to deploy traffic calming measures around parks, schools and other areas with reduced speed limits, and monitor outcomes to ensure the measures are successful.
4.2.7.5 Develop incentives or regulations to support the installation of electric vehicle charging stations in all new multifamily, commercial and mixed-used developments.
4.2.7.6 Support the expansion of car share opportunities by encouraging their provision in multifamily developments and by allocating dedicated public parking stalls in suitable areas.
4.2.7.7 Create a balanced parking strategy assessing costs and benefits that supports businesses while also encouraging active modes of transportation such as walking, biking and transit.
4.2.7.8 Ensure new residential developments provide an appropriate amount of parking for residents and their guests.
4.2.7.9 Undertake a feasibility study for building and operating a parking structure (parkade) in a strategic location to meet identified demand for secured parking and to potentially free up land currently used for surface parking for other more intensive and active uses.
4.2.8 Airport

Goal
Support the ongoing operation, expansion and service provided by the Penticton Regional Airport as a strategic economic driver and essential business service for Penticton.

Policies
4.2.8.1 Continue to recognize and support the Penticton Regional Airport (YYF) as an important transportation asset for business and residents.
4.2.8.2 Support Federal government investment into Penticton Airport to expand the terminal and airport infrastructure to support airport expansion.
4.2.8.3 Support business and industry expansion in and around airport lands as an economic driver for the region.
4.2.8.4 Work with the City of Penticton’s Economic Development team to promote Penticton Airport as a local and regional asset.
4.2.8.5 Encourage the addition and enhancement of flights in and out of Penticton Airport to support the needs and demands of South Okanagan businesses, resident and tourists.
Economy

Economy Vision
Penticton’s economy is diverse and dynamic. Traditional sectors such as tourism, manufacturing and construction have evolved and new ones have emerged. For example, over the last few decades, agriculture has transitioned from largely fruit production and processing to incorporate viticulture (wine making), research and innovation, and education. Remote working, innovative manufacturing and outdoor adventure services have emerged as key components of our economy.

It is recognized that the economy is not static, and the directions presented in this OCP are intended to be broad and adaptable rather than focusing on specific sectors or focused strategies.

The City of Penticton takes an active role in economic development and has partnered with businesses, organizations and agencies to develop a 2018-2022 Strategic Plan for fostering economic vitality. The economic goals and policies outlined in this OCP reflect these directions. These should be regularly reviewed to ensure alignment with changing economic conditions.

Key Facts

16,565 jobs in Penticton (9% increase since 2006)
Top Employment Sectors:
- Health and Social Services (19.3%)
- Retail Trade (17.2%)
- Accommodation and Food Services (10.9%)
- Public Administration (7.1%)
- Other Services (7.1%)
- Manufacturing (6.7%)

Top employers:
- Canada Revenue Agency
- City of Penticton
- Interior Health
- Ministry of Environment
- Service BC, Service Canada
- School District No.67
The **2018 Industries Clusters Report** identified:

**Clusters for retention and expansion:**
- Tourism, Events, SOEC, Arts & Culture
- Wine, Beer, Spirit Production
- Technology
- Manufacturing

**Clusters for Attraction:**
- Agricultural Technology
- Agricultural Production

### 4.3.1 Strategic Investment Areas

**Goal**
Focus economic development priorities and infrastructure investment in strategic areas to support existing public infrastructure and assets, and to encourage private investment.

**Policies**

4.3.1.1 **Target civic investment in:**
- The **Downtown**, as the heart of the community, to support local small-scale businesses, to increase residential densities, to capitalize on existing investments in infrastructure and services, and to support the development of a small-scale grocery store.
- The **Northern Gateway** to intensify development around the SOEC/Community Centre/Memorial Arena campus and City parkland/beaches, to enhance the entryway to the city and the Downtown, to support the established Lakeshore/Riverside tourist commercial precinct and to create opportunities for walking and cycling.
- The **industrial area** to support business and job growth, to facilitate intensification and expansion of the industrial land base, and to upgrade infrastructure and services to meet the needs of existing and future industrial operations.
- The **Skaha Lake Road area** to support the development of a higher-density residential node in a high-amenity area, to facilitate development of larger opportunity sites, to provide opportunities for walking and cycling, and to capitalize on existing investments in infrastructure, services and parks.
4.3.2 Employment Lands

Goal
Ensure long-term commitment to maintaining a sufficient and secure commercial and industrial land base.

Policies
4.3.2.1 Encourage high quality commercial development by applying Development Permit Area Guidelines, updating and enforcing regulatory bylaws, and fostering initiatives that improve the quality and infrastructure of commercial areas.
4.3.2.2 Reinforce Downtown as the highest order commercial area in Penticton by allowing a wide range of commercial uses and encouraging continued intensification and growth of commercial activities through land use planning.
4.3.2.3 Encourage intensification of vacant or underused service commercial parcels before designating additional service commercial areas.
4.3.2.4 Discourage incompatibile uses in and adjacent to industrial areas to ensure the integrity of a sound industrial land base.
4.3.2.5 Encourage efficient use of the available industrial lands by encouraging industrial densification.

4.3.3 Communication

Goal
Encourage and enhance communication with the goal of increasing awareness about how our economy works.

Policies
4.3.3.1 Foster active communications between the City, business and other community partners through stakeholder engagement, facilitated events, and active outreach.
4.3.3.2 Generate and share data and information relevant to the business community to foster their understanding of pertinent trends and indicators.
4.3.3.3 Market Penticton as a vibrant, forward-thinking city to attract and retain high-quality businesses and skilled residents.

4.3.4 Collaboration to Meet Common Goals

Goal
Recognize the power of alignment and partnerships with local, regional, national and First Nations stakeholders and organizations.

Policies
4.3.4.1 Foster collaborative working relationships with the Penticton Indian Band and regional, provincial and federal agencies and organizations.
4.3.4.2 Support the economic and cultural growth of the Penticton Indian Band.
4.3.4.3 Support and enhance existing partnerships with Okanagan College and UBC Okanagan in recognition of their contribution to the regional economy and as centres of innovation.
4.3.4.4 Work with the Penticton Economic Development Partnership organizations to identify partnership opportunities for the benefit of our community and region.
4.3.5 Business Retention and Expansion

Goal
Create conditions for business to succeed and thrive as long-term contributors to the economy.

Policies
4.3.5.1 Support and leverage priority industry clusters (tourism and events; wine, beer and spirit production; technology; manufacturing; agriculture), and identify new clusters as they emerge, to provide economic benefits including shared knowledge and increased innovation.
4.3.5.2 Support business by fostering an environment that supports and encourages innovation, entrepreneurial thinking and entrepreneurial business.
4.3.5.3 Work with the business community and partners to increase capacity for business succession.
4.3.5.4 Facilitate the alignment of post-secondary programs and business needs.

4.3.6 Business and Labour Attraction

Goal
Bring businesses, investment and labour to Penticton.

Policies
4.3.6.1 Foster an environment that attracts new ventures in priority industry clusters
4.3.6.2 Develop and implement a plan, in partnership with senior governments, to attract and retain businesses and skilled workers that encompasses strategies around communication, education and training, appropriate and affordable housing and childcare, support for remote workers, support for new immigrants, and promotion of regional attractants such as climate and lifestyle.
4.3.6.3 Recognize that business growth is reliant on adequate housing availability, and work to develop policies that encourage housing development as outlined in section 4.1.
4.3.6.4 Ensure zoning regulations provide opportunities for appropriate home-based work and telecommuting by supporting live-work units and flex suites in suitable locations in and around Downtown and employment centres.
4.3.6.5 Encourage the development of high-quality ‘class A’ office space in attractive high-amenity areas of the city, particularly the Downtown.
4.3.6.6 Support business investment and worker attraction to Penticton by adhering to high-quality urban design standards, mixing compatible land uses, providing parks, trails and amenities, protecting the natural environment, and supporting active transportation to create quality neighbourhoods.
4.3.6.7 Continue to emphasize the importance of the Penticton Regional Airport to Penticton's businesses, visitors and residents.
4.3.7 Creating a Creative, Connected and Innovative City

Goal
Leverage the fundamental benefits offered by data, connected technology, renewable energy and innovation to create meaningful and positive outcomes for Penticton's residents.

Policies
4.3.7.1 Provide accurate and useable data through initiatives and partnerships to empower citizens, inform decision making, and strengthen relationships between residents and public organizations.
4.3.7.2 Encourage and support the use of connected technologies to foster relationships within the community and between the community and the City.
4.3.7.3 Use the notion of creating a "smart city" as a focal point of community engagement and collaboration, and use the outcomes of the process to enhance connections in the community.
4.3.7.4 Support and show leadership in the development of renewable energy projects, and in agricultural and industrial innovation.

4.3.8 Post-Secondary Education

Goal
Recognize post-secondary institutions such as Okanagan College and UBC Okanagan as important economic drivers and focal points of innovation.

Policies
4.3.8.1 Support the operation, expansion and promotion of Okanagan College as a key component of Penticton’s competitive advantage and as a centre of innovation.
4.3.8.2 Continue to foster collaborative partnerships with UBC Okanagan.
4.3.8.3 Facilitate interaction between identified industry cluster stakeholders and representatives of Okanagan College and other potentially supportive institutions to support initiatives such as a potential Provincial Wine Centre for Excellence in Penticton.
Environment and Resilience

Environment and Resilience Vision

As Penticton grows, we will protect, preserve and enhance our natural environment through informed land use decisions, best management practices, and energy and waste reduction. Strategies to make Penticton resilient will be implemented in recognition of the impacts of weather and climate-related stresses associated with a changing climate, such as wildfire, flooding and extreme weather events.

Key Facts

The Okanagan is one of three places in Canada identified as having Nationally Significant Biodiversity.

42% of Penticton’s land base contains ecosystems ranked high or very high in importance for conservation. 6% of these highly sensitive ecosystems have been designated as open space or protected as conservation lands through park designation or appropriate zoning.

Penticton is a signatory to the BC Climate Action Charter. The B.C. Climate Action Charter is a voluntary agreement between the B.C. Government, Union of B.C. Municipalities and each local government signatory to take action on climate change. Under the Charter, local government signatories commit to:

- Becoming carbon neutral in their corporate operations
- Measuring and reporting their community’s greenhouse gas emissions
- Creating complete, compact, more energy efficient communities

The average person in the Okanagan uses 675 litres of water each day. This is more than twice as much water than the average Canadian uses (Source: Okanagan Basin Water Board)

The City of Penticton, as a corporation, achieved carbon-neutral status for greenhouse gas reduction initiatives under the Provincial Climate Action Charter in 2016 and 2017.
### 4.4.1 Resilience to Natural Hazards

**Goal**
Ensure that Penticton is proactive in anticipating and preparing for increasing risks, exposure and costs associated with wildfire, flooding and geotechnical hazards resulting from a changing climate.

**Policies**

**Wildfire**

4.4.1.1 Protect neighbourhoods and agricultural areas in wildfire interface areas, and the city at large, through implementation of wildfire best management practices, such as ecologically-appropriate FireSmart, in new neighbourhood and infrastructure design, building construction and the management of individual properties.

4.4.1.2 Support Penticton’s Recognized FireSmart Communities in their annual Recognition Process and encourage the creation of additional FireSmart Communities within and adjacent to the city.

4.4.1.3 Implement the recommendations in the Penticton Community Wildfire Protection Plan (CWPP), and update the CWPP as necessary.

**Flooding**

4.4.1.4 Continue to work with the Province to identify, analyze, refine and map the elevation and horizontal extent of the high water marks of a 200-year flood from Okanagan Lake, Skaha Lake, Ellis Creek, Penticton Creek and other minor creeks, and provide information on building requirements pertaining to flood construction levels.

4.4.1.5 Amend and update relevant City bylaws (Zoning Bylaw, Building Bylaw, Subdivision and Development Bylaw, etc.) to outline requirements for development around lakes, creeks and areas with high water tables.

4.4.1.6 Minimize exposure to future flood damage by avoiding or minimizing development in the floodplain and in areas affected by groundwater, developing these lands for less-sensitive uses (e.g., parks and greenspace) or, when development cannot be avoided, implementing flood mitigation measures.

4.4.1.7 Mitigate the impacts of potential flooding on buildings and properties in the floodplain area and affected by groundwater through design and site grading prior to construction.

**Geotechnical Hazard**

4.4.1.8 Update the City’s geotechnical hazard mapping by 2021 to direct development in silt bluff and steep slope areas.

**WHAT IS FIRESMART?**
FireSmart is a national program designed to reduce interface fire risk to communities. In BC, the FireSmart program is administered by the BC Ministry of Forests, Lands and Natural Resource Operations Wildfire Management Branch.
4.4.2 Protect and Enhance of Natural Areas

Goal
Preserve, protect, restore, and enhance the city’s natural environment and biodiversity.

Policies

4.4.2.1 Identify environmentally sensitive areas and riparian areas, and protect them through application of the Environmental and Riparian Development Permit Guidelines.

4.4.2.2 Identify, preserve, protect, connect, restore and enhance wildlife corridors through land use designations, zoning and covenants.

4.4.2.3 Identify and designate lands such as the Oxbows and Silt bluffs for conservation-oriented parks and protected areas.

4.4.2.4 Recognize the value of urban trees to store carbon, reduce water run-off, buffer windstorms and mitigate summer heating impacts.

4.4.2.5 Create and implement an Urban Forest Strategy to identify and monitor the percentage of vegetation and canopy cover, and to develop direction on strategies to maintain and increase canopy cover and vegetation densities, as well as to regulate the removal of existing trees.

4.4.3 Greenhouse Gas (GHG) Emissions

Goal
Actively monitor GHG emissions and meet or exceed city-wide and corporate (City of Penticton) GHG reduction targets in the City’s Climate Action Plans.

Policies

4.4.3.1 Continue to achieve and maintain carbon neutrality in City of Penticton corporate operations.

4.4.3.2 Update the 2011 City of Penticton Corporate Climate Action Plan and Community Climate Action Plan by 2020, and implement their recommendations.

4.4.3.3 Undertake a Community Energy and Emissions Inventory (CEEI) by 2020 to identify and monitor city-wide emissions from transportation, buildings, and solid waste, so as to better understand our carbon footprint as a community.
4.4.4 Energy Use Reduction and Sustainable Energy Production

Goal
Promote and support energy reduction practices and support local renewable energy production.

Policies
4.4.4.1 Encourage energy reduction in new buildings and renovation through adoption and active implementation of the BC Energy Step Code (Building Code), promotion of new technology and energy-efficient building retrofits.

4.4.4.2 Explore incentives, such as fee reductions and bonus density, to encourage development at the highest levels of the BC Energy Step Code.

4.4.4.3 Lead by example through the implementation of energy-saving measures and green building innovation in the development and renovation of City facilities.

4.4.4.4 Encourage the development of compact, mixed-use neighbourhoods, where appropriate, and support transit use, walking, cycling, car sharing and low-emission vehicles.

4.4.4.5 Explore and support initiatives to produce renewable energy, such as photovoltaic/solar (solar gardens, large and small-scale installations), heat exchange, geothermal, and district energy systems.

4.4.5 Water Management

Goal
Protect, preserve, restore and enhance our valuable water resources.

Policies
4.4.5.1 Promote a sustainable approach to water management by reducing water waste and encouraging water use efficiency, and work with industry/agriculture partners (e.g., the viticulture sector) to implement best practices.

4.4.5.2 Encourage water reduction strategies in new development, such as low-water landscaping (e.g., xeriscaping), “gray water” re-use and efficient plumbing.

4.4.5.3 Implement stormwater best management practices such as absorbent landscapes, infiltration swales, filtering and oil separation, rain gardens and pervious paving to minimize runoff and increase on-site retention and infiltration.

4.4.5.4 Continue to implement the Penticton Creek and Ellis Creek Masterplans to mitigate flooding and to restore habitat.

4.4.5.5 Evaluate and investigate the need for increased water storage capacity to meet the joint challenges of population growth and climate change.
4.4.6 Waste Reduction and Organics Diversion

Goal
Divert recyclables and organics from the landfill, reduce waste and energy use, protect the environment, and extend the life of our landfill.

Policies

4.4.6.1 Work with the Regional District to create and implement a Solid Waste Management Plan (SWMP) to reduce the amount of solid waste requiring disposal.

4.4.6.2 Implement an organics and food waste diversion program to reduce landfill dependence and generate by-products such as compost, natural gas and biofuels.

4.4.6.3 Investigate the feasibility of new technology that achieves benefits from the waste stream, such as waste-to-energy production.

4.4.6.4 Continue to support evolving recycling best practices and to divert any recyclable material from landfills.

4.4.6.5 Assess the feasibility of collecting and recycling industrial, commercial, and institutional (ICI) recyclable materials.
Agriculture and Food Systems

Agriculture and Food Systems Vision
Agriculture has always been central to Penticton’s identity and economy, and although it has evolved in many ways, it is still a part of our character and landscape. Agriculture and agricultural innovation will be supported and agricultural lands protected through this plan. We will take a holistic approach by planning for our local food system, which encompasses the production, processing, distribution, consumption and disposal of food. Urban agriculture activities will also be supported and encouraged throughout the city, which not only provide food, but also creates education opportunities around the value of growing what we eat locally.

Key Facts
- 18% of land area in city limits is in the Agricultural Land Reserve (843 hectares)
- 44 wineries in Penticton (there were 12 in 2005)
- Okanagan College and the Summerland Research and Development Centre are centres of agricultural innovation
- 80 vendors at the Penticton Farmer’s Market (which has been running every year since 1991)
4.5.1 Support, Protect and Enhance Agriculture

Goal
Support, protect and enhance agriculture as a central component of Penticton’s economy, character and identity.

Policies
4.5.1.1 Update the 2005 Penticton Agriculture Plan to reflect the priorities in this OCP, our evolving agricultural economy, adaptation strategies relating to climate change and extreme weather events, consideration of ecological and cultural values, and input from a diverse range of agricultural stakeholders.

4.5.1.2 Work with the Agricultural Land Commission (ALC) to ensure that agricultural activities remain the primary use on lands within the Agricultural Land Reserve (ALR) and encourage active farming use of those lands. Proposed compatible non-farm uses and non-soil-based agriculture should be comprehensively reviewed to ensure there are NO negative impacts on agricultural viability and operations.

4.5.1.3 Support, and partner where appropriate, on strategies that facilitate an increased use of farmland for agriculture and food production.

4.5.1.4 Discourage subdivision of agricultural lands. In most cases, City utilities and services will not be provided to these lands to discourage development of non-agricultural uses, and growth will be directed towards more-central and well-serviced infill areas.

4.5.1.5 Consider establishing buffers including distance setbacks, landscape buffers and fencing requirements to minimize conflicts between agricultural and other land uses (e.g., residential or commercial).

4.5.1.6 Provide continued support for outdoor markets, Community Supported Agriculture (CSAs), buy-local campaigns, and farm-gate sales to support local and regional food producers and to promote Penticton’s agricultural identity and economy.

4.5.1.7 Explore the feasibility of establishing a year-round market facility to support local growers, improve access to local food and promote our agricultural sector.

4.5.1.8 Support the creation of a BC Wine Centre of Excellence in Penticton.

4.5.1.9 Support and showcase agriculture (including viticulture) research and best practices and use relevant findings to inform decisions.

4.5.1.10 Further develop Penticton’s role as a hub for the South Okanagan wine region and fruit production through support and promotion of educational and research initiatives, innovation and intra-regional partnerships.
4.5.2 Food System

Goal
Create and Implement a Local Food System Strategy.

Policies

4.5.2.1 Create and implement a comprehensive Local Food System Strategy that reflects the core community values established in Penticton’s Official Community Plan. The Strategy should address the growing, harvesting, processing, packaging, transporting, marketing, consuming, and disposing of food.

4.5.2.2 Work collaboratively with the Syilx (Okanagan) Nation, Interior Health, School District 67, agricultural associations and relevant community groups and non-profits to enhance capacity for food system sustainability.

4.5.2.3 Partner with community organizations on awareness and education campaigns that increase support for the local food system, such as local food procurement campaigns and regional composting.

4.5.2.4 Increase access to healthy and affordable food retail and services within all neighbourhoods through land use planning, and through connections created by active transportation networks and public transit.

4.5.2.5 Encourage the development of a full-service grocery store in the Downtown.

4.5.2.6 Strengthen community-scale food system supports, such as community kitchens, and community and school gardens.

4.5.3 Urban Agriculture

Goal
Expand food production in urban and suburban areas of Penticton.

Policies

4.5.3.1 Review zoning and other relevant regulations and use existing land and infrastructure, where appropriate, to increase local food access and production.

4.5.3.2 Integrate urban agriculture opportunities into multi-family, mixed-use and commercial developments, available rights-of-way, boulevards, and civic facilities. These can include community gardens, intensive small-plot farming, edible landscaping, orchards, bee-keeping, pollinator gardens and rooftop gardens.

4.5.3.3 Encourage and facilitate urban agriculture on vacant and under utilized lots throughout the city through lease agreements and in-kind supports to produce food, create vibrant places and build community.

4.5.3.4 Partner with the School District and community organizations on projects that provide education around the growing, processing and distribution of local food.

4.5.3.5 Incorporate appropriate native edible landscaping into public lands, parks and private developments.
Arts, Culture and Heritage Vision

Arts, culture and heritage will be celebrated as a way to build community, enhance our identity and support our economy. Tangible expressions of First Nations culture and heritage will be supported and honoured. Arts and culture will be recognized as an important part of Penticton’s identity, and supported through initiatives involving public art, festivals and events, and creating synergies among our vibrant arts and cultural facilities. History and heritage have deep value in creating a sense of place and belonging. Our built and natural history can be protected and enhanced through maintaining and expanding our Heritage Register and implementing form and character design guidelines for new development.
4.6.1 First Nations

Goal
Respect, honour and promote expressions of Syilx/Okanagan First Nations culture and heritage in Penticton.

Policies
4.6.1.1 Partner with the Penticton Indian Band to support and promote Syilx/Okanagan First Nations culture and heritage in Penticton.
4.6.1.2 Create a more visible Indigenous presence in the city through public art, signage and place-naming, and recognition that Penticton lies within the traditional territory of the Syilx/Okanagan people.
4.6.1.3 Foster collaboration on cultural initiatives between Indigenous and non-Indigenous artists and cultural organizations.
4.6.1.4 Partner with the Penticton Indian Band Development Corporation on mutually-beneficial economic, social and cultural development initiatives.

4.6.2 Arts and Culture Presence

Goal
Enhance the city's cultural image through arts facilities, events, festivals, public art and heritage protection.

Policies
4.6.2.1 Explore Development of an Arts and Culture Facility Strategy aimed at creating connections, leveraging opportunities and supporting long-term financial sustainability of Penticton’s unique array of diverse facilities and venues, and identifying new opportunities and partnerships.
4.6.2.2 Continue to support community-based arts and culture organizations through City grants and incentives.
4.6.2.3 Recognize the value of the creative sector as a catalyst of economic development which attracts new residents, businesses and tourists.
4.6.2.4 Utilize artistic and creative processes and activities to engage citizens, especially youth, in community development and visioning efforts.
4.6.3 Public Art

Goal
Expand public art reflecting the city’s history, culture and natural environment in prominent public spaces, new development, existing neighbourhoods and along the waterfront and trails.

Policies
4.6.3.1 Identify a stable funding source to foster a sustainable and vibrant public art program including selecting, commissioning, acquiring, installing and maintaining public art pieces.
4.6.3.2 Work with the City’s arts-related Advisory Committee to identify suitable locations for public art installations.
4.6.3.3 Explore and evaluate options for public art in new developments early in the design process to create a broad range of possibilities.
4.6.3.4 Use public art as a catalyst for placemaking and a means of wayfinding.

4.6.4 Festivals & Events

Goal
Support, promote and create festivals and events celebrating arts & culture, music, recreation & sport, and local food and drink.

Policies
4.6.4.1 Conceive of and implement a wide range of arts, cultural and recreational activities, celebrations, events and festivals that engage and are enjoyed by residents and visitors.
4.6.4.2 Continue to encourage festivals throughout the year to maintain cultural and civic vibrancy beyond the summer months.
4.6.4.3 Promote and support local volunteer networks who work on exhibitions, festivals, sports events and community cultural projects.
4.6.5 Heritage

Goal
Recognize the value of history and heritage to create a sense of place and belonging for residents, and an incentive to visit for those from elsewhere.

Policies
4.6.5.1 Expand the Heritage Register to include First Nations sites and places, and more modern landmarks, including examples of mid-century modern architecture.
4.6.5.2 Engage the City’s heritage-related Advisory Committee to identify criteria to evaluate sites and buildings to be considered for the Heritage Register.
4.6.5.3 Expand interpretive signage in historic parts of the city and along trails to inform and educate users about the natural environment, the Syilx/Okanagan presence, and Penticton’s history.
4.6.5.4 Identify and protect trees that are significant due to their age, uniqueness or history by creating and maintaining an inventory of Penticton’s heritage trees.

4.6.6 Character Areas

Goal
Recognize and protect the unique character of Penticton’s historic Downtown (especially Main Street and Front Street) and character neighbourhoods as these areas change and evolve.

Policies
4.6.6.1 Ensure new developments and renovations integrate with existing neighbourhood character through the Downtown, Intensive Residential, and Multifamily Development Permit Area Guidelines (see OCP chapter 5 Development Permit Area Guidelines).
4.6.6.2 Explore the designation of identified character neighbourhoods as Heritage Conservation Areas, pursuant to Section 614(1) of the Local Government Act, to guide the form and character of new development and major renovations to ensure they are respectful of the historic character. Apply this designation in areas of strong support for the initiative from residents and landowners.
Parks and Recreation

Parks and Recreation Vision
Penticton’s parks are highly valued for their environmental, health, social and economic benefits, and they are a defining component of our city’s character. Recreation in many ways defines us as well, as we are an active population, taking advantage of our developed parks, natural areas, beaches and recreational facilities.

Direction and guidance in this area are provided by the Parks and Recreation Master Plan, approved in 2018.

The key themes defining the directions in the Master Plan are: the protection of park land in perpetuity, ensuring that park and recreation amenities meet the needs of residents as our community grows, and financial responsibility to taxpayers and the City.

THE PARKS AND RECREATION MASTER PLAN VISION:
Penticton is a place to stay forever because we cherish our exceptional natural setting between two lakes.

We will continue to invest in accessible and equitable parks and recreation facilities for the well-being of all our citizens.

Our city will remain the destination of choice for those who appreciate the opportunities that our Okanagan home provides.

The parks and recreation goals and policies in the OCP reflect the values and priorities identified in the Master Plan process. While policy direction is provided through the OCP, specific directions and implementation details are provided in the Parks and Recreation Master Plan and through park-specific management plans.

Key Facts 🌳

- 67 park or open space sites
- 16 sport fields
- 7 playgrounds
- 6 public beaches
- 25km of trails and walkways

Indoor Recreation Facilities:
Community Centre (pool, gym, child minding, meeting space), SOEC, Memorial Arena, McLaren Arena, Penticton Curling Rink, Adidas SportsPlex, Seniors Drop-in Centre, YES Youth Centre
4.7.1 Park Land, Natural Areas and Trails

Goal
Provide, protect, and enhance public parks, natural areas and trails in Penticton.

Policies

4.7.1.1 Adhere to the Parks and Recreation Master Plan minimum active park land ratio (2.5 hectares of active park land required per 1,000 population) to serve the existing and future population, through dedicated use of City land and strategic land acquisition as required.

4.7.1.2 Increase the supply of neighbourhood parks to provide additional adequate park land and community gathering places as our population grows and our city densifies.

4.7.1.3 Protect parks as public assets through implementation and adherence to key City bylaws and policies, and particularly to the Park Dedication Bylaw, Zoning Bylaw and Park Land Protection & Use Policy.

4.7.1.4 Apply the Parks and Recreation Master Plan Park Design Guidelines in the design of new and upgraded parks, which include elements such as “universal design,” provision of shade trees, sports facilities, rainwater management, public art and urban agriculture where appropriate.

4.7.1.5 Inventory natural areas and establish designated nature-oriented parks within city limits, and prepare management plans to guide their protection, use, restoration, enhancement and management.

4.7.1.6 Create a network of interconnected trails – for pedestrians and cyclists - throughout the City, connecting the lakes, schools, parks, and recreational facilities, and coordinate with neighbouring jurisdictions to build on the regional trail network, including the River Channel Parkway.

4.7.1.7 Protect beaches and provide for a variety of appropriate, safe and sensitive water and beach-oriented outdoor recreation opportunities through planning, engagement, targeted capital investment and sustainable management practices.

WHAT IS UNIVERSAL DESIGN?
Universal Design is the design of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.
4.7.2 Park Design, Management, Operations and Programming

Goal
To ensure parks and recreational facilities meet community needs, and are designed and operated responsibly, safely and consistent with sustainability principles.

Policies
4.7.2.1 Provide a system of diverse parks and recreational spaces and places that are comfortable, safe, accessible and attractive, with social spaces (benches, gathering places) as well as recreation amenities.
4.7.2.2 Ensure that parks and recreational facilities are designed, maintained and managed using environmentally-sustainable practices.
4.7.2.3 Manage the use of parks and recreation facilities so that residents and visiting users feel safe, secure and satisfied with the quality of their experience.

4.7.3 Recreation

Goal
Provide opportunities for indoor and outdoor recreation that meet community needs, are consistent with the environmental quality objectives for our parks and natural areas, and which support appropriate tourism opportunities and their related economic benefits.

Policies
4.7.3.1 Plan for, design and invest in upgrades and improvements to parks such as appropriate natural areas, open spaces, landscaping, playgrounds, active recreation facilities, washrooms, spray parks and urban agriculture opportunities to provide and/or improve the recreational experience and opportunities for community gathering, using the priorities identified in the Parks and Recreation Master Plan.
4.7.3.2 Engage in long-term facilities development and related capital planning, including land acquisition, and explore funding and development partnerships to ensure long-term availability of required indoor recreational facilities such as ice surfaces, dry-land surfaces, tennis courts and curling centres.
Chapter 5
Development Permit Area Guidelines
Development Permit Area Guidelines

5.1.1 Development Permit Area Guidelines Policy Context

DPA Guidelines ensure that development is sensitive to its context, provides broader benefits, and minimizes negative impacts. The Guidelines apply to forms of development with greater impact or to the development of more sensitive lands. For example, to higher-density residential development, infill development in existing residential areas, and development in or near natural areas and in the hillsides. Much of the city is not subject to DPA Guidelines: single-family areas (with the exception of those in environmentally sensitive, hillside and riparian areas, and carriage houses and small lot development), civic and institutional uses and industrial areas.

- **Land Use Designations** established in this OCP guide growth through the designation of future land use and infrastructure servicing policies as a means to articulate community vision and anticipates anticipated long-term needs.
- **Zoning** is contained in the Zoning Bylaw and regulates the specifics of scale and type of development (e.g., "how big is the box?"), including: permitted uses, building heights and setbacks.
- **Development Permit Area (DPA)** guidelines help manage the form and character of commercial and intensive/multifamily residential development, and maintain quality standards as a condition of Development Permit approval. Additionally, DPAs guide development in terms of hillside, environmentally-sensitive and riparian areas.

5.1.2 Application Of Development Permits

All development in the Development Permit Areas defined in this section of the Official Community Plan requires an application for a Development Permit. The application will be evaluated in respect to compliance with the respective Guidelines. While some Development Permit Areas apply citywide, others are for specific areas and maps have been provided for reference (Maps 3-6).
5.1.3 Exemptions

Pursuant to Part 14, Section 488(4) of the Local Government Act, issuance of a Development Permit is **not** required for the following:

- Routine building repairs and/or maintenance including “like for like” replacement of roofing, siding, windows and/or doors
- Internal renovations that do not affect the external appearance of a building or increase the floor area
- Building Code and safety requirements (e.g., fire exits, ramps, etc.)
- Works authorized by a Temporary Use Permit
- Single Family Dwellings with the exception of Intensive Residential DPA small lot development (see 5.3.1) and in Environmental (Section 5.5.2) and Riparian DPAs (Section 5.5.3)
- Additional exemptions for specific DPAs are provided in their respective Exemptions sections below.

5.1.4 Variances

**Setbacks, Height and Public Amenity Variances**

The following variances to zoning standards may be considered as a component of a Development Permit Application subject to Section 490(1)(a) of the Local Government Act, provided that the resultant built form of the proposed building is consistent with the General OCP Development Permit Area Guidelines and the overall intent of the Zoning Bylaw:

1. Minor variances to setbacks may be considered to:
   a.) retain existing mature trees
   b.) accommodate desirable architectural criteria, such as porches, balconies, projecting design features, awnings, and canopies, provided that the building face still meets required setbacks.
2. Minor variances to the maximum permitted height of a building of approximately 2 meters may be considered to accommodate a landmark architectural feature on corner sites, provided it is consistent with the General Guidelines.
3. Minor variances to at-grade amenity area requirements may be considered, provided the variance does not reduce at-grade amenity space to less than 10% of total amenity area or reduce the total amenity area, and that it is visible from the public realm / building’s sidewalk.
4. Minor variances to impermeable surface requirements provided other means of managing stormwater are incorporated into the design.
5. Minor variances to signage where signs are incorporated into building design and meet general objectives.

**Parking Variances**

The following variances to parking standards may be considered as a component of a Development Permit Application subject to Section 490(1)(a) of the Local Government Act:

1. Variance to reduce the required number of commercial parking spaces to zero.
2. Variance to reduce the required number of residential parking spaces for intensive residential, multi-unit residential development, and/or the residential portion of mixed used developments to one space/dwelling unit.
provided that:

1. The development is within 400 meters of a transit stop;
2. The development includes design elements intended to encourage alternative transportation, such as secure bike or scooter parking, or employee shower facilities (in the case of commercial developments); and
3. The variance will not reduce the number of required parking spaces for persons with disabilities.

Landscape Variances

The following variances to landscaping standards may be considered as a component of a Development Permit Application subject to Section 490(1)(a) of the Local Government Act:

1. Variances to landscape buffer requirements may be considered in cases where the proposed building locations make establishment of a buffer difficult or impossible or where trees will not thrive. In cases where the buffer is reduced, compensatory planting elsewhere on site or in the adjacent public realm is required.
2. Variances to retaining wall height in cases where appropriate terracing and planting are incorporated to reduce massing.

5.1.5 How To Use These Guidelines

Multiple Guidelines

There are areas of the city where multiple Development Permit Areas will overlap, which case all overlapping guidelines apply. Refer to the Development Permit Area descriptions and maps – (Maps 3-6) to determine relevant DPA guidelines.

Accordingly, the overall structure of the Guidelines is organized into:

- General Guidelines that apply to all DPAs;
- Use-specific Guidelines that apply to specific land uses and/or groups of related uses (Intensive Residential, Multifamily Residential, Commercial and Mixed Use) as further defined in the DPA Guidelines, Future Land Use Plan section (see Chapter 3) and in zoning.
- Area-specific Guidelines that apply to specific land areas (Downtown, Hillside, Riparian, and Environmental)

Within the General, Use-specific and Area-specific Guidelines, the content is organized in the following way:

1. Designation pursuant to Part 14, Section 488.1 of the Local Government Act and including:
   a.) protection of the natural environment, its ecosystems and biological diversity;
   b.) protection of development from hazardous conditions;
   c.) protection of farming;
   d.) revitalization of an area in which a commercial use is permitted;
   e.) establishment of objectives for the form and character of intensive residential development;
   f.) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
   g.) establishment of objectives to promote energy conservation;
   h.) establishment of objectives to promote water conservation;
   i.) establishment of objectives to promote the reduction of greenhouse gas emissions.
2. **Justification** – the rationale for incorporating this set of guidelines.

3. **Intent and Objectives** of the Guidelines which identify what the guidelines intend to achieve, including specific definition/clarification of the justification(s) as noted above.

4. The **Area** to which the guidelines apply, with reference to land use, zoning or a map indicating specific geography.

5. **Exemptions**, which apply in addition to the general exemptions identified in Section 5.1.3.

6. In the case of **Form and Character Guidelines**, guidelines specifically related to:
   a.) Site Planning and Context to consider building siting and adjacencies
   b.) Architecture to consider building form and character
   c.) Landscape Architecture to consider landscape design and function
   d.) Special Considerations to include sustainability measures and/or other site/context-specific guidelines.

**Language of Guidelines**

The specific level of requirement of individual guidelines is determined by the following words:

- **“Shall”** or **“must”** and/or the use of the adjective **“required”** means that the definition and/or guideline is an absolute requirement.
- **“Shall not”** or **“must not”** and/or the use of the adjective **“prohibited”** means that the definition and/or guideline is absolutely prohibited.
- **“Should”** and/or the use of the adjectives **“recommended”** and/or **“encouraged”** reflects a strong positive preference of the Guidelines. In particular circumstances, there may exist valid reasons to not apply a particular Guideline, but any approval will require demonstration that an alternative solution is consistent with the overall intent of the Guideline, in the opinion of the Director of Development Services.
- **“Should not”** and/or the use of the adjectives **“not recommended”** and/or **“discouraged”** reflects a strong negative preference of the Guidelines. In particular circumstances there may exist valid reasons to apply an alternate solution, but which will require demonstration that the alternative is meet the intent of the Guideline, in the opinion of the Director of Development Services.
- **“May”** and/or use of the term **“optional”** means that the Guideline is discretionary.
5.2 General Guidelines

5.2.1 A Framework For Design

What do Design Guidelines do?

Design Guidelines help manage the form and character of neighbourhoods. In support of the goals and objectives of the OCP, the guidelines are intended to:

- identify, reflect and strengthen Penticton’s best qualities, and;
- direct the “look & feel” of future development.

Design Guidelines address built form and character and consider site planning, building architecture, landscape architecture and other special conditions (e.g., lighting, public art, signage, etc).
5.2.2 General Guidelines

The following General Design Guidelines apply to all development requiring a Development Permit:

Site Planning

*Designing in Context*

Contextual designs feel better because they ‘fit.’ In light of Penticton's complex and unique landscape, views and urban patterns, it is important that designs reflect this character. Guidelines address site conditions and context, including: sensitivity to on-site features (e.g., terrain and sun angle), adjacencies (e.g., street interface and existing uses), potential impacts (e.g., overlook and shading) and other related opportunities (e.g., energy conservation).

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**G1.** Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.)

**G2.** Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

  - All site / landscape plans should incorporate the boulevard.

**G3.** Private and semi-private open spaces should be designed to optimize solar access (see Figure G3).

**G4.** Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

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**Framing Space**

In consideration of Penticton’s relatively low-scale urban form, future intensification and development should explore how buildings actively frame space(s) as a means to expand and enhance the public realm. The following guidelines aim to promote positive interactions with particular care and attention to transitions between private and public spaces.

**G5.** Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

**G6.** Building placement and orientation should respect significant public water, mountain and ridgeline views.

**G7.** All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.

**G8.** Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side-yards.
**Prioritizing Pedestrians**

A high-quality pedestrian environment is a central quality of any welcoming neighbourhood. Penticton is fortunate to have an extensive neighbourhood street network that links distinct areas in a reasonable walking distance. The following guidelines aim to optimize the quality and connectivity of pedestrian infrastructure and reduce conflict between pedestrians and vehicles.

G9. Pedestrian connectivity to adjacent properties is encouraged. With the exception of private yards, open spaces shall be designed for public access and connectivity to adjacent public areas (and publicly-accessible private spaces).

G10. Development of larger parcels should provide pedestrian connections to adjacent public areas and create an effective street-fronting block scale of 60m-190m.

G11. Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.

G12. Where feasible, indicate pedestrian ways with continuity of paving treatments/paving materials.

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

G14. The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a “front stair” pedestrian connection shall be provided (see Figure 5-2).

G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.

**Cars and Parking**

The following guidelines are intended to reduce the impacts of automobile infrastructure – including access and parking – and to further support a high quality pedestrian realm. (see Figure 5-3 and Figure 5.4)

G16. Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space:

- Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4).
- Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings.
G17. On-site parking location and design should minimize visual impact and provide safe connections for pedestrians:
   • Parking between the front of buildings and the street is not permitted.
   • Parking should be located at the rear of buildings/sites.
   • Shared parking (where varying uses have parking demands that peak at different times of the day) is encouraged to reduce parking requirements.
   • Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.

G18. Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.

G19. All multifamily developments should accommodate sustainable modes of transportation through:
   • Provision of bike parking and/or safe storage of alternative transportation/mobility equipment (bikes, mobility scooters, etc.).
   • Provision of electric vehicle charging stations.
   • Internal circulation and/or upgrades to adjacent rights-of-way to accommodate alternative transportation (e.g., multi-use pathways, separated bike lanes, etc.).

Architecture

Design for Our Climate

In response to Penticton’s semi-arid climate, design buildings and landscape architecture that reflect a love for indoor/outdoor living resulting from low annual rainfall and hot summer temperatures.

G20. Designs should respond to Penticton’s setting and climate through use of:
   • passive solar strategies;
   • optimized placement of windows to maximize natural light;
   • energy-efficient building design;
   • passive solar principles;
   • landscape design and plantings that provide cooling through shade in summer months;
   • selecting roof materials to minimize heat loading and increase reflectivity; and,
   • strategies for cross-ventilation.

Friendly Faces, Friendly Neighbours (Orientation & Massing)

Massing (the three-dimensional form) and articulation (how the parts fit together) of architecture are tools that can reduce the apparent size of large buildings and help ensure the sensitive transition to adjacent buildings and open spaces. It can also provide visual interest for pedestrians. New development should consider the scale of its neighbours and avoid abrupt transitions in height and massing between adjacent buildings.

G21. Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).

G22. Massing of larger buildings should be composed of multiple volumes to reduce visual impact on the pedestrian realm.

G23. Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilevered upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.
G24. Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

G25. Where appropriate, stepped massing should be utilized to transition and improve the relationship between developments of differing scale. In areas where there is an OCP Land Use Designation change, adjacent building heights should not be greater than one-and-a-half storeys higher than existing adjacent development with additional storeys terraced back with a minimum stepback of 3.0 metres. (see Figure 5-6).

G26. Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.

**Eyes on the Street**

Create active and safe shared spaces through orientation of primary building entrances, windows, porches/balconies to the public realm, sidewalks and other shared open spaces.

G27. Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street-level.

G28. Entries should be visible and clearly identifiable from the fronting public street.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas (see Figure 5-7).

G30. Extensive blank walls (over 5m in length, and including retaining walls) along the street should be avoided.

G31. Provide screening (e.g., varied materials/textures, murals, greenwalls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.).
Landscape Architecture

**Design with Nature**
Landscape design must reflect Penticton’s natural environment. Further, local climate and landscape requires that designs are considerate of extreme temperatures, low annual rainfall and erodible soils.

G32. Stream and Riparian Protection (see Riparian DPA section)
- Sites adjacent to creeks, lakes and wetlands should retain or enhance fish and/or riparian habitat, through:
  - Retention, enhancement and restoration of trees and shrubs that shade streams and stabilize soil, with a preference for native species;
  - Management of post-development total yearly flow, magnitude (in individual events), and duration to mimic pre-development conditions; and,
  - Management/restriction of access to protect stream banks and meet Riparian Area Regulations (RAR)

G33. Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching
- Employ **xeriscaping** principles (see Glossary) in landscape design that reduce the need for supplemental water from irrigation.
- Employ strategies such as stormwater management reuse (including rain gardens and water reclamation) to minimize impact on infrastructure and the use of potable water.
- Encourage landscaping using native drought-tolerant plant species rather than water-hungry varieties.
- All trees and vegetated landscaping should be irrigated using a sub-surface irrigation system, programmed to maximize efficient water use (e.g., drip irrigation).
- Where appropriate, increased depth of top soil is recommended as a means to retain water and ensure more drought-tolerant landscapes.
- Trees should be planted to provide shading for shrubs and grasses and south and west faces of buildings.
- Where appropriate, mulching may further reduce irrigation demand by retaining soil moisture.

**Enhance the Urban Forest**
Urban forests are recognized for the economic, social, and environmental benefits they provide. In addition to considerations for form & character, enhancement of Penticton’s urban forest will support health and well-being for all.

G34. Tree retention
- New development should retain, where possible, existing mature and native trees and protect their root systems;
- Pre- and post-development tree surveys are required must be undertaken.

G35. Tree planting
- Where space permits, landscaped areas, boulevards and setback areas adjacent to streets should be planted with trees with appropriate soil volumes to ensure longevity.
- All areas with planted trees must be irrigated
- All development fronting a public street shall plant a landscaped area fronting the public road with regularly spaced street trees no further than 10 metres apart, and at least 2.5 meters tall at the time of planting.
- The planting of additional trees is strongly encouraged, particularly if existing trees cannot be preserved, in order to maintain and expand the urban forest canopy.
**Functional Use of Landscapes**

Designs should be prepared by a professional with experience in the planning, design and implementation of high-quality landscapes designs.

G36. Habitat: designs should provide for and/or enhance habitat value (e.g., birds, pollinators, etc.) through the use of selected plant material (food & nutrients) and/or structural/grading improvements (e.g., hibernacula, pools, etc.).

G37. Stormwater management: mitigate impacts of runoff by diverting stormwater to infiltration galleries or other appropriate green infrastructure.

G38. Screening & Buffering

- Where appropriate (and in consideration of FireSmart principles and native ecosystems), screen walls and/or landscape buffers (e.g., berms, shrub beds, hedges and/or trees) should be used to manage transitions and/or conflict between incompatible uses (e.g., industrial uses and/or parking);
- Buffer design should complement neighbourhood character and landscape setting (refer to "Materials Selection – Hardscapes and Softscapes")
- Notwithstanding the screening regulations in the Zoning Bylaw, landscape buffers should be utilized to reduce the visual impact of service areas and surface parking, including:

  - Planting between internal collectors (not used for direct access to parking stalls) and aisles that provide direct access to parking stalls;
  - Planting at the end of aisles;
  - Planting between each block of 4 parking spaces; and,
  - Planting around utility kiosks, containers and/or dumpsters.

G39. Defining the Public- and Private Realms

- Clearly signaled transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkways, ramp, stair), semi-private (e.g., stoop, balcony) and private (e.g., entry) realms shall be clearly defined to enhance both the privacy of residences and the pedestrian experience, and may include:
  - Landscape terracing (e.g., grading, retaining);
  - Structures (e.g., fences, pergolas, trellises),
  - Planting (e.g., low hedges) and/or
  - Changes in surfacing materials.

G40. Energy

- Landscape designs should support shading strategies (passive cooling) with deciduous plantings that allow increased solar gain in winter months;
- Landscape designs should accommodate windbreaks (perpendicular to the direction of winter prevailing winds) to reduce heat loss in winter.
**Materials Selection – Softscapes & Hardscapes**

The material and quality of landscapes – in public and private spaces - play an important role in defining the character of Penticton. Material selection (plants and construction materials), high quality landscape design and materials will enhance landscape performance, visual character and aesthetic quality while reinforcing a positive, green image of Penticton.

G41. Softscapes

- Plant materials (size) and planting densities should be designed to meet and exceed the British Columbia Landscape and Nursery Association (BCLNA) Standards;
- Landscape designs should consider opportunities for seasonal interest (e.g., colourful foliage and/or flowering at various times of the year).
- Structural diversity in plant palette composition – including combinations of groundcovers, shrubs of various heights and trees – is encouraged.
- Landscape design shall consider aesthetic qualities, plant suitability and soil volumes to ensure "right plant, right place" and to maximize growth to maturity of plants and trees.
- Plant selection should emphasize local/native plants and/or similarly hardy/well-adapted plants to Penticton's desert climate.
- Invasive species are prohibited.
- Synthetic turf is prohibited.

G42. Hardscapes

- Material selection should reflect an extension of overall functional design and should emphasize local, natural, climate appropriate materials.
- Landscape construction should prioritize robust, durable and easily-maintained materials.
- Retaining walls should use natural-looking textures and natural colours.
- Colours should complement Penticton’s natural setting and associated palette.
- Minimize the use of impervious surfaces and/or incorporate rainwater management strategies where surface runoff is captured.
- Where feasible, minimize the use of low albedo (heat-absorbing) surfacing materials to reduce heat island effect (i.e., use lighter-coloured, more reflective materials).
Special Considerations

Corner Lots
Corner lots are often the focal point of any streetscape, and should:

G43. Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades;
G44. Support wayfinding by framing views (or open space) and/or utilizing landmark architectural elements (if appropriate);
G45. Utilize corner entrances, angled facades at intersections, and stepped designs in areas of higher pedestrian traffic and commercial uses. Where open space is proposed for a corner lot, amenities like seating, drinking fountains, and garbage receptacles should be incorporated into open space designs.

Public Art
Public art provides opportunity to celebrate public space and create a sense of place.

G46. Opportunities for the inclusion of public art should be explored in public and semi-public open spaces, especially plazas.
G47. Historical references should be carefully and collaboratively chosen.

Lighting
Lighting is essential to wayfinding and safety at night. Equally important is the scale, intensity, quality, location and direction of lighting.

G48. Lighting shall be provided for all building entrances, walkways, driveways, parking areas and loading areas and should be sufficient to provide clear orientation, personal safety and site security, including allowing for overlook from adjacent buildings.
  • The scale and intensity of lighting should be adapted to its setting and application:
  • Lighting design shall prioritize pedestrian-scaled lighting while ensuring vehicular access and parking is sufficiently lit for safe maneuvering;
  • Light fixtures should utilize “cut-off” (zero intensity at or above an angle of 90°) luminaries to minimize glare;
  • Warmer light sources (<4000k) are strongly encouraged.
G49. Minimize light pollution through the use of full cut-off lighting, avoiding light reflectance, and directing lighting downwards. Exceptions may be made for signage and architectural lighting (e.g., enhancing special features or aesthetic qualities).
G50. Avoid lighting that illuminates streams, wetlands, lakes and other natural areas.
G51. Avoid negative light impacts on neighbours.

Signage
G52. Signage should complement overall form and character as an extension of associated building and landscape designs.
G53. All signage shall comply to the City of Penticton’s Sign Bylaw, (which regulates the number, size, type, form, appearance and location of signs).
Utilities, Mechanical Services and Servicing
As essential components of the city’s built infrastructure, these elements must be intentionally integrated in the overall design to mitigate impacts on form and character.

G54. Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building.
G55. Where this is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.
G56. Units shall not obstruct private views onto public space that might otherwise provide safety through passive surveillance.
G57. Units shall not be installed in riparian setbacks (SPEA) and Environmental Protection areas.

Waste Management
Notwithstanding the screening regulations in the Zoning Bylaw, management of garbage and recycling must be integrated in the overall design to mitigate impacts to form and character.

G58. Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic.
G59. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.
G60. Clear access to refuse/recycling areas must be provided.

Fences
Notwithstanding the fencing regulations in the Zoning Bylaw, fencing design should provide a level of privacy to the development but not present an unfriendly solid wall to the public street.

G61. Fencing located along a street edge should be low and/or not create a solid barrier (i.e. it should be visually transparent).
G62. Fencing along the street edge should be supplemented with low profile landscape plantings.
G63. All plans should show intended fencing.
Use-Specific Guidelines

In addition to the General Guidelines in Section 5.2, the following Guidelines regulate form and character for developments defined by specific uses.

There are three use-specific guideline categories:

- Intensive Residential Development Permit Area Guidelines
- Multifamily Residential Development Permit Area Guidelines
- Commercial / Mixed-Use Development Permit Area Guidelines

The two types of residential development, although similar in use, are distinguished by differences in scale, which has implications for form and character.

Commercial & Mixed-Use guidelines address the form and character of buildings and streetscapes along commercial frontages.
5.3.1 Intensive Residential Development Permit Area

Intensive Residential includes single detached houses with a carriage house, small lot residential development and duplexes.

5.3.1.1 Designation

The Intensive Residential Development Permit Area establishes objectives for the form and character of intensive residential development pursuant to Section 488.1(1)(e) of the Local Government Act.

5.3.1.2 Justification

Intensive Residential is located in lower-density residential neighbourhoods, primarily in areas serviced with lanes, close to neighbourhood-scale amenities (services, parks) and where gentle densification is most appropriate.

Guidelines will outline strategies for access to sunlight, respecting the privacy of existing residents, and transitioning scale of buildings and density with an emphasis on neighbourliness.

5.3.1.3 Intent

Specifically related to “infill” residential development within established neighbourhoods, the intent of the Intensive Residential Guidelines is to manage form and character that strengthens livability, neighbourliness, and visual interest.
5.3.1.4 Objectives
New development should recognize and respect local scale and patterns of development with the following objectives:

1. Introduce new housing that fits with and relates to its context.
2. Accommodate diverse and eclectic form and scale while ensuring a clear hierarchy of primary and secondary buildings on a site.
3. Ensure transition of scale with smaller forms to protect privacy and “right to light” (sun exposure for livability).
4. Ensure “friendly faces” along residential frontages and secondary edges (where applicable) with comfortable relationship to the street.

5.3.1.2 Area
For the purpose of this DPA, an Intensive Residential Development Permit is required prior to issuing of a Building Permit for any of the following:

- property proposing a carriage house
- property currently zoned for, or will become zoned for, a duplex (RD zones)
- property containing an existing single-family dwelling that is being converted into a two-family dwelling (duplex)
- small-lot residential development, which includes the following:
  - a lot with an overall area of less than 4,200 square feet (390m²)
  - a single-family lot with less than 10m in lot frontage
  - a lot that has an overall area of less than 5,000 square feet (464m²) and that proposes a single-family dwelling with secondary suite

Where the Intensive Residential Development Permit Area overlaps with other DPAs, all applicable guidelines will be considered.

5.3.1.6 Exemptions
A Development Permit will not be required for the exemptions as indicated in Section 5.1.2 EXEMPTIONS, plus:

- minor exterior alterations to carriage houses and small lot residential development that do not require a Building Permit.
- minor exterior alterations that do not require a Building Permit where the footprint of the building is not increased by more than 10 percent of the existing footprint.
5.3.1.7 Intensive Residential Guidelines

In addition to the following Intensive Residential Guidelines, Development Permit Applications must also adhere to the General Guidelines (Section 5.2.2).

Site Planning

*Designing in Context*

Recognizing the intent to maintain single family character, new buildings should respect existing scales of development. In addition to the zoning’s siting regulations (e.g., minimum setbacks), the placement of new buildings should consider the context of adjacent homes and the transition between existing and new development.

**IR1. Building siting**

- Front and rear yard setbacks should relate to those of existing neighbouring buildings. (see Figure 5-13).
- The primary building’s front setback should be no greater than 6.0m so that homes engage with the street.

**IR2. Intensive residential (infill) development should offer a diversity of housing to support objectives related to affordability and ageing in place.**

Special Considerations

*Accessory Dwellings and Accessory Buildings: Carriage Houses, Garages, and Sheds*

As cities grow, they need to balance densification with existing neighbourhood character. Allowing carriage houses is one of the more sensitive densification strategies for single family neighbourhoods, and Penticton is fortunate to have a gridded network of streets and lanes in many places that can potentially support them. The following guidelines direct development of both accessory dwellings (carriage houses) and buildings (non-dwellings – garages, sheds, etc.)

**IR3. General Guidelines apply to accessory dwellings and buildings.**

**IR4. Scale – accessory buildings (garages, storage sheds, covered patios/decks, greenhouses) and accessory dwelling units (carriage houses) shall be modest in scale:**

- **Floor area and Coverage –** Accessory dwellings and buildings shall be no more than 60% of the floor area of the principal building and no more than 15% coverage of the lot.
- **Height –** detached covered accessory dwellings and structures must not exceed the height of the principle building.
- **Fit –** accessory buildings and dwellings should follow considerations for site and neighbourhood character fit:
  - Frontages – buildings that face the lane or side street should address them in a positive way. This should include windows and doors facing the lane, planters, trellises and planted strips.
  - **Style –** exterior finish and trim should visually match the primary structure.
  - **Roof pitch –** should be the same as the predominant roof pitch of the primary structure.
Carriage Houses

In addition to being a sensitive infill strategy, carriage houses provide more housing choice, as well as rental units for a variety of users such as aging family members, adult children, caregivers. The following guidelines to ensure fit of additional dwellings in existing neighbourhoods.

IR5. Designing in Context: Appropriate Locations

- Carriage houses should only be built on sites serviced by lanes or on large lots where impact on neighbours is negligible.
- Construction of carriage house or repurposing of existing buildings as carriage houses in SPEAs (Streamside Protection and Enhancement Areas) and environmental protection areas is prohibited.

IR6. Friendly Faces, Friendly Neighbours | managing height and size

- Carriage homes shall not dominate the site. One-storey carriage houses (12-15ft) are encouraged to limit impact on neighbours. Where carriage houses are more than one storey tall the second floor is restricted to 60% of the footprint of the carriage house.

IR7. Limiting Overlook

- Upper floor balconies must overlook the lane (or street if on a corner lot). Ground floor outdoor spaces may open onto the site’s shared yard space.
- Limit upper level sideyard and garden facing windows and/or design them to increase privacy and reduce overlook on neighbouring properties, particularly homes where windows into private uses such as bedrooms may exist. If the distance to a neighbouring dwelling is less than 1.5m, transparent windows are not permitted.

IR8. Parking

- One additional off-street parking space shall be provided per carriage house. The parking space may be:
  » integrated in ground floor (and counted toward the carriage house’s footprint / floor area) or
  » a carport so long as it is architecturally integrated with the carriage house or
  » off-street surface lot.
5.3.2 Multifamily Residential Development Permit Area

Multifamily Residential includes a wide range of higher-density housing forms, including multiplexes, row-houses, townhouses, low-rise apartments, and high-rise apartments.

5.3.2.1 Designation

The Multifamily Residential Development Permit Area establishes objectives for the form and character of commercial, industrial or multifamily development pursuant to Section 488.1(1) (f) of the Local Government Act.

5.3.2.2 Justification

Certain neighbourhoods and areas along prominent corridors and around the Downtown have been designated for multifamily development to accommodate the demand for housing choice, increased affordability and living close to amenities and services. The Multifamily DPA Guidelines ensure successful integration of this housing into their neighbourhoods.
5.3.2.3 Intent
Guidelines for multifamily housing are a means to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness.

5.3.2.4 Objectives
New development should recognize and respect local scale and patterns of development with the following objectives:

1. Ensure social spaces and support for active living (through provision of amenity spaces and indoor-outdoor relationships)
2. Avoid shadow/shading impacts to public parks and priority pedestrian realm
3. Encourage high quality materials and design.

5.3.2.5 Area
The Multifamily Residential Development Permit Area applies to all multifamily development within the city for properties currently zoned for multifamily residential (RM zones and containing multifamily residential uses. This includes multiplexes, cluster housing, rowhouses, townhouses and apartments. Where the Multifamily Development Permit Area overlaps with other DPAs, all applicable guidelines will be considered.

5.3.2.6 Exemptions
A Development Permit will not be required for the exemptions as indicated in Section 5.1.2 EXEMPTIONS, plus:

- internal renovations
- external renovations that do not affect the form and character of the building or site (to be determined by the Development Services Department)
- subdivisions where no building is being proposed
5.3.2.7 Multifamily Residential Guidelines

Notwithstanding the following Multifamily Guidelines, Development Permit Applications must also adhere to the General Guidelines (Section 5.2.2).

Site Planning

Framing Space
An multifamily residential buildings require thoughtful planning around design of shared spaces and provision of public amenity space. Penticton’s climate and seasonal variations provide opportunities for year-round outdoor activity for residents.

MF1. All multifamily developments should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.

MF2. In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from ground-oriented ground floor units.

MF3. Amenity spaces should incorporate vegetation for the purposes of active and passive recreation and/or visual interest, and incorporate safe play areas in interior courtyards.

Parking
Access to visitor parking should be visible and accessible, and should provide amenities such as EV (electric vehicle) charging stations.

MF4. Visitor parking should be:
   • in public view,
   • easily accessible near the main entry to the site, and
   • clearly indicated by pavement markings and/or signs

MF5. Electric vehicle charging stations should be provided in larger developments
Architecture

Attractive Entries
To accommodate pedestrians and provide public amenity:

MF6. Entrances to apartment lobbies should be connected to adjacent sidewalks and provide seating, as well as clear pedestrian-oriented signage. Public art is also encouraged.

Special Considerations

Tall Buildings
In the context of Penticton's relatively-modest urban scale, tall buildings over six storeys (often known as towers) are landmarks within the city. As a result, they require more careful design consideration so as to mitigate negative impacts (including shadowing and/or obstructing views) in accordance with the following guidelines:

MF7. Minimize shadowing on adjacent parks, public and private open spaces and priority pedestrian facilities.
MF8. Pay special attention to preserving or enhancing public views by:
   • providing public places with significant views that are visible and accessible from adjacent streets and sidewalks;
   • minimizing impacts on adjacent public streets and open spaces by:
     » maintaining public, and – where feasible – existing private views (outlooks to the lakes and hillsides), and
     » reducing perceived building bulk, e.g., by shaping towers so they read as ‘point’ towers rather than ‘slab’ towers.
MF9. To increase their attractiveness, taller buildings should demonstrate:
   • high-quality cohesive design of form, materials and colour.
MF10. To create a positive street presence and contribution to the public realm:
   • Tall buildings will be designed with podiums of ground-oriented residential or commercial uses at grade and point towers above. This will provide continuous frontage along the street and ensure active uses at the ground level.
   • Building masses of podiums should be substantially broken up at least every 48m (160 ft.) to vary the spatial experience for a passer-by every 30 seconds at normal walking speed.
MF11. In cases where there are multiple tall buildings in one area, a minimum distance of 9m (29.5 ft) between them is required to permit open amenity space uses. Allow for the future development of a tower on an adjacent site (if appropriate) by providing a sufficient setback from an interior property line to address separation between towers.
5.3.3 Commercial & Mixed-Use Development Permit Area

Commercial use refers to buildings used for commercial purposes only, while mixed-use buildings typically accommodate retail on the ground floor with office and/or residential above.

5.3.3.1 Designation
The Commercial & Mixed Use Development Permit Area is designated for the establishment of objectives for the form and character of commercial, industrial or multifamily development pursuant to Section 488.1(1)(f) of the Local Government Act.

5.3.3.2 Justification
Car-oriented commercial areas are common in parts of Penticton. The visual quality of these areas is important as an essential component of the image residents have of their own city. Further, given the importance of tourist commercial activity, it is important to ensure a high standard for the appearance and pedestrian orientation of these areas. Finally, as Penticton grows, these areas represent an opportunity to accommodate additional commercial services and residential uses within already developed areas of the city.
5.3.3.3 Intent
To encourage a wide range of developments that can support both commercial-only use and mixed-use (e.g., retail, office, residential) preserving affordable forms of commercial development and allowing for people to move into higher-density, higher-amenity neighbourhoods. These guidelines recognize established large-format retail and encourage retrofitting strategies to enhance walkability and liveability.

5.3.3.4 Objectives
New development should recognize and respect local scale and patterns of development with the following objectives:

1. Produce streetscapes defined by attractive buildings and landscaping
2. Transition extensive areas of surface parking to more pedestrian friendly and amenity-rich neighbourhood commercial
3. Provide an attractive, comfortable, safe environment for pedestrians as well as vehicular traffic
4. Establish building forms, site planning principles and landscape standards appropriate to quality urban spaces thus avoiding the appearance that characterizes some 'strip plaza' type development
5. Reflect multi-family residential design guidelines for mixed-use residential development

5.3.3.5 Area
The Commercial Development Permit Area applies to all commercial development within the city for properties currently zoned, or that will become zoned, for commercial (C and CT zones) and containing commercial uses.

Where the Commercial Development Permit Area overlaps with other DPAs, all applicable guidelines will be considered.

5.3.3.6 Exemptions
A Development Permit will not be required for the exemptions as indicated in Section 5.1.3 EXEMPTIONS, plus:

- internal renovations
- external renovations that do not require a Building Permit and do not affect the form and character of the building or site (to be determined by Development Services Department)
- subdivisions
- additions or renovations that are not visible from the public realm
5.3.3.7 Commercial & Mixed Use Guidelines

Notwithstanding the following Commercial & Mixed-Use Guidelines, Development Permit Applications must also adhere to the General Guidelines (Section 5.2.2).

Site Planning

Framing Space

Commercial and Mixed-Use building siting should create an active and attractive street.

CM1. Retail building frontages:
   • shall meet the sidewalk at grade;
   • are encouraged to be built to the property line so that a continuous commercial street frontage is maintained;
   • may be set back at a maximum of 4.0m from the property line to allow for an active outdoor use such as a courtyard or patio, or to respond to a building setback from an adjacent property, where necessary (see Figure 5-18).
   • may feature outdoor displays and patios provided a minimum 2.0m wide clear pedestrian zone within the public sidewalk is maintained.

CM2. Plazas

Outdoor eating areas and street-side plazas are encouraged and should:
   • be located adjacent and connected to a public sidewalk and at centres of activity, such as transit exchanges, intersections of important streets and retail streets, thus providing a focal point for these areas.
   • be framed by buildings on a minimum of two sides to create well defined edges. The buildings should have active uses facing the plaza such as shop entrances, food/beverage, or recreation/community.
   • account for user comfort in their design by incorporating:
     » protection from wind and excessive sun through appropriate siting and use of suitable plants and landscape structures (e.g., layered plantings, screen walls / trellises etc.).
     » comfortable and functional furnishings such as lighting, seating, trash receptacles and restrooms in high-traffic locations.

CM3. Mixed-use developments require thoughtful consideration to create synergies in mix and placement of uses.

   • Mixed-use buildings should be designed with compatible uses, with more public uses (e.g., retail, commercial) on the ground floors fronting high pedestrian traffic areas and more private uses (e.g., residential, office) on upper floors or along quieter streets.
   • Mixed-use developments should be ground-oriented and should address, activate and, where setbacks allow, expand the public realm.
   • Mixed-use developments require additional consideration for resident amenity spaces within and/or adjacent to buildings (see Figure 5-20).
**Parking**
Design to minimize the visual impact of parking.
- CM4. Locate parking areas to the rear or interior of a site rather than between the street and building.
- CM5. Support a “Park Once” approach by locating and connecting parking to the greater pedestrian network.
- CM6. Provide off-street parking access from secondary streets if lane access is not possible.

**Architecture**

**Friendly Faces (Massing & Articulation)**
Large-Format Retail / car-oriented commercial buildings should maintain a sense of pedestrian friendliness and visual interest (see the Illustration of Strategies)

- CM7. Small Frontages: retail bays shall be no wider than 15 metres in order to create or maintain a fine-grained pattern of shops. A maximum spacing of 10 metres for entrances is desired along the key pedestrian-oriented high streets.
  - A larger retailer may combine bays internally; however, the external bay articulation should be maintained (see Figure 5-21).
- CM8. Building Projections: building projections that do not incorporate living space (e.g., roof overhangs, cornices and entry features) may encroach up to 1.25 metres into street right of way, provided that they are no less than 2.75 metres above the sidewalk.

**Commercial Frontages**
Commercial frontages should serve a range of functions that enliven the pedestrian realm through:

- CM9. Clearly signed and generously sized entries to indicate primary pedestrian access.
- CM10. Visual connection to the store interior maintained through at least 75% glazing along the primary store frontage. Windows shall be transparent and clear of obstructions (e.g., posters, decorative decals, reflective and highly tinted glass, etc.) looking onto display materials and/or active uses.
- CM11. Outdoor spaces that serve to complement the street realm (e.g., street-side plazas, outdoor eating and cafe seating areas);
- CM12. Blank walls should be no greater than 20% of the storefront along the primary store façade; secondary façades should be no greater than 50% blank.
  - Where blank walls exist as a function of a building’s internal program (e.g., merchandising and/or “back of house”), opportunities for creating interest shall be explored, including: murals, architectural design features, etc.
Special Considerations

Weather Protection

CM13. Awnings and canopies are encouraged on all buildings with street-oriented retail at grade to form a sheltered environment for pedestrians. Other commercial, light industrial and multifamily apartment residential uses shall have awnings overtop of main entrances.

CM14. Design awnings and canopies as an extension of the architectural expression of the building façade.

CM15. Canopies should have a minimum vertical clearance of 2.75m measured from the sidewalk. Canopies should preferably extend out over the sidewalk by at least 1.8m while maintaining a minimum 0.6 m setback from the outer face of the curb.

CM16. Placement of awnings and canopies should balance weather protection with daylight penetration. Avoid opaque canopies that run the full length of façades.

Signage

CM17. Notwithstanding the City of Penticton’s Sign Regulations Bylaw, the following are preferred or acceptable types of commercial signage:

- Projecting two-dimensional or blade signs suspended from canopies and awnings, maintaining minimum clearances from sidewalks and driveways for safety and to reduce vandalism.
- Flush-mounted fascia signs
- Externally lit signs
- Small vertical banners and projecting signs
- Cut-out or silhouette letter signs mounted on storefronts.

CM18. Notwithstanding the City of Penticton’s Sign Regulations Bylaw, the following types of commercial signage are strongly discouraged:

- Internally lit plastic box signs
- Large signage on awnings
- Pylon (stand alone) signs
- Rooftop signs

CM19. Signage on commercial buildings shall clearly identify uses and business name and be pedestrian-oriented (e.g., installed along the business’s primary pedestrian corridor and access).

CM20. Signage directing traffic to parking shall be provided and visible from the street.

Integrated Lighting, Signage and Weather Protection Design

Integrated lighting and signage design can make a positive contribution to the pedestrian experience through a combination of street, sidewalk, and architectural lighting and signage.

CM21. A signage and lighting program for commercial developments should be designed, with signs, lighting, and weather protection architecturally integrated from the outset. The signage and lighting plan should be provided with the Development Permit application.
Live / Work (Home Occupation)

Live/work is regulated under zoning as “Home Occupation”. Live/work units contain a street-oriented workspace that is for use by the resident within the dwelling unit. Live/work units can at times serve as quasi-retail space, offering an affordable alternative for artists and local entrepreneurs who would otherwise require a separate commercial space in addition to their primary dwelling unit. In mixed-use locations, the following guidelines apply:

CM22. Building Interface - live/work units may serve as gallery or retail space for residents. In such instances, the “work” portion of the unit should front the street.

CM23. Flexible Space - live/work units should have a minimum floor to floor height at-grade of 4.0m in order to provide workspaces that offer flexibility for such diverse uses as retail operations, graphic and visual arts, or small-scale manufacturing.

CM24. Buildings containing live/work uses should be identifiable by the design of frontages, for instance by:
   • differentiating the living zones from the working zones architecturally through façade design and colour, e.g., with canopies and upper storey step backs
   • reflecting its uses through variation in materials, roof lines, building articulation and/or fenestration pattern.
Area-Specific Guidelines

Area-Specific Guidelines regulate form and character of specific areas whose unique conditions require their own subset of guidelines.

In Penticton, there are two areas identified for guidelines:

• Downtown
• Hillside

Downtown, as a specific business, shopping, cultural, residential and entertainment area, is distinguished from other areas by an active, diverse and fine-grained mix of uses. Generally, emphasis for the Downtown Guidelines is in accommodating (and encouraging) the use of the public realm for all times of the day and year, and maintaining a consistent form and character within the Downtown, while allowing for individuality and visually interesting building design.

Hillside guidelines manage development on sloped terrain as a means to mitigate risk; better address environmentally sensitive qualities and moderate the visual impact of developed areas.
5.4.1 Downtown Development Permit Area

Notwithstanding the General Guidelines, the following Downtown Guidelines apply to sites located throughout the Downtown.

5.4.1.1 Designation

The Downtown Development Permit Area is designated for the establishment of objectives for the form and character of commercial, industrial or multifamily development pursuant to Section 488.1(1)(f) of the Local Government Act.

5.4.1.2 Justification

Penticton’s Downtown is well established and vibrant: the five-block Main Street and intimate, fine-grained stretch of shopfronts along Front Street – which together make up the Downtown Core – are central to the town’s identity and contribute to its “small town feel.”

The “transitional areas” within Penticton’s downtown include a wide range of uses and services complementary to the “high street” retail frontages concentrated along Main Street and Front Street. Recognized for their own unique character, these areas provide opportunities downtown neighbourhood development of diverse housing, commercial services and community amenities as growth in the Downtown continues.

5.4.1.3 Intent

The intent of the Guidelines is to maintain and strengthen a vibrant, active and livable downtown by creating a high-quality public realm, and supporting local businesses and creating opportunities for people to live in the Downtown.

The intent of the additional Guidelines for the Transitional sub-areas is to encourage a unique form of mixed-use development and adaptive reuse within these areas to strengthen neighbourhood identity and increase amenity (parks and plazas) in support of residential development, while continuing to complement the Main Street and Front Street commercial areas of Downtown.

The guidelines support and build on the vision and intent outlined in the 2012 Downtown Plan. Proposed development should employ that Plan’s urban design and land use principles in their design.

5.4.1.4 Objectives

New development should recognize and respect local scale and patterns of development with the following objectives:

- Complement the existing built form
- Recognize a unique sense of place and history
- Take advantage of strategic opportunities for landmark buildings.
5.4.1.5 Area
A Development Permit shall be required in the Downtown Development Permit Area as shown on Map 3: Downtown Development Permit Area. All development in the identified Downtown Development Permit Area must meet the intent of the General Downtown Design Guidelines. Where the Downtown Development Permit Area overlaps with other DPAs, all applicable guidelines will be considered.

5.4.1.6 Exemptions
A Development Permit will not be required for the exemptions as indicated in Section 5.1.3 EXEMPTIONS, plus:

- internal renovations
- external renovations that do not require a Building Permit and do not affect the form and character of the building or site, such as like-for-like replacement (to be determined by Development Services Department)
- subdivisions
- additions or renovations that are not visible from the public realm

Relaxation of Downtown Guidelines may be considered in cases of re-use/adaptation of existing structures at the discretion of the Director of Development Services pursuant to Section 490(1)(a) of the Local Government Act.
5.4.1.7 Downtown Guidelines

Notwithstanding the following Downtown Guidelines, Development Permit Applications must also adhere to the General Guidelines (Section 5.2.2)

Site Planning

Framing Space

As the primary hub for both residents and visitors there is added importance for public realm and public amenity spaces in the Downtown. As Penticton continues to attract economic activity to its Downtown, every opportunity should be pursued to increasing the amount and quality, as well as maximize the use of these spaces.

- DT1. Public spaces should be designed to accommodate various needs for seasonal use and for all times of the day and night with appropriate consideration of public safety and health.
- DT2. Temporary parks are encouraged to animate vacant areas of the Downtown.
- DT3. Pocket parks and plazas in the downtown are encouraged to increase social spaces and vegetation in the Downtown.
  - New pocket parks and plazas should be encouraged as part of future development wherever appropriate, such as:
    - In sidewalk upgrades for multifamily or mixed-use developments.
    - In parking spaces, to allow temporary summer seating to be built and operated by the fronting business.

Special Considerations

Weather Protection

- DT4. Awnings and canopies are encouraged on all buildings with street-oriented retail at grade to form a sheltered environment for pedestrians. Other commercial, and multifamily apartment residential uses shall have awnings overtop of main entrances.
- DT5. Awnings and canopies should be designed an extension of the architectural expression of the building façade.
- DT6. Canopies should have a minimum vertical clearance of 2.75m measured from the sidewalk. Canopies should preferably extend out over the sidewalk by at least 1.8 m while maintaining a minimum 0.6 m setback from the outer face of the curb.
- DT7. Placement of awnings and canopies should balance weather protection with daylight penetration. Opaque canopies that run the full length of façades should be avoided.
Signage, Lighting, Furniture, Public Art
The Downtown Plan identified and named distinct districts for the Downtown. The following guidelines provide strategies to distinguish these areas from each other.

DT8. Incorporate branding for Downtown character areas (see Penticton’s Downtown Plan) through design of signage, lighting, furniture, public art designs / standards.

DT9. Lighting, signage, furniture and public art should be designed and located to enhance the entertainment experience and safety of the Downtown at night.

DT10. Wayfinding signage orienting pedestrians to specific amenities and areas of interest (features, attractions and businesses) should be incorporated into larger/ corner lot developments and in public places.
Downtown Core Design Guidelines

The Downtown Core area is recognized as the historical commercial centre of Penticton, with a well-established identity and character. As such, the guidelines seek to build upon existing uses, heritage and style of development.

The following guidelines apply to:

• The 100-300 blocks of Main Street
• The 200 and 300 blocks of Martin Street
• Front Street
Site Planning

**Designing in Context**

DT11. Retain the presence of Downtown heritage sites and buildings by restoring and integrating existing heritage buildings in site planning. (e.g., the re-use of Pen Mar Theatre).

DT12. Storefront design should be informed by, and compatible with, the historic storefronts of the Core area and appear fine-grained rather than linear.

DT13. Upper floor setbacks or other architectural techniques that reduce the overall massing and height should be applied where a building is more than two storeys tall.

DT14. In the case of large sites, vary the proposed streetwall frontages in order to reinforce the visual pattern and contextual scale created by existing traditional development on 30’ wide building sites.

DT15. Promote an infill development strategy focused on commercial and/or mixed use buildings between two and five storeys in height (limited to three storeys on Main Street and the 00 block of Front Street), rather than large scale redevelopment (lot consolidations and large-scale demolition and rebuilding).

DT16. Maintain existing building stock on Main Street and Front Street to support independent retailers/commercial establishments and preserve historic character.

**Framing Space**

DT17. The setback of any one development should be within 10% of the setback of adjacent developments along a street frontage. For instance, if a neighbouring development has 6m building setbacks, adjacent massing should have a maximum variation of 0.6m (5.4m or 6.6m setback). Where appropriate, relaxations are supported.

DT18. Activate sidewalk space through busker stands and sidewalk cafés.

DT19. Support the beautification of facades and storefronts in the Downtown.

**Prioritizing Pedestrians**

DT20. Add, enhance and maintain existing pedestrian connections, such as Main Street’s mid-block walkways, and multi-use (walking, cycling) corridors, to establish strong linkages with neighbourhoods, adjacent areas, and complementary centres and uses.
Downtown Transitional Area Design Guidelines

The Downtown Transitional area reflects a shift from the traditional Main Street to neighbourhoods with remnant industrial buildings, and a greater presence of residential, live/ work and other mixed uses (as opposed to strictly commercial).

The following guidelines apply to:

- The 100 & 200 blocks of Westminster Avenue West
- The 100 block of Winnipeg Street
- The 00 block and 100 block of Ellis Street, and
- Estabrook Avenue

Site Planning

Design in Context

DT21. Maintain industrial character through preservation of existing buildings and integration of industrial design elements and references, such as bay doors, machinery and fixtures.

Architecture

DT22. Where consolidation of multiple development parcels occurs, building designs should be architecturally detailed so that the street façade mimics the original legal parcel widths along the street to retain the original lot size character.
5.4.2 Hillside Development Permit Area

Hillside Development refers to development located on sloping terrain and requires a range of special considerations to mitigate risk and negative impacts.

5.4.2.1 Designation

The Hillside Development Permit Area is designated for the protection of development from hazardous conditions pursuant to Section 488.1(1)(b) of the Local Government Act.

5.4.2.2 Justification

Penticton is, in large part, defined by its unique topography, lakeside setting and views. The hillsides are a key part of its natural setting. Poorly designed and managed development on hillsides can have a negative impact on the natural environment, expose residents to risk, disrupt views to and from the hillside and create communities highly reliant on the automobile for travel.

This approach to hillside development includes strategies for mitigating risk, landscape retention, grading at the neighbourhood and lot level, and addressing form and character of architecture.
5.4.2.3 Intent
The Guidelines direct development on hillsides that respects the natural setting by minimizing risk from hazards, minimizing ecological and visual impacts, and creating development that ‘settles’ into the landscape. They are also intended to mitigate the typical hillside challenges of low connectivity and poor walkability by making special efforts to create pedestrian and cycling connections.

5.4.2.4 Objectives
New development should recognize and respect its environmental and geotechnical context, local scale and patterns of development with the objectives to:

1. Minimize and mitigate hazards from steep slopes, wildfire and flooding
2. Fit with the natural landscape and climate
3. Protect and enhance views towards the valley and lakes from above
4. Avoid unnecessary scarring of the hillside landscape to protect views back to the hillside
5. Create a sense of built form fitting with the land
6. Create movement connections for both people and wildlife

5.4.2.5 Area
A Development Permit shall be required in the Hillside Development Permit Area as shown on Map 4: Hillside Development Permit Area. All development in the identified Hillside Development Permit Area must meet the intent of the Hillside Design Guidelines.

In areas where Hillside and Environmental Development Permit Areas overlap, nothing in this section is intended to relieve or supercede the direction provided by the Environmental Development Permit. Environmental protection measures are to be integrated and stipulated in Hillside Development Permits.

5.4.2.6 Exemptions
A Development Permit will not be required for the exemptions as indicated in Section 5.1.3 Exemptions

5.4.2.7 Variance
So long as street frontages are generally consistent along building lines, variances to reduce front yard setbacks will be considered as a means to shorten driveway lengths, at the discretion of the Director of Development Services pursuant to Section 490(1)(a) of the Local Government Act
5.4.2.8 Hillside Guidelines

Notwithstanding the following Hillside Development Permit Area Guidelines, Development Permit Applications must also adhere to the General Guidelines.

Submission Materials

In support of Hillside Development Permit Area applications, the following additional submissions will be required:

i. Site Features Inventory identifying:
   - Potential hazards and hazard areas including indicators of slope stability hazards or concerns.
   - Property lines, easements, rights-of-way;
   - Natural pre-development site contours;
   - Geotechnical assessment;
   - Existing human-made features such as roads, curbs, sidewalks, utilities, trails, buildings, structures, fences, and retaining walls;
   - Natural physical features including but not limited to knolls, ridgelines, rock outcrops, surface and ephemeral watercourses, seeps, springs, gulleys, ravines, and cliffs;
   - Prominent views;
   - Identification of significant environmental attributes;
   - Tree inventory.

ii. Development Concept Plan identifying:
   - The proposed site plan outlining the location of roads, shared driveways, lanes, major utility features (mains, pump stations, reservoirs, detention ponds, etc.), lots, building envelopes, parks, trails and open spaces;
   - Grading concept plan including identification of proposed large cut and fill areas.

Site Planning

Designing in Context

HS1. Hillside development applications shall identify significant on-site and off-site natural features:

ENVIRONMENTAL ASSESSMENT

- Prior to site planning and subdivision, development proponents must retain a Qualified Environmental Professional (QEP), Qualified Professional Geotechnical Engineer, Registered Professional Forester, and any other required Registered Professional to analyze and map the existing natural features and functions of the hillside area to identify and describe:
  - Environmentally Sensitive Areas (ESAs)
  - wildlife corridors
  - geological features (steep slopes, ridges, knolls, outcrops, gulleys etc.)
  - significant vegetation (large trees, patches) and riparian features (streams, wetlands, springs)
- These shall be compiled into a composite geotechnical hazard and environmental basemap that forms the starting point for site planning.

HAZARD ASSESSMENT

- Site plans should be designed to preserve the important natural features, such as rock outcrops, watercourses, and ravines, as identified by the Qualified Environmental Professional, and provide adequate space for buffering.
Site Planning - cont’d

HS2. All development within the Hillside Development Permit Area shall be under the direct supervision of a Qualified Professional Geotechnical Engineer

HS3. Integrate assessment of wildfire behaviour (e.g., fire movement and topography) in hillside development planning and integrate ecologically-appropriate FireSmart principles at the neighbourhood-wide and site levels.

HS4. Development shall integrate parks & open space designs in site planning to capitalize on scenic view opportunities.

HS5. Planning for hillside environments should consider opportunities to integrate development into existing landscape functions whereby:

• Environmentally Sensitive Areas (ESAs) are avoided;
• Natural areas further buffer and connect landscape features, provide recreational amenity (trail corridors) and compliment active parks; and
• Landscape retention reduces visual impacts within development areas. (see Figure 5-24: HS5)
HS6. Retain the greatest possible hillside area in its natural condition. In addition to protecting environmentally-sensitive and riparian areas, developers should retain a target of 30% of the natural landscape in its existing condition and grade, and/or achieve a similar outcome through a restoration plan that mimics the natural slope and prioritizes ecologically-appropriate revegetation (see Figure 5-25: HS6).

Strategies to achieve this target:
- Avoid development or reduce density on the steepest slopes and cluster more density on flatter areas to reduce impact
- Retain and enhance significant natural scenic features, such as gullies, rock outcrops and knolls
- Create larger sideyards and backyards and leave these in a natural state
- Avoid development of engineered flat individual building lots; and instead preserve the natural topography (e.g., as part of the backyard)
- Apply low-impact development design such as shared driveways and narrower street standards, sidewalks on one side, separated sidewalks etc.
- Careful route roads along natural site contours to minimize unnecessary cut and fill

HS7. All house sites shall be identified and surveyed and lots pre-graded at the time of subdivision registration to ensure that the grading plan works and achieves the objectives in HS6 noted above.

HS8. Consider views by offsetting lot lines to allow for views of mountains and lakes between buildings (see Figure 5-26: HS8).
Streets and Parking

HS9. Apply a “lighter on the land” approach to engineering and access to achieve significant reductions in hillside view impacts and landscape scarring through special design requirements for streets in hillside environments, including:

• narrower streets,
• reduced on-street parking, and
• lower design speeds.

HS10. Consider increased cul-de-sac lengths with emergency vehicle access to reduce impacts to hillsides in challenging topographic conditions.

HS11. Emergency vehicle access lanes shall generally have a minimum hard packed surface width of 4 metres. Emergency vehicle access lanes should generally be designed to achieve a maximum grade of 11%.

In steeper areas the City may consider varying this requirement to allow stretches with grades of up to 15%.

HS12. Maximum driveway slopes shall not exceed 20%.

Architecture
Building Orientation and Massing
The following architectural guidelines aim to foster a better fit of buildings in the land, to minimize disturbance and to maintain the views of ridgelines.

HS13. Use stepped building forms that retain the slope by using building foundations, and low, stepped retaining walls where necessary (see Figure 5-27 & 28: HS13).

HS14. Promote low slung / horizontal architecture that nestles into the landscape and internalizes retaining walls as part of the building design (see Figure 5-29: HS14).

HS15. Use low-pitched or flat roofs made of non-reflective materials.

HS16. Avoid reflective materials and use local, natural materials and colours where possible.

Landscape Architecture

HS17. Keep retaining walls to a maximum of 4’ high before stepping back to a distance of a minimum of 4’, unless the retaining wall is integral to and integrated with the architecture of the home, in which case it may extend up to 8’.

HS18. Retaining walls should use natural-looking textures and natural colours.

HS19. Reconstructed slopes must be replanted with appropriate native plant material to blend with existing/surrounding hillside setting and to stabilize the soil.
Special Considerations

**Lighting**

HS20. Street lighting will be provided on hillside streets only at street intersections.

**Steep Slopes**

HS21. Approval of development on natural slopes of more than 30%, shall be limited to a lot-by-lot basis. Each home will require a suitable design for the site so as to adhere to Hillside design standards and require:

- a geotechnical study prepared by a Qualified Professional Geotechnical Engineer demonstrating the feasibility of development prior to approval;
- a site grading plan demonstrates that works with and is consistent with the hillside environment;
- minimum grading as is necessary for the building platform. Flat yards are not permitted, and
- visual impact assessment demonstrating adherence to the above Guidelines.
5.5 Riparian And Environmental Guidelines

Background

Penticton is located in a region of Canada with a large number of unique species, many of which are at risk and not found elsewhere in the province or in Canada. The South Okanagan-Similkameen is very biologically diverse due to the region’s milder climates and variety of landscapes. At risk species and ecosystems overlap the areas where people live, making it important to consider and plan development to avoid and mitigate impacts of development on environmental values. Unique sensitive ecosystems like grasslands and shrub-steppe are found here, but are very rare elsewhere in Canada. Wetlands were historically rare in the Okanagan’s dry landscape, and today 85-95% of this already-rare ecosystem have been lost to development, roads, agriculture and other land uses. Streams, lakes and their shorelines have also been extensively modified. Our lack of remaining wetlands and modified shorelines have greatly reduced our natural capacity to protect water quality, prevent erosion, have resilient development, and adapt to changing climate.
5.5.2 Riparian Development Permit Area

5.5.2.1 Designation
The Riparian Development Permit Area establishes objectives for the protection of the natural environment pursuant to Section 488.1(1)(a) of the Local Government Act.

5.5.2.2 Justification
The Riparian Areas Protection Act requires Penticton to protect riparian areas from the effects of residential, commercial, institutional and industrial development. The Riparian Development Permit Area is designated to protect, enhance and restore riparian habitat. This development permit helps protect water quality, fish and fish habitat, limit flooding impacts, support biodiversity and encourage habitat restoration in priority areas identified in the Penticton Creek Master Plan and Ellis Creek Master Plan.

5.5.2.3 Area
The Riparian Development Permit Area applies to all privately-owned land located within 30 m of the high water mark or top of a stream’s ravine bank within city boundaries. Map 5: Riparian Development Permit Area identifies the known watercourses within the city of Penticton. The Riparian Development Permit Area includes all watercourses or water bodies within city limits. Should a stream or other watercourse not identified on the map be found on or adjacent to a project subject to development, however, it is the responsibility of the proponent to contact the City of Penticton to determine whether or not the Riparian Development Permit Area applies. Where the Riparian Development Permit Area overlaps with other Development Permit Areas, all applicable guidelines are to be considered.

5.5.2.4 Objectives
1. To protect and enhance water quality and prevent contamination of water from land use and development activities throughout the Riparian Development Permit Area.
2. To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.
3. To regulate development activities and support riparian restoration within riparian restoration areas as a means to restore fish habitat, and protect recognized ecological, cultural and public amenities associated with Penticton Creek and Ellis Creek.
5.5.2.5 Exemptions

The following lists potential qualifying exemptions:

1. The repair, maintenance of and improvements to all existing public structures, facilities, open spaces, trails, roads, and utilities which is meant to include but not limited to: sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric, telephone.

2. Acceptance by the City of Penticton of a report prepared by a Qualified Environmental Professional concluding that there is no watercourse associated with the development or adjacent areas described on the Riparian Development Permit Area Map.

3. A subdivision involving a lot consolidation or a boundary adjustment where no new lots are being created and each remaining lot provides, outside of any riparian / environmental protection assessment areas, a building envelope of sufficient area to permit the construction of a standard sized building within the setback established by the Zoning Bylaw.

4. The only proposed development is the installation and maintenance of fences or signs, where no vegetation needs to be removed or disturbed.

5. Where the only proposed development is environmentally-sensitive removal of infested, diseased, or hazardous trees in accordance with 'Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas' (Provincial Guidelines) as indicated in a report by a Qualified Environmental Professional or ISA certified Arborist with Wildlife and Danger Tree Assessor training, and the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.

6. The proposed works are site restoration, ecological enhancement, general parks maintenance and works in accordance with established Best Management Practices and applicable Provincial and Federal regulations, as required, under purview of the city of Penticton Parks Department.

7. The development consists of the farm use of existing active agricultural areas, not involving the construction of buildings for farm or non-farm use over 10 square metres in floor area, or not altering natural areas for farm or non-farm uses.
5.5.2.6 Riparian Development Permit Area Guidelines

RP1. A riparian assessment report authored by a Qualified Environmental Professional following the Professional Practice Guidelines for Legislated Riparian Area Assessments in British Columbia must be submitted to the City of Penticton, including:
- description and map of all pertinent aspects of the proposed development;
- confirmation of the boundaries of the Riparian Assessment Area, and within that, the proposed width of the Streamside Protection and Enhancement Area (SPEA) and supporting rationale;
- description of the natural features, functions and conditions in the riparian area that support fish life processes;
- recommended measures necessary for conserving, restoring or enhancing the integrity of the riparian area; and
- supporting professional opinion that either the development as proposed will not result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat, or that no HADD would result if the recommended measures in the assessment report were implemented.

RP2. The City may require the applicant to provide the City with financial security as a condition of the issuance of a Development Permit. The value of the financial security will be based on a cost estimate, prepared by a Qualified Environmental Professional and accepted by the City. Financial security may be used where, in the opinion of City staff:
- landscaping is prescribed
- an unsafe condition has resulted as a consequence of contravention of a condition of a permit; or
- where damage to the natural environment has resulted as a consequence of a contravention of a condition of a permit.

RP3. A Qualified Environmental Professional is required to provide ongoing monitoring of Development Permit conditions and submit a post-development report to the city of Penticton confirming that conditions of the permit have been met.

RP4. Riparian Assessment Regulation Assessments must be reviewed by a Qualified Environmental Professional and updated if more than two years has passed before development proceeds or if proposed development plans are changed.

RP5. The Riparian Assessment Area Development Permit shall not be issued prior to confirmation that the Assessment Report has been submitted to the Province by a Qualified Environmental Professional.

RP6. The city of Penticton will not issue a Development Permit for a Streamside Protection and Enhancement Area (SPEA) defined by the Riparian Areas Regulation that is narrower than 10m. For lots that meet the definition of hardship in the “Protocol for Management of Riparian Area Regulation variances”, a landscaping plan will be required to prescribe restoration measures and enhance riparian function in the SPEA.

RP7. Landscaping should support riparian functions including erosion prevention and protection of water quality, and be limited to native species.
5.5.3 Environmental Development Permit Area

5.5.3.1 Designation
The Environmental Development Permit Area establishes objectives for the protection of the natural environment pursuant to Section 488.1(1)(a) of the Local Government Act.

5.5.3.2 Justification
The Environmental Development Permit Area is designated to protect important sensitive ecosystems and biological diversity including valuable habitat for species at risk and other wildlife. This Development Permit Area designation provides an important mechanism for Penticton to support compliance with Migratory Birds Convention Act, Species at Risk Act, Wildlife Act and other relevant Provincial and Federal policy and legislation applicable to development activities on private land.

There are two categories within the Environmental Development Permit Area:

- **Environmental Protection Areas** are applied on known very high-sensitivity areas to retain bio-diversity, support wildlife movement corridors, and protect the natural environment from disturbance or degradation including tree cutting, dumping and uncontrolled access. These areas include oxbows, wildlife corridors and ravines, the Esplanade and silt bluffs, and the Skaha Bluffs.

- **Environmental Assessment Areas** are applied to potentially environmentally-sensitive areas to ensure that environmental values are considered in development planning.

5.5.3.3 Area
Environmental Development Permit Area Guidelines apply to all areas identified on Map 6: Environmental Development Permit Area. Specific individual guidelines apply to Environmental Protection Areas and Environmental Assessment Areas which are part of the larger Environmental Development Permit Area.

5.5.3.4 Objectives
1. To protect ecosystem services, biological diversity, wildlife and important wildlife habitats, features and functions throughout the Environmental Development Permit Area;
2. To minimize disturbance to Environmental Development Permit Areas and to ensure that development within these areas proceeds according to specified guidelines.
3. To maintain ecosystem connectivity within connectivity corridor areas and to ensure that development within these areas proceeds according to the specified guidelines.
4. To plan land development and new subdivisions carefully in a manner that identifies and protects sensitive ecosystems and species, consistent with applicable guidelines.
5.5.3.5 Exemptions

1. The removal of hazardous and invasive trees and other species, and a report prepared by a registered professional in BC or an ISA Certified Arborist who is qualified as a Wildlife/Danger Tree Assessor has been submitted; and this report concludes that the tree(s) proposed for removal is (are) hazardous and recommends their removal.

2. The proposed works are site restoration, ecological enhancement, general parks maintenance and works in accordance with established best management practices and Provincial approvals, as required, under purview of the city of Penticton Parks Department and directed by advice from a Qualified Environmental Professional.

3. The activity involves the environmentally-sensitive removal of trees and shrubs designated as hazardous by a Professional Forester registered in BC in accordance with provincial FireSmart standards as outlined in a site-specific wildfire hazard report, with provisions in place to ensure that tree removal is carried out in accordance with the report recommendations.

4. A subdivision involving a lot consolidation or a boundary adjustment where no new lots are being created and each remaining lot provides, outside of any riparian / environmental protection assessment areas, a building envelope of sufficient area to permit the construction of a standard sized building within the setback established by the Zoning Bylaw.

5. For land development without construction where the development is occurring solely for the restoration of an environmental feature or the hand removal of an invasive species. A restoration plan prepared by a Qualified Environmental Professional must be presented to the city of Penticton prior to development.

6. Where development consists of the farm use of existing active agricultural areas, not involving the construction of buildings for farm or non-farm use over 10 square metres in floor area, or not altering natural areas for farm or non-farm uses.

7. All Environmental Protection and Environmental Assessment Areas applicable to the development are included in a registered covenant as assessed by a Qualified Environmental Professional.

8. There is change of use or alteration of an approved existing building or structure in which the building or structure “footprint” is not altered or increased or addition to buildings and structures that are less than 10m² in area (Environmental Assessment Area only).
5.5.3.6 Environmental Development Permit Area Guidelines

General

E1. Issuance of an Environmental Development Permit requires the submission of an environmental assessment report authored by a Qualified Environmental Professional (QEP) that is a Registered Professional Biologist in British Columbia or a team that includes a Registered Professional Biologist in British Columbia (RPBio).

E2. The submitted environmental assessment must be prepared in accordance with the City of Penticton’s Terms of Reference for Environmental Reports.

E3. Construction of underground service utilities may be considered provided that disturbance to the natural environment is minimal, and restoration and enhancement of disturbed areas is undertaken upon completion of construction and is addressed in the Environmental Report and implemented under the guidance of a Qualified Environmental Professional.

E4. Construction standards for trail development may be varied to minimize impacts on the environment.

E5. The applicant may be required to provide the City with financial security prior to the issuance of a Development Permit. The value of the financial security will be based on a cost estimate, prepared by a qualified professional and accepted by the City, of the total cost of any rehabilitation and/or restoration prescribed in the environmental assessment report or resulting from unauthorized damage caused by construction or site disturbance in contravention of a Development Permit.

E6. A Qualified Environmental Professional is required to provide ongoing monitoring of Development Permit conditions and submit a post-development report to the city of Penticton confirming that conditions of the permit have been met.

E7. Environmental Assessments must be reviewed by a Qualified Environmental Professional and updated if more than two years passes before development proceeds or if development plans change.

Applied to Environmental Protection Areas

E8. Environmental Protection Areas shall remain free of development and in their natural condition except for fencing, trails, buildings or works required for the preservation or public enjoyment of the natural habitat.

E9. Dedication of natural watercourses is required in Environmental Protection Areas.

E10. Construction of access roads may be considered in Environmental Protection Areas providing disturbance to the natural environment is minimal and restoration and enhancement of disturbed areas is undertaken upon completion of construction.

Applied to Environmental Assessment Areas

E11. Development shall be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided (e.g., when native trees block the only possible access route, where they pose an imminent danger or where leaving them would sterilize the lot), mitigation should include restoration and replanting with equivalent native trees, consistent with applicable Federal and Provincial legislation.

E12. Plan development to avoid destruction of Critical Habitat for Endangered and Threatened Species under the Federal Species at Risk Act, unless Federal permits are issued to allow this.

E13. Plan development to avoid Provincial Red Listed ecosystems and species and to minimize impacts on Provincial Blue Listed ecosystems and species.
Chapter 6
Implementation
Implementation Approach

This Official Community Plan is intended to guide the City of Penticton’s priorities, initiatives and strategies moving forward. While not all actions in the OCP need to be undertaken, under the Local Government Act, all City bylaws and works must be consistent with the OCP. This section outlines the implementation approach, with direction on how the OCP guides subsequent work, how progress is evaluated, and under what conditions amendments to the Plan may be considered.
OCP Amendments and Plan Review

Long-term Review of the OCP

The time horizon of this OCP is 25-30 years; this is how far forward our population projections and land capacity analyses look, and the basis for direction in the goals and policies and the Future Land Use Plan. Recognizing that the world changes quickly, the intention, however, is to comprehensively update the OCP every five-to-ten years to take into account new trends, unanticipated changes and influences, and to integrate new learning and opportunities. The City will anticipate, support and resource the comprehensive updating of the OCP within this timeframe.

Amending the OCP

Recognizing that the OCP is a "living document" amendments to the OCP may be initiated by the City if the evaluation cycle depicted below indicates the need to adjust. All OCP amendments require public consultation and a Public Hearing.
**OCP Land Use Designation Amendments**

Respecting the vision and values in this OCP, but also providing for innovation and adaption as new opportunities arise, proposals to amend OCP Land Use Designations by landowners may be considered by City Council with the following considerations:

- Alignment with broad OCP vision and goals
- Provision of demonstrable social, economic and environmental benefits to the community
- Assessment of cost and other implications for infrastructure – parks, roads, utilities, water, sanitary and storm sewer, public facilities
- Suitability to context – form, character and design
- All proposed amendments will be accompanied by meaningful public engagement, in addition to the required notification, and a formal Public Hearing.

**Monitoring Progress of the OCP**

Monitoring and evaluation of the OCP’s progress, relevance and effectiveness will be achieved through annual reporting to Council and the community of key indicators. Progress will be tracked by identifying measureable targets defined by clear and available data, or generating new data if required. Progress towards (or away) from these defined target indicators will form the basis of the annual reporting by the City’s Planning Department. The indicators will span all policy areas in the Official Community Plan.

<table>
<thead>
<tr>
<th>Examples of OCP Indicators</th>
<th>Net new homes built per year</th>
<th>Defined target (e.g., 150)</th>
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</thead>
<tbody>
<tr>
<td>Housing</td>
<td>% of new houses as rental</td>
<td>Defined target (e.g., 25%)</td>
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<td></td>
<td>Rental vacancy rate</td>
<td>Progress towards target</td>
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<tr>
<td>Transportation</td>
<td>% of commutes by active modes and transit</td>
<td>Upward trend</td>
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<td>kms of separated bike lanes, trails and multi-use pathways</td>
<td>Upward trend</td>
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<tr>
<td>Economy</td>
<td>Creation of new industrial and commercial floorspace</td>
<td>Upward trend</td>
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<tr>
<td>Environment &amp; Resilience</td>
<td>% of land area as natural and conservation area</td>
<td>Upward trend</td>
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<tr>
<td>Agriculture &amp; Food Systems</td>
<td>% of land base in ALR</td>
<td>Holding steady or increasing</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>Hectares of active parkland per 1,000 population</td>
<td>Defined target (2.5 ha/1,000)</td>
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</tbody>
</table>

Failure to meet targets or apparent trends away from targets may require a ‘rethink’ of strategies to achieve the underlying goals and policies, and potentially could warrant an amendment to the OCP, supported by appropriate and meaningful community engagement. The broad vision of the OCP, and the supporting goals and policies intended to achieve it, should not, in principle, be deviated from. Generally, major new direction should be achieved through a comprehensive review of the OCP in a five-to-ten year interval.
Master Plans and Neighbourhood Plans

Master Plans and Bylaws to Update

Direction for planning and development, engineering, parks and recreation, heritage and culture are provided by a range of City of Penticton master plans, bylaws and strategies. These will need to be reviewed, and if necessary adjusted or renewed, to be brought into alignment with the vision and goals of the OCP.

The following plans have a direct impact on the growth and development of Penticton and will require review and updating, where warranted, as part of the OCP’s implementation strategy and reflecting policy changes and legislative requirements by senior governments:

<table>
<thead>
<tr>
<th>Plan/Strategy/Bylaw</th>
<th>Short Term (1-2 Years)</th>
<th>Medium Term (3-5 Years)</th>
<th>Long Term (&gt;5 Years)</th>
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<tr>
<td>Agriculture Plan</td>
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<td>Arts and Culture Facility Strategy</td>
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<td>Community Climate Action Plan</td>
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<td>Community Energy Emissions Inventory</td>
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<td>Community Wildfire Protection Plan</td>
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<td>Comprehensive Development Plan</td>
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<td>Corporate Climate Action Plan</td>
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<td>Economic Development Strategy</td>
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<td>Food System Strategy</td>
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<td>Heritage Strategy</td>
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<td>Housing Needs Assessment</td>
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<tr>
<td>Official Community Plan</td>
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<td>Parks and Recreation Master Plan</td>
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<tr>
<td>Subdivision and Development Bylaw</td>
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<td>Transportation Master Plan</td>
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<td>Urban Forest Strategy</td>
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<td>Zoning Bylaw</td>
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Neighbourhood Plans and the OCP

Neighbourhood plans may be newly created or revised after adoption of the OCP. These plans will clearly indicate how they conform to the OCP and how they will help achieve the OCP’s vision, goals and policies. Neighbourhood plans must additionally take into account infrastructure and servicing costs, social benefits, ecological impacts, and transportation impacts. Neighbourhood planning exercises will be accompanied by a community engagement strategy that outlines the level of engagement, specific engagement tools, and the roles of key stakeholders.
Temporary Use Permits

Uses not otherwise permitted in the Zoning Bylaw may be permitted on a temporary basis in all parts of the City of Penticton through issuance of Temporary Use Permits, as identified and defined in Section 492 of the Local Government Act. Uses can be permitted for a maximum of three years, with the possibility of one renewal of up to three years, and approval of which will be assessed based on:

- Compatibility with its Land Use Designation
- Minimizing conflict with adjacent land uses
- Avoiding impacts on environmentally-sensitive areas
- Not creating a significant increase in the level of demand for services
- Not permanently altering the site where it is located
Maps

Map 1: Future Land Use
Map 2: Transportation Network
Map 3: Downtown Development Permit Area
Map 4: Hillside Development Permit Area
Map 5: Riparian Development Permit Area
Map 6: Environmental Development Permit Area
Map 7: Water Network
Map 8: Sanitary Network
Appendices

Appendix 1 – Glossary

Definitions are provided for plain language convenience and are not intended to limit the statutory authority where the same term is defined within local government legislation.

**Active Transportation**: any form of human-powered transportation: walking, cycling, wheelchairs, skateboards, and other non-motorized modes of travel.

**Affordable Housing**: housing is considered to be affordable when a household spends less than 30% of its pre-tax income on adequate shelter. Households that spend more than 30% of their income on shelter are deemed to be in core housing need.

**Carriage House**: a second dwelling unit located on a residential lot with an existing single detached dwelling or duplex. A carriage house may be a purpose-built structure, or a renovated garage or accessory building.

**Crime Prevention Through Environmental Design** (CPTED): a planning approach that recognizes how the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime and an improvement in safety and quality of life.

**Development**: new construction and redevelopment, as well as subdivision and land and/or building alteration.

**Development (in Environmentally Sensitive and Riparian Development Permit Areas)**:

a.) removal, alteration, disruption, or destruction of vegetation;

b.) disturbance of soils;

c.) construction or alteration of buildings and structures;

d.) creation of non-structural impervious or semi-impervious surfaces;

e.) flood protection works;

f.) construction of new roads, bridges, trails, and utilities, meant to include sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric, telephone, and other;

g.) development of drainage systems;

h.) development of utility corridors;

i.) subdivision as defined in Section 872 of the Local Government Act.

**Development Permit Area**: an area that has been designated under the Local Government Act as requiring issuance of a Development Permit prior to the commencement of development.
**Duplex**: a building designed exclusively to accommodate two households living independently in separate dwelling units above, below, beside each other or back-to-back to each other.

**Environmentally Sensitive Areas**: place that have special environmental attributes worthy of retention or special care. These areas are critical to the maintenance of productive and diverse plant and wildlife populations. Examples include rare ecosystems, habitats for species at risk and areas that are easily disturbed by human activities.

**Food System**: all processes and infrastructure involved in feeding a population: growing, harvesting, processing, packaging, transporting, marketing, consumption, and disposal of food and food-related items. It also includes the inputs needed and outputs generated at each of these steps.

**Ground Oriented Housing**: housing that provides direct outdoor access to and from each dwelling unit and private open space at grade level, rather than from a common entrance or hallway.

**Household**: a person or group of persons who occupy the same dwelling.

**Household Income**: the sum of the incomes of all people aged 15 years or older residing at a single address.

**Housing Continuum**: the range of shelter and housing options, from emergency shelters and transitional housing, to supportive housing for vulnerable populations including seniors and people with mental illness, to public and not-for-profit affordable rental housing, to market rental, to home ownership.

**High-rise Buildings**: buildings that are greater than six storeys in height.

**Infill**: more intensive development in areas well-served with public infrastructure, such as transportation, water, wastewater, and other utilities.

**Intensification**: development of a property, site, or area at a higher density than currently exists through redevelopment; the development of vacant and/or underutilized lots within previously developed areas; infill development; and the expansion or conversion of existing buildings.

**Low-rise Buildings**: buildings that are one to three storeys in height.

**Mid-rise Buildings**: buildings that are four to six storeys in height.

**Mixed-use**: the combination of more than one use, such as residential, commercial (office and/or retail), or institutional uses, in the same building or development.
**Multifamily Residential**: development where the building or buildings on a lot are used for three or more dwellings

**Neighbourhood Commercial**: small-scale commercial amenities within minor neighbourhood centres that provide retail sales or limited service functions (e.g. small grocery store, coffee shop, neighbourhood pub, or convenience store), while serving as walkable gathering places for surrounding neighbourhood residents.

**Public Realm**: the space around, between and within buildings that are publicly accessible, including streets, squares, parks and open spaces. These areas and settings support or facilitate public life and social interaction.

**Qualified Environmental Professional**: a professional qualified and registered in British Columbia and trained to undertake the riparian assessment methods, in accordance with the Provincial Riparian Areas Regulation.

**Redevelopment**: any proposed expansion, addition, or major façade change to an existing building or structure, or a proposed development on a formerly occupied site.

**Rowhouses**: side-by-side single-family dwellings sharing common walls with one or two adjacent units. Each unit is either on its own legal parcel or is stratified, with a formal street address and its own front and back yard.

**Riparian Assessment Area**: the area where the assessment occurs to determine the Streamside Protection and Enhancement Area (SPEA) and measures.

- a.) for a stream, the 30 meter strip on both sides of the stream, measured from the high water mark;
- b.) for a ravine less than 60 meter wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank;
- c.) for a ravine that is 60 meters wide or greater a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank;
- d.) for a lake or pond, the 30 meter strip around the high water mark.

**Social Housing**: housing is owned by a not-for-profit organization, a co-op or a government. Rents are subsidized (usually by the government) making it possible for people with lower incomes to find housing they can afford. Household income must be below certain limits in order to be eligible.

**Solar Access**: the ability of one property to continue to receive sunlight across property lines without obstruction from another’s property (buildings, foliage or other impediment).

**SPEA**: Streamside Protection and Enhancement Area.
**Stacked Townhouse**: typically two residential units stacked one on top of the other in a row of four or more stacked pairs sharing one legal parcel. The units may have more than one storey each, and all units have their own front entrances facing the street or a courtyard.

**Stream**: any natural or human-made watercourse that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium or has a continuous channel bed, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats.

**Townhouse**: side-by-side attached ground-oriented houses with individual entrances to the front or rear, and typically with small front and/or rear yards.

**Universal Design**: the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.

**Watercourse**: a natural source of water supply including a lake, pond, river, creek, spring, ravine, gulch, or wetland, whether or not usually containing water, including ice, but does not include an aquifer.

**Xeriscaping**: the process of landscaping or gardening that reduces or eliminates the need for supplemental water from irrigation. Also known as water-wise gardening and dryland gardening.
Shaping your future.

penticton.ca/ocp

CONTACT US
Official Community Plan

171 Main Street
Penticton, BC V2A 5A9
T: (250) 490-2400
F: (250) 490-2402
E: ocp@penticton.ca
Map 5: Riparian Development Permit Area

Official Community Plan

Cartographer: R. Padda
Date: June 26, 2019 2:54:25 PM
Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

Riparian Development Permit Area

Highway
Arterial
Collector
Local
Trail
Watercourse

City of Penticton
Recreation Facility
Park
PIB
Waterbody

Okanagan Lake
Skaha Park
Skaha Lake
Three Blind Mice
Ellis Creek
Penecton Creek
St. Ritts Creek
Turin Creek
Okanagan Lake
Skaha Lake
Map 6: Environmental Development Permit

Official Community Plan

Environmental Development Permit Area

- DPA-Environmental Assessment
- DPA-Environmental Protection

Cartographer: R. Padda
Date: June-26-19-2:54:49 PM

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Map 7: Water Network
Official Community Plan

- Water Main (250 mm or greater diameter)
- Water Treatment Plant
- Water Reservoir
- Water Intake
- Water Structures

Cartographer: R. Padda
Date: Friday, June 28, 2019-10:23:02 AM

Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.
July 19, 2019

Reply to the attention of Sara Huber
ALC Planning Review: 46669
Local Government File: 6480-20

Ben Johnson
Special Projects Manager, City of Penticton
Ben.Johnson@penticton.ca
Delivered Electronically

Re: City of Penticton Draft Official Community Plan (dated April 16, 2019)

Thank you for forwarding a draft copy of the City of Penticton’s (the “City”) Official Community Plan (the “OCP”), dated April 16, 2019, for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the OCP is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the “General Regulation”), the Agricultural Land Reserve Use Regulation (the “Use Regulation”), and any decisions of the ALC.

3-40 – The ALC is supportive of the City’s agricultural land use target to maintain the ALR land base at 843 ha to 2046. The ALC encourages the City to expand its agricultural target to include and maintain agriculturally designated properties found outside of the ALR as well.

3-47 – The ALC commends the City’s growth plan for its commitment to intensifying existing urban areas and protecting agricultural land from non-agricultural development or future population growth.

Section 4.5 – The ALC supports the City’s vision to continue to diversify its agriculture and food system through things such as agriculture, urban agriculture, research and innovation, and education.

4.5.1.1 – The ALC encourages the City to update its 2005 Penticton Agriculture Plan and offers its support in reviewing the draft plan to ensure consistency with the ALCA and its regulations.

4.5.1.2 – The ALC is supportive of the City’s policy to ensure that agricultural activities are the primary use of lands within the ALR and to encourage farming of such lands. As well, the ALC supports the City’s commitment to ensure that there are no negative impacts on agricultural viability and operations for proposed non-farm uses and non-soil-based agriculture.

4.5.1.4 – The ALC recognizes that City utilities and services can facilitate speculation for future subdivision and development on ALR properties. The ALC is supportive of the City’s position to discourage subdivision and not extend utilities and services to these lands for subdivision/development purposes.
4.5.2.1 – The ALC encourages the City to implement a comprehensive Local Food System Strategy and offers its support in reviewing the draft plan to ensure consistency with the ALCA and its regulations.

4.5.3.1 – The ALC encourages the City to review its zoning and other relevant regulations to increase local food access and production and offers its support in reviewing any draft bylaw(s) to ensure consistency with the ALCA and its regulations.

Maps – ALC staff note that there is not an existing map which shows the ALR boundary. The ALC recommends that a map be included showing the ALR boundary.

Map 1: Future Land Use – ALC staff note that the majority of the ALR is designated for Agriculture, with the exception of approximately 48 properties, partially or entirely within the ALR, and many dedicated roads, summarized in the attached Summary of Non-Agriculturally-Designated ALR Properties in Draft OCP.

ALC staff recognizes that through previous decisions of the Commission and/or endorsement of the previous OCP, the Commission has implicitly or explicitly agreed to the non-Agricultural designation for the majority of these properties.

The non-Agricultural designations include: Rural Residential, Detached Residential, Institutional and Civic, Parks, and Natural and Conservation Areas, many of which appear to be generally compatible with the ALCA and its regulations. The ALC does note; however, that these designations may contain uses inconsistent with the ALCA and its regulations, for example:

- “Rural Residential” permits carriage houses;
- “Detached Residential” permits duplexes, carriage houses, small-scale neighbourhood commercial;
- “Institutional and Civic” permits education, health, hospital, government, utility, fire hall;
- “Parks” permits accessory buildings and structures; and,
- “Natural and Conservation Areas” permits accessory buildings and structures.

Despite this, in general, ALC staff has no objection to the proposed OCP and its associated land use designations. The ALC commends the City for its efforts to not only maintain its agricultural land base, but seek out ways in which to improve and enhance it.

*****

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION
Sara Huber, Regional Planner

Enclosure: Summary of Non-Agriculturally-Designated ALR Properties in Draft OCP

City of Penticton Draft Official Community Plan

CC: Ministry of Agriculture – Attention: Christina Forbes

46669m1
### Summary of Non-Agriculturally-Designated ALR Properties

<table>
<thead>
<tr>
<th>PID</th>
<th>Size</th>
<th>OCP Designation</th>
<th>Previous Applications</th>
<th>ALC Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>029-388-031</td>
<td>2.4 ha (partial ALR)</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Small portion of property within ALR.</td>
</tr>
<tr>
<td>006-058-124</td>
<td>2.0 ha (partial ALR)</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>ALR portion primarily designated Agriculture; small northern portion of ALR/non-ALR designated Rural Residential.</td>
</tr>
<tr>
<td>012-530-999</td>
<td>4.4 ha</td>
<td>Natural and Conservation Areas</td>
<td>N/A</td>
<td>Eastern portion designated Agriculture; portion fronting Okanagan Lake designated Natural and Conservation Areas.</td>
</tr>
<tr>
<td>012-531-014</td>
<td>3.9 ha (partial ALR)</td>
<td>Natural and Conservation Areas</td>
<td>N/A</td>
<td>Eastern portion designated Agriculture; portion fronting Okanagan Lake designated Natural and Conservation Areas.</td>
</tr>
<tr>
<td>012-531-081</td>
<td>2.0 ha (partial ALR)</td>
<td>Institutional and Civic</td>
<td>N/A</td>
<td>Municipally owned – Lakeview Cemetery.</td>
</tr>
<tr>
<td>012-531-111</td>
<td>2.7 ha (partial ALR)</td>
<td>Institutional and Civic</td>
<td>N/A</td>
<td>Municipally owned – Lakeview Cemetery.</td>
</tr>
<tr>
<td>012-531-120</td>
<td>3.9 (partial ALR)</td>
<td>Institutional and Civic</td>
<td>N/A</td>
<td>Municipally owned – Lakeview Cemetery.</td>
</tr>
<tr>
<td>012-526-436</td>
<td>1.4 ha</td>
<td>Institutional and Civic</td>
<td>N/A</td>
<td>Municipally owned – Lakeview Cemetery.</td>
</tr>
<tr>
<td>012-527-734</td>
<td>0.10 ha</td>
<td>Rural Residential</td>
<td>N/A</td>
<td>Small property in ALR.</td>
</tr>
<tr>
<td>009-663-142</td>
<td>8.1 ha (partial ALR)</td>
<td>Rural Residential</td>
<td>10516 (Resolution #688/1974): approved subdivision of two 5 acre lots.</td>
<td>ALR portion primarily designated Agriculture.</td>
</tr>
<tr>
<td>Property Number</td>
<td>Size (ha)</td>
<td>Type</td>
<td>Resolution Details</td>
<td>Approved Use</td>
</tr>
<tr>
<td>-----------------</td>
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</tr>
<tr>
<td>012-565-709</td>
<td>0.10</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-610</td>
<td>0.10</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-531-057</td>
<td>0.60</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-531-049</td>
<td>0.40</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-526-801</td>
<td>0.60</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-857</td>
<td>0.2</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-806</td>
<td>0.2</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-792</td>
<td>0.4</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-784</td>
<td>0.4</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-725</td>
<td>0.3</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>012-565-687</td>
<td>0.4</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>004-790-413</td>
<td>0.2</td>
<td>Parks</td>
<td>15111 (Resolution #105/2000): approved Trans-Canada Trail on KVR ROW.</td>
<td>Approved trail use.</td>
</tr>
<tr>
<td>Code</td>
<td>Area (ha)</td>
<td>Use</td>
<td>Remarks</td>
<td></td>
</tr>
<tr>
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<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>004-790-405</td>
<td>0.2</td>
<td>Parks</td>
<td>Approved Trans-Canada Trail on KVR ROW.</td>
<td></td>
</tr>
<tr>
<td>024-358-681</td>
<td>1.4</td>
<td>Natural and Conservation Areas</td>
<td>Eastern portion designated Agriculture, portion fronting Okanagan Lake designated Natural and Conservation Areas; Municipally owned.</td>
<td></td>
</tr>
<tr>
<td>017-012-597</td>
<td>0.38</td>
<td>Rural Residential</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>017-012-601</td>
<td>0.38</td>
<td>Rural Residential</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>003-570-193</td>
<td>4.7</td>
<td>Institutional and Civic</td>
<td>10543 (Resolution #534/1974): refused exclusion, but approved subdivision of 3 acres, use of the property for school purposes, and subdivision of ±2 acre lot for the existing dwelling.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>32841 (Resolution #1338/1982): approved fill placement for a playground for associated school.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>17274 (Resolution #24/2004): no objection to institutional designation as Uplands Elementary School located on property.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>42586 (Resolution #16/2006): refused exclusion.</td>
<td></td>
</tr>
<tr>
<td>002-118-891</td>
<td>0.10</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td></td>
</tr>
<tr>
<td>013-391-887</td>
<td>0.08</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td></td>
</tr>
<tr>
<td>013-391-861</td>
<td>0.09 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>013-391-852</td>
<td>0.07 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>013-391-844</td>
<td>0.10 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>013-391-836</td>
<td>0.11 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>005-149-266</td>
<td>0.18 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>017-480-981</td>
<td>0.06 ha (partial ALR)</td>
<td>Detached Residential</td>
<td>N/A</td>
<td>Small property in ALR.</td>
</tr>
<tr>
<td>014-564-947</td>
<td>0.09 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>015-737-918</td>
<td>0.09 ha</td>
<td>Detached Residential</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for non-farm purposes as property developed as suburban residential.</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td>PIN</td>
<td>Area</td>
<td>Type</td>
<td>Description</td>
<td>Action</td>
</tr>
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<td>--------------</td>
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<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>015-737-926</td>
<td>0.09 ha</td>
<td>Detached</td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential</td>
<td>non-farm purposes as property developed as suburban residential.</td>
<td></td>
</tr>
<tr>
<td>016-225-341</td>
<td>0.09 ha</td>
<td>Detached</td>
<td>N/A</td>
<td>Very small portion of property in ALR.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>016-225-333</td>
<td>0.07 ha</td>
<td>Detached</td>
<td>N/A</td>
<td>Very small portion of property in ALR.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PIN 4591490</td>
<td>13.1 ha</td>
<td>First Nations</td>
<td>17274 (Resolution #24/2004): no objection to re-designation of property for</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>non-farm purposes as the property is IR land and is not subject to the ALCA</td>
<td></td>
</tr>
<tr>
<td>003-739-791</td>
<td>0.06 ha</td>
<td>Detached</td>
<td>16301 (Resolution #4870/1976): approved subdivision of ±10 acres along</td>
<td>Small property a result of previous</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential</td>
<td>Carmi Avenue.</td>
<td>subdivision.</td>
</tr>
<tr>
<td>029-239-192</td>
<td>3.8 ha</td>
<td>Detached</td>
<td>32814: approved fill placement (Resolution #544/1982) and renewal of permit</td>
<td>Approved non-Agricultural designation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential</td>
<td>(Resolution #2994/1982).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1237 (Resolution #538/1993): approved exclusion of 1 ha.</td>
<td></td>
</tr>
<tr>
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<td></td>
<td>52429 (Resolution #322/2011): approved exclusion, subject to conditions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>17274 (Resolution #24/2004): no objection to redesignation of property for</td>
<td></td>
</tr>
<tr>
<td>Property ID</td>
<td>Land Use</td>
<td>Approved Uses</td>
<td>Designations</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
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<td>-------------------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>001-625-098</td>
<td>Residential</td>
<td>approved 0.4 ha homesite severance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>52429</strong> (Resolution #322/2011): approved exclusion, subject to conditions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>10559</strong> (Resolution #458/1974): refused subdivision.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>17274</strong> (Resolution #24/2004): no objection to re-designation of property for non-farm purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>012-232-475</td>
<td>Rural Residential</td>
<td><strong>17274</strong> (Resolution #24/2004): no objection to re-designation of property for non-farm purposes.</td>
<td>Approved non-Agricultural designation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>2236</strong> (Resolution #476/1994): approved placement of 5500m$^3$ of fill over 0.11 ha.</td>
<td>Approved non-Agricultural designation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>38500</strong> (Resolution #206/1988): approved subdivision of 2.3 ha.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>17274</strong> (Resolution #24/2004): no objection to re-designation of property for non-farm purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>014-780-704</td>
<td>Landfill and Landfill Buffer</td>
<td><strong>15674</strong> (Resolution #502/2000): approved exclusion of 4 ha for improvements to the landfill operation</td>
<td>Approved non-Agricultural designation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>17274</strong> (Resolution #24/2004): no objection to re-designation of property for non-farm purposes due to isolation from ALR and history of landfill uses.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Date: August 6, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

Subject: Temporary Use Permit TUP2019-8558 – 3 Year Extension Request
1883 Dartmouth Road & 1886 Dartmouth Road

Staff recommendation

THAT Council approve “Temporary Use Permit TUP2019-8558”, for Lot 8, District Lot 3821S, Similkameen Division Yale District, Plan 16251, located at 1886 Dartmouth Road and Lot 3, District Lots 3429S and 3821S, Similkameen Division Yale District, Plan 19115, Except Plan 25700, located at 1883 Dartmouth Road, a permit that allows for industrial uses on those parts of the subject properties as identified on Schedule A of the permit;

AND THAT the permit be valid for a period of three years, commencing October 1, 2019;

AND THAT staff be directed to renew the Licence to Use Agreements for use of City land for an additional three year period, in line with the Temporary Use Permit TUP2019-8558;

AND FURTHER THAT staff continue to work with the adjacent property owners, who have requested long term licence renewals, to protect and enhance the existing business operations and Ellis Creek, in line with the Licence to Use Agreements and Ellis Creek Master Planning process over the coming years.

Strategic Priority

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Subject Lands

For over 40 years the privately owned industrial properties have encroached upon the City owned land adjacent to Ellis Creek and its use has ranged from industrial and commercial storage, temporary buildings, permanent buildings, vehicle parking and circulation.

The subject’s lands are located along Okanagan Avenue East, between Government Street and the east end of the Okanagan Avenue East cul-de-sac, which adjoins the Cantex Gravel Pit lands. The City of Penticton owns the land along the Ellis Creek corridor (1883 & 1886 Dartmouth Road) and the privately owned land backing on this creek corridor fronts onto Okanagan Avenue East (Attachment A).
Background

Historical Zoning of Lands

The City of Penticton’s Zoning Bylaw regulates the use and development of land within the City boundary. The Zoning Bylaw outlines which uses are ‘permitted’ on land within the City – specific to the Zone that covers a parcel of land.

Up until 1985, the City portion of land at 1883 and 1886 Dartmouth Road was zoned for Agricultural purposes. When a new Zoning Bylaw was created in 1985, the Zoning Bylaw, and all zoning Bylaws subsequent to that, identified the subject City lands as zoned for Parks & Recreation. Neither the Agricultural Zone nor the Parks & Recreation Zone permitted industrial or commercial uses.

The privately owned lands fronting onto Okanagan Avenue East and backing onto the Ellis Creek corridor lands have been zoned for Industrial purposes since the early establishment of this area as an industrial park. The uses on the private property have historically conformed to the Industrial Zoning.

Riparian Area Regulations

In 2004 the Province of British Columbia enacted the Riparian Area Regulation, under Section 12 of the Fish Protection Act. The purpose of the Regulation is to protect the many and varied features, functions and conditions that are vital for maintaining stream health and productivity, including:

- Sources of large organic debris, such as fallen trees and tree roots;
- Areas for stream channel migration;
- Vegetative cover to help moderate water temperature;
- Provision of food, nutrients and organic matter to the stream;
- Stream bank stabilization; and
- Buffers for streams from excessive silt and surface run-off pollution.

When the 2004 Riparian Regulations were applied in Penticton, like many other municipalities in British Columbia, a 30m riparian buffer (Streamside Protection & Enhancement Area) was applied to all waterways (creeks, lakes, etc) within the City boundary. This 30m riparian buffer was overlaid on top of land within the City and in many cases along Ellis and Penticton Creek (for example) covers existing buildings, roads, and a variety of established uses.

Specific to this issue, much of the use of the City and Private lands pre-dated the enactment of the Riparian Area Regulations, and typically existing uses would be ‘grandfathered’ until a change is made to a site covered by the new regulations – at which time the appropriate approvals through the City would be required. The privately owned industrial land covered by the 30m riparian boundary is ‘grandfathered’ because the City’s zoning bylaw permitted those uses to exist. The problem with ‘grandfathering’ the existing use on the City land is that, as outlined above, the City’s Zoning Bylaw never permitted the use in the first place, so ‘grandfathering’ cannot be used to authorize these uses long term on City land. The Temporary Use Permit process is intended to deal with this historical matter.
Historical Use of City Lands

1970s - 2014

For approximately forty-fifty years, businesses located on the north side of Okanagan Avenue East, have been utilizing City owned land adjacent to Ellis Creek for industrial purposes. While historically some of these businesses negotiated agreements to use the land from the City, it is only now that the adjacent property owners have licence agreements in place. Historical reviews of agreements between the City and landowners identified a mixture of licence to use agreements, some of which were approved by Council.

The use of the City lands along Ellis Creek, behind the subject Okanagan Avenue properties has varied over the years. Looking back at historical air photographs and records, the use of these lands has ranged from outdoor industrial storage, shipping containers, vehicle storage and a couple of structures have been constructed.

In 2008 the City’s Land Management Department were approached by some of the landowners to investigate the potential sale of the Ellis Creek corridor to the adjacent owners that have been using it. Staff at the time did not support the sale of the lands, largely in part due to the existing Parks & Recreation zoning, the creek environment and existing policies within the Official Community Plan that did not support it.

Between 2009 and 2010 the City began to take a more proactive role in dealing with this issue, after visiting the lands and identifying concerns with regards to materials being stored on them. With the historical use of the lands authorized (in some circumstances) by the City, the use of the City land had become an integral part of the business operations within each of the properties – in some cases for over 30 years. Towards the end of 2014, staff began to develop a plan to re-engage the landowner group to move the process forward.

2015-2017

During consultation with the business operators and property owners on Okanagan Avenue throughout 2014 and 2015, the landowners identified a strong desire to continue using the lands and even to enter into formalized License to Use Agreements. In many cases, these lands are integral to the continued operation of these businesses, as noted above and the lack of a legitimate license to use would greatly impact the ability to sell these businesses and the value of the business itself. Some of the owners have advised that significant changes would impact their business viability.

Through 2014 and 2015, as staff reviewed the existing Zoning and permitted uses for the land, looking back into historical records and zoning it was clear that the industrial uses were not permitted on the City’s land. The mechanism to allow the uses to remain in some form would be through either a Temporary Use Permit or Rezoning.

In 2015, the City committed to starting the process to understand options available that would bring the land use back in compliance with the provincial legislation and try to legitimize the City land use by the businesses. Staff undertook a process in early 2015 to hire a Qualified Environmental Professional (QEP) to complete a Riparian Area Regulation Assessment, to better understand the Riparian Area Regulations as they applied to these lands and determine the appropriate Streamside Protection Enhancement Area (SPEA) and setback from the creek.
The QEP Report is summarized as follows:

- Established a setback from the high water of the creek of 26 meters. This was established using the provincial RAR methodology. The QEP, however, indicated that given the already disturbed area an enhanced 11m buffer could be established as a starting point, which would lead toward a rehabilitated creek. The report recommended that a re-vegetation plan be initiated to have 1 plant replace 1 m² of area restored;

- Facilitated the continued use of the structures that fall within the 11 meter buffer zone. The QEP report indicated that compensatory plantings could be used in lieu of remedy of these encroachments. That a re-vegetation plan be used for 4 plants per 1m² of building footprint for the buildings within the 11m buffer zone;

- Observed that several businesses where storage of potentially hazardous or toxic materials within 15m of the creek created potential for leaching into groundwater. These property owners were advised to remove these materials from the city land in 2015, and staff can confirm that these materials have been removed prior to the signing of the licence agreements;

- Recommended a no build covenant on the 11m buffer zone;

- Recommended that when the properties are sold that the no build covenant be extended to the City’s commercial property boundaries;

- Where businesses did NOT want to enter into a license to use that the setback be increased from 11m and replanting occur;

- That invasive weeds be removed by hand; and

- The fencing be put in place to delineate the 11m buffer area as early as possible to establish the creek protection and restoration.

On September 6, 2016, Staff brought forward a report to an open meeting of Council requesting a Temporary Use Permit for industrial uses within the City’s Park & Recreation Zone at 1883 & 1886 Dartmouth Road. Issuing TUP’s and entering into License to Use Agreements with all business willing to participate was considered in 2016 the most effective way to move forward. To bring these businesses into conformance, Council could support temporary use permits (TUP) for the businesses. A temporary use permit allows uses not permitted by zoning to be conducted for a period of up to three years. Renewals or additional TUPs may be possible and if a TUP is in place, the City could lawfully collect rents for the use of the land.
Council passed the following Resolution at its Regular meeting on September 6, 2016:

It was MOVED and SECONDED
THAT Council approve “Temporary Use Permit TUP2016-7706”, for Lot 8, District Lot 38215, Similkameen Division Yale District, Plan 16251, located at 1886 Dartmouth Road and Lot 3, District Lots 34295 and 38215, Similkameen Division Yale District, Plan 19115, Except Plan 25700, located at 1883 Dartmouth Road, a permit that allows for industrial uses on those parts of the subject properties as identified on Schedule A of the permit; AND THAT the permit be valid for a period of three years, commencing October 1, 2016.

THAT Council direct staff to negotiate licence to use agreements (LTUs), for fair market value plus a percentaged contribution to environmental remediation, with any businesses currently using the above noted lands, outside of those areas identified as a ‘buffer area’ by the report prepared by the City’s contracted Qualified Environmental Professional (QEP);

AND THAT Council direct staff to negotiate licence to use agreements (LTUs), for fair market value plus a 3:1 percentaged contribution to environmental remediation, with the 2 businesses with structures currently residing on the above noted lands inside of those areas identified as a ‘buffer area’ by the report prepared by the City’s contracted Qualified Environmental Professional (QEP);

AND THAT Council give direction to staff that all businesses currently using the subject lands that have not entered into such an agreement by December 31st, 2016, are notified to have all materials removed from the City owned lands by March 1, 2017.

THAT Council direct staff to plan for the installation of a no post barrier and vegetative buffer between any established LTU area and Penticton Creek, in accordance with the recommendations of the City’s contracted QEP and that Council direct staff to allow businesses to install a security fence at their cost in lieu of the no post barrier; AND THAT Council direct staff to begin the environmental investigation into any possible site contamination of the City owned lands.

CARRIED UNANIMOUSLY

2018 – Now

Since approval of the Temporary Use Permits in 2016, staff have been working with representatives from the landowner group to negotiate License to Use Agreements (LTUs). The 2017 and 2018 freshet and Ellis Creek deterioration raised a number of issues over the past couple of years, which now looking forward, waiting to finalize the agreements until recently was the most appropriate decision, so that any new licence agreements could reflect the flooding impacts and Ellis Creek Master Plan process that is currently underway.

In the latter part of 2018, staff and the landowner group committed to completing this process and on January 24, 2019, staff presented to the majority of the Okanagan Avenue landowners and provided them with the proposed license to use agreements. The landowners recognized the inconsistency with historical approach to the agreements and supported moving forward in a more consistent manner.
Concerns with the License to Use Agreements included:

- Long term uncertainty with a 3-Year TUP;
- Security with public access along Ellis Creek;
- Maintenance of and landscaping provided along the creek corridor;
- Potential fire along creek corridor; and
- Non-exclusive use rights under a License to Use Agreements.

Staff are now pleased to report that all of the land owners subject to the Temporary Use Permit application have complied with the Riparian Assessment Report and recommended creek setbacks. The property owners have either signed a licence agreement (and are now paying for use of the lands) or agreed to remove all materials from the City land, which is an incredibly positive step in the process that has been underway for close to ten years. The licence agreements also contain clauses that allow for the City to access and use the lands, with the appropriate notice, should the city land be needed for flood restoration of work coming out of the Ellis Creek Master Plan process.

**Economic Impact to Businesses**

Irrespective of the lack of formal agreements and mix of approvals going back close to fifty years, many of the landowners and tenants have established and grown their businesses based on the use of the City land. Based on the 15 businesses that are located adjacent to the City lands, a payroll of approximately $250M has been established within these industrial businesses. While some businesses will be impacted more than others by elimination of use of the lands, the potential for significant business impact exists, either resulting in business closure or relocation. This, in addition to all of the other issues identified, is one of the decision making criteria that staff have had to consider as part of this process over recent years.

**Ellis Creek Master Plan Process**

The process to create a master plan for the naturalization and flood control of Ellis Creek commenced in late 2018, working with the Penticton and Ellis Creek Advisory Committee and is scheduled for completion in Q4 2019. The master plan is the first step in the process. This will be followed by detail design on a reach by reach basis and construction. The complete project will take several decades to finish.

Staff have made the Creek Committee aware of the history behind the Okanagan Avenue Properties given the potential impact of the future creek plans on the portion of City land historically used by the industrial properties. Ultimately, it would be the intention to balance adjacent land uses against flood protection and environmental protection works. That being said it may be necessary to use some of the City land currently being used by adjacent land owners for Ellis Creek works, the results of which may not be known until completion of the master plan process and ultimate detailed design work. There is the ability to proceed with more detailed design work along the sections of Ellis Creek where the industrial lands exist at an earlier stage, however staff will need to consider this as part of the 2020 budget planning process, as cost estimates for this work are approximately $300,000.

**Financial implication**

Before the licence agreements were signed, the City was not collecting rents on lands that it owns that are being used by third party businesses on a consistent manner. As noted above some had paid, and other had not over the years. Revenue from these properties is intended to be contributed back into the restoration of
Ellis Creek. A market assessment was completed in 2016 for the License to Use Agreements and a rate of $1.35/sq.m was set for the licenses. As noted in the Riparian Assessment Report, costs of $1.50/sq.m would be required for future plantings to rehabilitate the creek environment. Annual revenues through the License Agreements (License rates and planting value requirements) will total approximately $25,000 per year, should all of the property owners agree to the LTU Agreements. Annual increases to the licence rates have been built into the agreements.

The following provides a summary of some of the expected costs (which would be distributed over the coming 3 year period and beyond), some of which would be collected from the property owners in accordance with new License to Use Agreements.

- Qualified Environmental Engineer’s Report: $5,000 (paid);
- Survey work: $8,000;
- Environmental site assessments: $100,000+;
- Barrier installation: $25,000; and
- Recommended plantings: $87,000.

Staff will be bringing forward budget requests over the coming year for these works and likely much will form part of the Ellis Creek Master Plan implementation over the coming years.

With regards to the Ellis Creek Master Plan, staff may be in a position to bring forward a budget request for a pre-design report for the land adjacent to the industrial properties, so that detailed design work can proceed in the shorter term – ultimately determining how the creek redesign and restoration works will impact the adjacent property owners in the long term. This budget item could be in the order of $300,000, however staff will prepare for this work as part of the 2020 Budget Process.

**2016 Temporary Use Permits: Issued September 2016 (Expiring October 2019)**

The Temporary Use Permit’s (TUP) approved by Council in 2016, will be expiring at the end of September 2019, as noted above, however staff have worked with the landowners to agree to the terms of a Licence to Use Agreement for payment to use the City lands. The landowners have ensured compliance with the RAR Assessment Report and any remaining hazardous materials have been removed entirely form the City land.

Should Council support the renewal of the TUP’s from October 2019 – October 2022, during the term of the permit, the City in conjunction with the businesses, can conduct environmental assessments. During this time, the businesses will be required to ensure no ongoing use of the 11m zone, in accordance with the LTU agreements. Staff also recommends following the recommendations of the Riparian Area Assessment Report to establish an 11m buffer reinforced with barriers from the natural boundary of the creek. Any business that wishes to fence the 11m area should be allowed to do so, provided that there is a License to Use Agreement in place. Existing fences do exist in most circumstances, however some fencing may need to be relocated. Staff will then need to work closely with the Ellis Creek Master Plan process to ensure alignment and where conflict exist, identify early and move forward to a resolution.

If Council were supportive of an additional 3 year TUP approval, staff would need to commit to the following, which would need to be included as part of the 2020 Budget process:
- Survey the lands and construct a physical barrier along the 11m setback to delineate the LTU areas from Ellis Creek;
- Begin soil sampling and environmental testing to determine the existence of or extent of soil contamination (if any);
- Completion of Ellis Creek Master Plan – determining land needs for creek restoration works;
- Subject to the requirements of the Ellis Creek Master Plan and timing of any restoration works, construct the landscape buffer plantings in accordance with the recommendation of the City’s contracted QEP and in accordance with the Ellis Creek Master Plan; and
- Determine if it is in the City’s interest to pursue a longer term solution of zoning amendments and/or site remediation (if required).

**Long Term Future of City Lands**

Should Council support this additional 3 year TUP approval, ongoing renewal or reissuance of a temporary use permit or a change in zoning, permitting the industrial use of the lands would need to be in place. But further complicating the zoning process is the requirement to go through environmental site assessment (ESA) process to determine if any ground contamination has occurred. This is a requirement under the Environmental Management Act anytime a land use change is proposed. The City could not rezone, subdivide or sell the lands without this review and referral to the Ministry of Environment for their approval.

If Council were desirous of proceeding with a permanent zoning amendment or potential land sale in the future, the environmental assessments could be completed during the three year period of a new Temporary Use Permit. Once the Ellis Creek Master Plan is complete, however, next steps in this regard will need to be determined.

**Staff Recommendation**

It is in both the City and the neighbouring businesses’ interest to bring the current situation into a conforming state and much work has gone into achieving a positive outcome over the past year. For the City, the environmental risk, liability risks and non-conformance with City zoning and provincial legislation needs to be addressed. The property owners need certainty with respect to their businesses, for expansion plans and ultimately for succession planning and the City needs to ensure that the public interest and environmental liability is managed appropriately. Given the historical land uses and range of agreements that have been in place, it has taken time to resolve these matters.

Re-issuing temporary use permits and entering continuing to renew the licence-to-use agreements to all business willing to participate is the most effective way to move forward, ad staff will continuing to work with the land owners to ensure the future use of the lands is dealt with appropriately.

A temporary use permit allows uses not permitted by zoning to be conducted for a period of up to three years. Renewals or additional TUPs are possible after that time. And once the TUP is in place, the City shall will continue to collect rents for the use of the land through the renewal of the Licence to Use Agreements that have recently been put in place. In the ensuing three years, the requisite environmental investigation can be completed to inform a longer term solution, in line with the recommendations of the Ellis Creek Master Plan process.
Alternate Recommendations

Council, after hearing delegations and submissions on this issue, may choose one of the following alternate recommendations:

1. THAT “Temporary Use Permit TUP2019-8558” not be issued and no action is taken with regard to the current use of the subject lands by adjacent businesses.

2. THAT “Temporary Use Permit TUP2019-8558” not be issued and Council gives direction to staff to notify those businesses that are using City land to remove encroachments from within the Streamside Protection and Enhancement Area of 26 m or the City property line whichever is closer to the creek.

AND THAT Council direct staff to include funds in an upcoming year’s budget for environmental assessment and remediation from general City funds.

3. THAT Council give staff direction as Council thinks appropriate.

Attachments

Attachment A – Subject property location maps
Attachment B – Aerial images showing industrial encroachments into City lands and the established SPEA and proposed buffer areas as established by the City’s contracted Qualified Environmental Professional (QEP)
Attachment C – Temporary Use Permit PL2019-8558

Respectfully submitted,

Anthony Haddad
Director of Development Services

Approvals

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Attachment B
Aerial images showing industrial encroachments into City lands and the established SPEA and proposed buffer areas as established by the City’s contracted Qualified Environmental Professional (QEP)
Attachment C
Temporary Use Permit

Temporary Use Permit

Permit Number: TUP PL2019-8558

Sheri Raposo, Land Administrator
Penticton City Hall
171 Main Street
Penticton BC V2A 5A9

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 those parts of the following properties as shown on Schedule A:

   Legal: Lot 8, District Lot 3821S, Similkameen Division Yale District, Plan 16251
   Civic: 1886 Dartmouth Road
   PID: 008-667-993

   And

   Legal: Lot 3, District Lots 3429S and 3821S, Similkameen Division Yale District, Plan 19115, Except Plan 25700
   Civic: 1883 Dartmouth Road
   PID: 008-133-786

3. This permit has been issued in accordance with Section 493 of the Local Government Act, to allow for the temporary use of the above noted lands for industrial uses.

General Conditions

4. In accordance with Section 501 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.

5. In accordance with Section 497 of the Local Government Act, This permit shall expire on September 30, 2022.

6. 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.

7. 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.

8. 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 September, 2019

Issued this ____ day of __________, 2019

__________________________

Angie Collison,
Corporate Officer
Temporary Use Permit is valid for those areas highlighted in blue
Staff Recommendation

THAT Council deny support for the “ALR Exclusion PL2018-8363” application to the Agricultural Land Reserve (ALR) for Lot 2, District Lot 587, Similkameen Division Yale District, Plan 15977, Except Plans 20013 and 20826, located at 3810 Valleyview Road.

Background

The subject property is located on Valleyview Road at the southern end of Penticton (Attachment ‘A’). The land area is 2.86ha (~7 ac) and the property contains a single family dwelling (constructed in approximately 1966). All the lands to the north and south of the subject property along Valleyview Road are contained within the provincial Agricultural Land Reserve (ALR).

The applicant is requesting to exclude the property from the ALR. The applicant has identified that the land has limited agriculture suitability and the proposal is to create appropriately sized rural residential lots. A subdivision plan has not been provided. The exact number of lots will be determined at a later date if the ALR exclusion process is successful.

In 2005, the ALC provided a letter (Attachment ‘E’) to the City, which indicated that the ALC had no objection to the City amending the OCP designations for some of the lots in the Valleyview area to non-agricultural designations. The letter indicates that should those properties wish to make applications to the ALR for exclusion, they would be “reviewed on their own merits taking into the account the agricultural capability of the area in question, the potential impacts of development on adjoining farmland, and what, if any, mitigation might be required.”

Previous applications

Following this letter from the ALC, in 2014, an application was made for an ALR Exclusion for the properties at 3810 Valleyview Road (the subject property) and 3860 Valleyview Road (neighbouring lot) and was reviewed by the City’s Agriculture Advisory Committee of the time.

The application was first presented to the Committee by City staff on November 24, 2014. The applicant at the time was not available to attend the meeting. Staff presented the application and the Committee’s
recommended against support. In 2015, the same application was brought back to the Agriculture Advisory Committee. The applicant wanted to be able to attend the Committee meeting in an attempt to change the previous recommendation for denying support. The outcome of the Committee meeting remained the same as the previous decision in 2014. After this meeting, the application was withdrawn, as the applicant did not wish to proceed to Council or the ALC without staff support.

**Current application**

On August 15, 2018 a new application was made to again exclude the lands at 3810 Valleyview Road from the ALR and is the subject of this report and current process. The current application is specifically for the lands at 3810 Valleyview Road, and does not include 3860 Valleyview Road, as the previous application had.

ALR Exclusions are made to the ALC, and then are referred to the City for comment prior to the ALC considering the application. The ALC requires applicants to notify neighbours of their application, including a sign on the property, mailing letters and newspaper advertisements. Any correspondence received is provided to the ALC and the local government for review. One letter of opposition has been received as part of this ALR Exclusion application from one of the direct neighbours of the subject property (Attachment ‘G’).

The one new piece of information distinguishing this recent application submission from the previous in 2014, is the submission of an agrologist report, which provides information on the agricultural capability of the subject property. The report has been attached for Council’s information (Attachment ‘I’). The main conclusions of the report are that:

- Only 0.61ha (1.5 acres) of the subject property is arable, and that this arable land is not continuous.
- Farm production would be further reduced due to the machinery access required in narrow blocks of the arable areas of the property.
- Due to the small size, shape and lack of continuity of the 2 arable parts of the property, the lands do not have a rich agricultural future.

**Ministry of Agriculture Referral**

The City of Penticton does not have an agrologist on staff to review the claims of the agrologist report submitted with the application. Following the application being presented to the Agriculture Advisory Committee, the agrologist report was referred to the Ministry of Agriculture for review by their staff. They have provided comments, which reference concerns around removing portions of continuous property from the ALR, the conflicts associated with farm and non-farm properties and the potential to set precedence for future removal of ALR land on adjacent parcels. The Ministry’s comments have been attached to this report for Council’s review (Attachment ‘H’).

**Agriculture Advisory Committee – 2018 Application**

The application currently being reviewed was presented to the Agriculture Advisory Committee on June 12, 2019. The following are the draft minutes from the meeting, which include the Agriculture Advisory Committee’s recommendation to support a portion of the property being excluded from the ALR. The map associated with the decision (identifying bedrock area) is Figure 1, contained within the Agrologist’s Report for the subject property (see inset image, with Polygon 1 being the area the Committee supported exclusion for).
Although the Agriculture Advisory Committee provided a recommendation to support the ALR exclusion application with conditions, staff are not recommending Council provide support as a result of wider planning and engineering concerns that are being considered, which are identified within staff’s analysis.

Technical Planning Committee

This application was discussed at the City’s Technical Planning Committee meeting on August 17, 2018. While no ultimate subdivision or development plan was submitted as part of the exclusion application, several servicing concerns were identified.

Of particular note, is the fact that there are ongoing concerns with water supply along Valleyview Road - specifically with regard to the current capacity of the water main. The City’s Approving Officer has indicated that no subdivisions along this corridor would be supported prior to significant improvements being made to the water supply, work which is not currently included in the City’s 5-year Capital budget. The applicant has not indicated how the ultimate lots will be serviced if the exclusion application is supported. The Engineering Department has indicated that the approximate cost for the Valleyview Road water main project would be $9.3 million.

Analysis

Deny Support for Application

Although the subject property is designated CR (Country Residential) in the City’s 2002 OCP, and the ALC had previously indicated that the property could potentially be removed from the ALR (if conditions are met), Staff are recommending that Council deny support for this application at this time. The reasons for this recommendation include:

- Lack of a comprehensive plan to review, including land use, transportation and most importantly servicing (which had been identified within the ALC’s 2005 Letter as conditions that should be met prior to consideration for exclusion),
- Proposal is contrary to policies in the 2002 and 2019 Official Community Plan and advice from Ministry of Agriculture, and
- Lack of support from the Agriculture Advisory Committee (Committee supports only a partial exclusion)
2002 Official Community Plan

The subject property is designated as CR (Country Residential) in the City’s 2002 Official Community Plan. The OCP describes this designation to include single detached dwellings on large lots, single detached cluster housing, agricultural uses, bed and breakfast homes, and parks and recreational use. While the proposal seems in line with this designation, the OCP indicates a desire for areas plans to ensure the efficient use of lands (including subdivision, road access and services to ensure minimal impact on agricultural lands and important habitat). The applicant has not provided any plans that indicate the ultimate development for the property; at this time staff are not able to provide a full analysis.

Furthermore, the OCP discusses the importance of farming to the lifestyle and economics of the City of Penticton. Properties that front onto Valleyview Road (nearby the subject property) currently include a continuous strip of lands within the ALR (Attachment ‘F’). The intention of the applicant to exclude the property from the ALR and complete a subdivision is not in line with the OCP policies for the long term viability of farming lands. Further, the proposal to include a subdivision nearby existing agricultural properties is in conflict with OCP policy to reduce the farm / non-farm conflicts between agriculture and other land uses, as this would allow for small residential lots within an established agricultural area.

2019 Official Community Plan

The 2019 Official Community Plan designates the subject property differently than the 2002 OCP. The 2019 OCP includes the subject property within the Future Land Use category called ‘Agriculture’. The ‘agriculture’ designation is described as “allows for the growing, producing, harvesting, storage, processing and sale of agricultural produce”. As part of the referral process in drafting the 2019 Official Community Plan, the City received direction from the Ministry of Agriculture that all lands that are contained within the ALR should remain designated primarily for Agricultural purposes.

The Official Community Plan (2019) also includes the following Policies regarding Agricultural lands:

1. Agricultural lands – specifically those in the ALR on the Naramata Bench and in the Valleyview area, but also other Agriculture (A) zoned properties – are protected from non-agriculture development and are not intended to accommodate urban growth.
2. Policy 4.5.1.2: Work with the ALC to ensure that agricultural activities remain the primary use on lands within the ALR and encourage active farming use of those lands. Proposed compatible non-farm uses and non-soil-based agriculture should be comprehensively reviewed to ensure there are NO negative impacts on agricultural viability and operations.
3. Policy 4.5.1.4: Discourage subdivision of agricultural lands. In most cases, City utilities and services will not be provided to these lands to discourage development of non-agriculture uses.

Lastly, the subject property is currently zoned A (Agriculture) under the City’s Zoning Bylaw. The purpose of this zone is to provide for appropriate development within rural areas and to allow agricultural uses as well as other complementary uses suitable in an agricultural setting, while protecting the uses from intrusion of uses not compatible with farm operations.
Summary

Given the following:

1. Strong policy in the 2002 and 2019 Official Community Plan to maintain and protect areas designated for farming and maintain land within the ALR;
2. Outstanding and ongoing servicing limitations for water supply along Valleyview Road and the significant costs associated with servicing improvements; and
3. Previous decisions made by the Agriculture Advisory Committee to deny support;

Staff are recommending that Council deny support for the current ALR Exclusion application at 3810 Valleyview Road.

Provide Support for Application

Council may feel that the recommendation made by the Agriculture Advisory Committee is suitable for the subject application. If this is the case, Council could support the exclusion of a portion of the subject property from the ALR. If this is the case, Council should choose Alternative Recommendation #1.

Alternatively Council could support the entire removal of the lands from the ALR, citing the previous approval from the ALC and the direction of the 2002 OCP.

Alternate Recommendations

1. THAT Council support a revised exclusion area for the area above the identified bedrock line (as identified in Figure 1 of the Agrologist’s Report for the Subject Property) with the remainder of the lands remaining in the ALR.

2. THAT Council provide a letter to the ALC supporting “ALR EXCL PL2018-8363“, with conditions that Council finds reasonable.

Attachments

Attachment A – Property Location Map
Attachment B – Zoning Map of Subject Property
Attachment C – 2002 Official Community Plan Land Use Map of Subject Property
Attachment D – 2019 Official Community Plan Land Use Map of Subject Property
Attachment E – ALC Letter 2005
Attachment F – ALR Land along Valleyview Road
Attachment G – Letter of Opposition Received from Neighbour
Attachment H – Ministry of Agriculture Comment on Application

Respectfully submitted,

Nicole Capewell
Planner I
Attachment B: Zoning Map of the Subject Property
Attachment D: 2019 Official Community Plan Land Use Map of Subject Property
February 11, 2005

Donna Butler, MCIP
City Planner,
City of Penticton,
171 Main Street
Penticton, B.C. V2A 5A9

Dear Ms Butler

Re: Penticton Official Community Plan Review

Our File: V-33959

Further to your referral dated October 20, 2004, and the Agricultural Land Commission’s site visits and meeting of February 2, 2005 the following provides the Commission’s views on the proposed non-agricultural designation of 71 ha of Agricultural Land Reserve land in the Official Community Plan.

The Commission has no objection to the non-agricultural designation of all those areas shown on Maps #3, 5, 6 and Lots 7-17 on Map #4 which accompanied your submission. The Commission considers these areas to have limited agricultural suitability because of their location, existing non farm development, severe topography and poor soils. Copies of these maps are attached. The Commission also anticipates that the proposed re-designations may result in the submission of ALR applications. Be advised, each application will be reviewed on its own merits taking into account the agricultural capability of the area in question, the potential impacts of development on adjoining farmland, and what, if any, mitigation might be required.

The Commission does not support a non-agricultural designation of Lots 1-6 shown on Map #4 because it considers these properties to be suitable for agricultural development. This decision is in harmony with the comments provided in the Commission’s May 3, 2002 letter regarding the existing “low density residential” designation of Lot #1 and #4, deemed to be inconsistent with the Agricultural Land Commission Act.

The above noted decision is taken under Resolution #24/2005.

The Commission understands that the City intends to amend the Official Community Plan Schedule B “Future Land Use Map” based on these comments. Please provide the Commission with a draft copy of the map showing the changes at the earliest opportunity.

...2
City of Penticton – Feb. 11/05
Page 2 - #33959

If you have any further questions about this matter, please contact Martin Collins at 604-660-7021.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:  

K. B. Miller, Chief Executive Officer

Enclosure

cc: Stan Combs, Ministry of Agriculture, Food and Fisheries

MC/C
33959d1
Monday, August 24, 20

To whom it concerns,

I am writing this letter in protest of the the application for Exclusion of Agricultural Land Reserve legal described as LOT 2 DISTRICT LOT 587, SIMILKAMEEN DIVISION YALE DISTRICT, PLAN 15877, EXCEPT PLANS 20013 AND 20825 (located at 3810 Valleyview Road Penticton BC.

It is imperative that this large and parcel of land remains protected by the Agricultural Land Reserve. This particular property is surrounded by bountiful farms and vineyards that are not only creating local produce and jobs but give habitats to farm animals and local wildlife. We need to protect the small amount of rich farmable land we have left in this community. By allowing this change we open our hillside up to being jammed with houses side by side leaving no room for farmers to expand there crops now or in the future. A community that can rely on local produce is a self sufficient and successful community that brings opportunity for growth. The Okanagan is among the most beautiful valleys in British Columbia and has been a long standing destination for all ages. This is in large part due to its stunning appearance of rolling green hillsides adorned with farms and vineyards that are bring world wide recognition to this region with there wines. If these were to all be whipped out by developing ALR land into homes we would no longer have our appeal over time and would be detrimental to the tourism we so rely on.

Agricultural land is something to be protected and appreciated for the opportunities it can provide a community. To grant this application of exclusion would be a devastating error to this farming region, community and our local economy.

Sincerely,

David Wheeler
3750 Valleyview Rd. Penticton BC

RECEIVED
CITY OF PENTICTON
AUG 24 2010
PLANNING DEPARTMENT
July 22, 2019

Nicole Capewell
City of Penticton
171 Main Street
Penticton, B.C. V2A 5A9
Via E-mail: Nicole.Capewell@penticton.ca

Re: Request for Comment: ALR Exclusion Application 3810 Valleyview Road

Dear Ms. Capewell,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALR exclusion application for the property at 3810 Valleyview Road in Penticton. The Ministry of Agriculture can offer these comments:

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as a priority use. Farming is encouraged and non-agricultural uses are restricted.
- Ministry staff have no issues with the agricultural capabilities as described in the Agrologist’s report.
- Those properties in the ALR that have limited agricultural capability for soil-based agriculture can be ideal to situate non-soil based agriculture.
- Subdivision and creation of smaller lots can erode long-term agricultural and economic potential of the parcels and increase land cost per acre. In addition, removing fragments of land from the ALR has the potential to create conflict between excluded properties and those that remain in the ALR. Agriculture interests can be compromised with increased density of non-farm residences adjacent to farm operations.
- Should the land be excluded, the City of Penticton should include a requirement for fencing and buffering to mitigate conflict between farm and non-farm properties. The Ministry’s Guide to Edge planning provides more information on buffering.
- The proposal for exclusion does not demonstrate a benefit to agriculture and has the potential to set precedence for future removal of ALR of adjacent parcels. This can increase speculation on surrounding agricultural land in spite of the fact that it may have better agricultural capability and suitability and make it unaffordable for farmers to purchase in the future.

If you have any questions please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag
Regional Agrologist, B.C. Ministry of Agriculture
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca

Email copy: Celeste Barlow, ALC Planner, Celeste.Barlow@gov.bc.ca
2019 District Lot 587. ALC Application for Exclusion. 
Agrologist’s Report.


Prepared for:
Agricultural Land Commission
133 – 4940 Canada Way
Burnaby. British Columbia.
V5G 4K6

Prepared by:
Wayne A. Blashill, PAg
11519 Quinpool Road.
Summerland. BC. V0H 1Z5
(250) 494 5323
<wayne_blashill@telus.net>
INTRODUCTION

The purpose of this document is to compile an Agrologist’s Report for 3810 Valleyview Road (‘subject property’). The property is designated as ALR. The report will form part of an ALC Application for Exclusion. The agricultural capability of the 2.87-hectare farm will be determined.

The parcel is abandoned and has not been cropped in years. However, there are a couple of old fruit trees along the lower slope, indicating a favourable climate for tree fruits and grapes.

METHODS

The site was field inspected on May 1st, 2019. The soil polygons were mapped based on landform, soil type, slope and bedrock outcrops. Two soil pits were dug by shovel & hand auger to a depth of 1 metre. The soil horizon data was described and recorded on the BC Ministry of Forests FS882 field form found in Appendix A. The data is used to calculate the agricultural capability and any soil limitations at the site. The photo diary can be found in Appendix A. A total of 2.5 hours was spent at the site.

RESULTS

Figure 1 depicts the 5 soil polygons identified at the subject property. Figure 2 shows the soil test pit locations (TP1, TP2) and the polygons they are in. The soil pits were placed in the 2 arable polygons to describe the best soils at the site. The other 3 polygons were considered non-arable.

Table 1 has the soil description for TP1 with the main soil attributes. The complete FS882 form is in Appendix A. The soil is classified as an Orthic Dark Brown Chernozem (CSSC, 1998) because of the colour of the Ah horizon and the presence of the Bm horizon.

Table 2 below portrays the soil description for TP2. Table 3 is a summary of the polygon number, agricultural capability, improved rating and the hectares for each polygon in Figure 1 (Kenk, 1983).

Table 1. Soils description for TP1 an Orthic Dark Brown Chernozem on a glacial-fluvial blanket.

<table>
<thead>
<tr>
<th>HORIZON</th>
<th>DEPTH (cm)</th>
<th>COLOUR</th>
<th>TEXTURE</th>
<th>COARSE</th>
<th>FRAGMENT</th>
<th>CONTENT</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Gravel (%)</td>
<td>Cobble (%)</td>
<td>Stone (%)</td>
</tr>
<tr>
<td>LFH</td>
<td>2-0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ah</td>
<td>0-29</td>
<td>10YR4/2</td>
<td>sandy loam</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bm</td>
<td>29-62</td>
<td>10YR4/4</td>
<td>sandy loam</td>
<td>5</td>
<td>0</td>
<td>0</td>
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<tr>
<td>BC</td>
<td>62-90</td>
<td>10YR4/3</td>
<td>sand</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>C</td>
<td>90-100</td>
<td>10YR4/3</td>
<td>sand</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Table 2. Soils description for TP2 an Orthic Dark Brown Chernozem on a glacial-fluvial blanket.

<table>
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<th>COLOUR</th>
<th>TEXTURE</th>
<th>COARSE</th>
<th>FRAGMENT</th>
<th>CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(cm)</td>
<td></td>
<td></td>
<td>(%)</td>
<td>(%)</td>
<td>(%)</td>
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<tr>
<td>LFH</td>
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<td></td>
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<td></td>
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<tr>
<td>Ah</td>
<td>0-30</td>
<td>10YR4/2</td>
<td>sandy loam</td>
<td>10</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Bm</td>
<td>30-64</td>
<td>10YR4/4</td>
<td>sandy loam</td>
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<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>C</td>
<td>85-100</td>
<td>10YR4/3</td>
<td>sand</td>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 3. Summary of agricultural capability and area for each of the polygons in Figure 1.

<table>
<thead>
<tr>
<th>Polygon Number</th>
<th>Agricultural Capability</th>
<th>Improved Rating</th>
<th>Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7R7:6RT3</td>
<td>none</td>
<td>1.90</td>
</tr>
<tr>
<td>2</td>
<td>6T</td>
<td>none</td>
<td>0.09</td>
</tr>
<tr>
<td>3</td>
<td>5T</td>
<td>(*3T)</td>
<td>0.20</td>
</tr>
<tr>
<td>4</td>
<td>6T</td>
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<tr>
<td>5</td>
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<td></td>
<td></td>
<td>2.87</td>
</tr>
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</table>

DISCUSSION

Agricultural Capability

The agricultural capability ratings in Table 3 are calculated from the FS882 site and soils data. Bedrock outcrops (R) and slope (T) are the soil limitations at this site. Climatic capability was not calculated in this report, since the subject property is already in an ideal climate for tree fruits & grape production. The (*3T) is the modified capability rating for the Okanagan, Similkameen and Creston valleys. It has slopes from 11 to 30%. Steepness of the land does not affect the growing of tree fruits and grapes to the same extent as other field crops.

Polygon Summary

Polygons 1, 2 and 4 are all non-arable due to bedrock, thin soils over bedrock, steep & complex slopes. Soil limitations R and T are not considered improvable. The total non-arable portion of the parcel covers approx. 2.26 ha.
Polygons 3 and 5 are the arable parts of the parcel. They are along the lower slope and cover an area of approx. 0.61 ha. The polygons are separated by a gully. The lower slope is moderately steep, making it necessary to put the rows up & down the slope for safety reasons. These short rows would still require a 20’ wide turn around at both ends. Tractor turn arounds can significantly reduce the crop area for production in narrow blocks like these, compared to long rows.

These 2 polygons would be difficult to farm mainly because they are not adjacent. Additionally, crop production loss due to excessive turn around space would further reduce farm income.

CONCLUSION

It is the Agrologist’s opinion that only 0.61 ha of the subject property is arable. The arable land is not continuous. Farm production would be further reduced due to the machinery access required in narrow blocks such as Polygons 3 and 5. This may partly explain why the property has been abandoned. It lacks continuous cropland of sufficient size to sustain a farm income.

It is the Agrologist’s opinion that this acreage does not have a rich agricultural future. Partly due to the small size, shape and lack of continuity in the 2 arable parts. Additionally, due to the large non-arable portions of the acreage that are very harsh and steep.

REFERENCES


Respectfully Yours,

Wayne A. Blashill, PAg

Seal: 2019
APPENDIX A

Photo Diary

FS882 Field Forms
Photo#1. Soil test pit TP1. An Orthic Dark Brown Chernozem in Polygon 3.

Photo#2. Soil test pit TP2. An Orthic Dark Brown Chernozem in Polygon 5.
Photo#3. Bedrock outcrops and thin glacial fluvial soils over bedrock in Polygon 1.

Photo#4. Arable soil near outbuildings on the SW lower slope of the property in Polygon 5.
Photo#5. Steep non-arable complex slopes in the gully on Polygon 4.
**ECOSYSTEM FIELD FORM**

**LOCATION**
- **3810** Valleyview Road

**SITE INFORMATION**
- **BOC UNIT**: 0
- **SITE SERIES**: 0
- **TRANS/DISTR**: 0
- **ECOS**: 0
- **MOISTURE REGIME**: 0
- **NUTRIENT REGIME**: 0
- **SUCCESS STATUS**: 0
- **STRUCT. STAGE**: 0
- **REALM/CLASS**: 0
- **SITE DISTR.**: 0
- **CLASS**: 0
- **HOE**: 0
- **FLOW**: 0

**NOTES**
- Slopes up to 35% at places near here.
- No carbonates.
- Photo #1022, 1023.

**SUBSTRATE (%)**
- **ORG. MATTER**: 0
- **ROCKS**: 0
- **DEC. WOOD**: 0
- **MINERAL SOIL**: 0
- **BEDROCK**: 0
- **WATER**: 0

**ORGANIC HORIZONS LAYERS**

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<thead>
<tr>
<th>FIELD</th>
<th>SOIL</th>
<th>FASIOF</th>
<th>STRUCT.</th>
<th>Fecal AB</th>
<th>Roots</th>
<th>COMMENTS</th>
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</thead>
<tbody>
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<td>0</td>
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<td>0</td>
</tr>
</tbody>
</table>

**MINERAL HORIZONS LAYERS**

<table>
<thead>
<tr>
<th>FIELD</th>
<th>DEPTH</th>
<th>COLOUR</th>
<th>ASP</th>
<th>TEXT</th>
<th>% COARSE FRAGMENTS</th>
<th>ROOTS</th>
<th>STRUCTURE CLASS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ah</td>
<td>0-29</td>
<td>10</td>
<td>4</td>
<td>15</td>
<td>5</td>
<td>5</td>
<td>A</td>
<td>E</td>
</tr>
<tr>
<td>Bm</td>
<td>29-61</td>
<td>10</td>
<td>4</td>
<td>15</td>
<td>5</td>
<td>5</td>
<td>A</td>
<td>E</td>
</tr>
<tr>
<td>Bc</td>
<td>61-100</td>
<td>10</td>
<td>4</td>
<td>15</td>
<td>5</td>
<td>5</td>
<td>A</td>
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<td>4</td>
<td>15</td>
<td>5</td>
<td>5</td>
<td>A</td>
<td>E</td>
</tr>
</tbody>
</table>

**NOTES**

-
-
**ECOSYSTEM FIELD FORM**

**LOCATION**
- GENERAL LOCATION: 3810 Valleyview Road
- FOREST REGION:
- MAPSHEET:
- UTM ZONE:
- LAT/NORTH:
- LONG/EAST:
- AIR PHOTO NO.:
- X CO-ORD.:
- Y CO-ORD.:
- MAP UNIT:
- PLT NO.:
- Y M D:
- Plot No.:
- Surveyor:

**SITE INFORMATION**
- PLOT REPRESENTING: Orthic Dorse Brown Chernozem on a. FS by
- ROC UNIT:
- SITE SERIES:
- FRAC. DISTRIB.:
- ECOSYSTEM:
- MOISTURE REGIME:
- NUTRIENT REGIME:
- SUCCESS STATUS:
- STRUCT. STAGE:
- REALM CLASS:
- ELEV:
- SLOPE:
- ASPECT:
- W M E S O S L O W:
- POS:
- MILD:
- SURFACE TOPOG.:
- CC:

**NOTES**
- No casbandes
- 82° 19' slope directly behind the house.

**SUBSTRATE (%)**
- ORG. MATTER: 80
- ROCKS: 10
- DEC. WOOD: 10
- MINERAL SOIL: 10
- BEDROCK: WATER

---

**GEOLOGY**
- BEDROCK:
- C.R. LITH.:
- SURVEYOR(S):
- MASTER:
- PLOT NO.:

**TERRAIN**
- TEXTURE:
- SURFICIAL MATERIAL:
- SURFACE EXPL.:
- GEOMORPH.:
- PROFILE DIAGRAM:

**SOIL CLASS:**
- O.B.C.

**ROOTING DEPTH**
- 25 cm
- ROOT RESTR. LAYER:
- DEPTH:
- SEEPAGE:
- FLOOD RG.:

**ORGANIC HORIZONS LAYERS**
- DEPTH:
- STRUCTURE:
- FABRIC AB.:
- AB. SIZE:
- COMMENTS:

**MINERAL HORIZONS LAYERS**
- DEPTH:
- COLOUR:
- TEXT:
- GRANULARITY:
- FABRIC:
- SIZE CLASS:
- STRUCTURE:
- COLLECTOR:
- COMMENTS:

**NOTES:**
- FS862 (1) HRE 985
Council Report

Date: August 6, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1053 Ohlhausen Road

Subject: Soil or Fill Use Application

Staff Recommendation

THAT Council support the “Soil or Fill Use” application to the Agricultural Land Reserve (ALC) to allow placement of fill in the ALR to soil bound agriculture on Lot B, District Lot 199, SDYD, Plan 43708, located at 1053 Ohlhausen Road.

Background

The subject property is located at the end of Ohlhausen Road, long the Naramata Bench. The property has existing deteriorated planted grapes on the North East corner of the property. There is also a single family residence undergoing renovation and a barn on the North West corner of the property. The property is within the Agricultural Land Reserve (ALR) and is zoned A (Agriculture) by the City’s Zoning Bylaw. The property is also subject to Riparian and Environmental Development Permit area as per the OCP.

The owners have transported over 100 truckloads (800 cubic meters) of topsoil to fill the southern part of the property for a future vineyard. The south west portion of the site has a steep gully and is considered frost pocket. The fill was proposed by an agrologist as a way to alleviate the frost pocket and make grape production more viable.

After a number of complaints, the City’s License Inspector investigated the site and posted a stop work as it was determined that no municipal earthworks permit had been issued nor approval from the Agricultural Land Reserve for the works has been obtained. Those applications have now been made. If the owners are successful in obtaining approval from the ALC, an Earthwork permit will need to be approved by the City as well as a Riparian Development permit. The applicant is planning to bring an additional 100 truckloads of fill to bring the area up to the desirable level (See Attachment “C”). They are planning to fill the lower level to facilitate grape production.
Draft Official Community Plan

The Official Community Plan review currently underway includes the subject property within the Future Land Use category called ‘agriculture. The proposed works are considered agricultural in nature and are in line with the OCP.

Agriculture Advisory Committee

This application was presented to the Agriculture Advisory Committee on March 2, 2018. At that meeting the committee made the following recommendation:

It was MOVED and SECONDED that the Agriculture Advisory Committee recommends:
That the staff recommendation be deferred and the applicant be advised that the committee would like an agrologist report done on the soil by a professional farm agrologist.

CARRIED UNANIMOUSLY

The AAC recommended an assessment of the current conditions, soils and grape suitability of the property to explain the rational for additional suitable fill or top soil. Following the committee meeting, the applicant submitted an agrologist report in support of the additional fill. The agrologist report specified that vineyard productions was not considered possible with the current soil conditions of the site and that additional fill of suitable quality was required. The report provides grading and soil amended recommendations to create a viable vineyard.

The application was presented once more to the Agriculture Advisory Committee on April 5, 2019. At that meeting the committee made the following recommendation:

It was MOVED and SECONDED
THAT the Agricultural Advisory Committee support the “Soil or Fill Use” application to the Agricultural Land Reserve (ALC) to allow placement of fill in the ALR to soil bound agriculture on Lot B, District Lot 199, SDYD, Plan 43708, located at 1053 Ohlhausen Road.

CARRIED UNANIMOUSLY

Riparian and Environmental Assessment Area

The property is located in a Riparian and Environmental Development Permit Area as per the current and proposed OCP 2019. The applicant has submitted a Riparian Areas Regulations Assessment report since the placement of fill is located in vicinity of Strutt Creek. The RAR Assessment was accepted by the Province. The assessment resulted in the determination of 15 to 17m SPEA (Streamside Protection Enhancement Area) on the north bank of Strutt creek. The fill placement will need to remain out of the SPEA. Before issuance of an Earthwork permit, the applicant will need to obtain a Riparian Development Permit which will include mandatory environmental monitoring and erosion control measures as per the report submitted.
Financial Implication

The application does not pose any significant financial implications to the City as no buildings are being proposed at this time.

Analysis

Support the ALC application

Soil and Fill placement for agricultural activities must be approved by the Agricultural Land Commission first and must be conducted in accordance with good agricultural practices. The ALC is concerned with the soil quality and preserving and improving the agricultural capability of the land. When approved by the ALC, the City requires an earthworks permit for large fill site to ensure proper storm water management, environmental monitoring, and make sure that the works are done in a safe manner. Considerations are given to trucking, soil location, environmental impacts and final grading.

To date, works without a permit has occurred on the site and the applicant is working towards getting all relating approval in place. The City's Official Community Plan supports and promotes the enhancement of viticulture in the Agriculture Land Reserve. Further, the application was presented to the Agriculture Advisory Committee on April 5, 2019, where the Committee provided a positive recommendation for the application. As this proposal will increase the farmable area of the site, staff support the application if suitable permitting including an Earthworks permit and a riparian development permit is obtained and all conditions of the permit are met. Given the above considerations, staff recommend that Council forward the Soil or Fill application to the ALC with support from the City.

Deny or Refer

Council may consider that the proposed fill will not preserve the desired agricultural aspect of the site. If this is the case, Council may wish to not support the soil or fill application. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council denies support for Soil or Fill Use application.
2. THAT Council provides support for Soil or Fill Use Application with conditions that Council feels are appropriate.
Attachments

Attachment A – Property Location Map
Attachment B – Agricultural Land Reserve Map
Attachment C - Proposal
Attachment D - Letter of Intent
Attachment E – Images of Subject Property

Respectfully submitted,

Audrey Tanguay
Senior Planner

Director
Development Services

Chief Administrative Officer

AH

DvD
Attachment A: Property Location Map

Figure 1: Location Map
Figure 2: ALR Map
Figure 3: Proposal
January 15, 2018

ALC Proposal to Place Fill
1053 Ohlhausen Rd, Penticton, BC
Goodjohn Property

The purpose of this proposal is to quadruple the growing area for grapes on this property – to be able to plant grapes on at least 1.2 of the 2 hectares – possibly up to 1.5 hectares. Our goal is to fill the frost pocket gully located in the very centre of the property and end with a nice workable 10 – 12% slope toward the west. This pocket has been very difficult to farm around for many years. The owner’s were offered a lot of fill from Moraine Winery – less than 2km away – as they prepared their site to build the new winery building. The Goodjohns were able to receive about 100 truckloads of very nice soil – definitely top soil quality for a winery – before being closed down by complaints from the neighbors to the city & to the ALC. They did not know they should have registered before placing the fill.

The fill placement area is about .4 hectare with a bit of flaring and smoothing at the edges.

Maximum depth at the deepest points of the gully will be about 7 meters.

Volume of materials will be about 4200 meters. It looks like it would be more – but it gets quite shallow around the edges.

The time we predict it will take to do this filling is about 3 years. This could go more quickly, but it depends how quickly we can source good clean materials to go into this project. We will restrict who & what comes into the site. I will take a look at all sources of materials before it is allowed to be brought to this site.

We do not have a Professional Agrologist Report, but the neighbor is a long term, very experienced grape grower and is in favor of this project getting finished to help the owners grow more grapes for his winery to use to make wine with.

Alternative Measures. Well – we could have proposed a firing range down in the bottom of the gully – but too close to neighbors. Also pictured an exercise centre specialized in climbing extremely steep hillsides. In all seriousness – this gully has never grown anything or been used for anything productive. The owners want to change this.
Type of fill proposed. So far we have 100 truckloads of beautiful clean soil from Moraine Winery. I believe for stability we need to bring in some more boney, larger rock or clean concrete fill to fill & stabilize the bottom of the gully – use the top soil on the top 1 or 2 meters across the fill area. Only clean fill will be acceptable. We also propose putting an access road down the south side of the property. This will give a stable side to place the fill against & allow safe and easy access to the rows as you go down the slope of the property. This will also create great stability beside the seasonal creek running along the south property line. We have David Cassidy of Valley Environmental – an RPBio on our team to ensure the creek isn’t negatively impacted.

Origin & Quality of fill. So far from Moraine Winery. We propose clean fill — we do need some more boney/Rocky materials to fill the deepest parts of the Gully. This will be for stability, I will look at each source site before it is allowed to be brought to this location. We do not want to create any contamination on this site or down below toward the lake. The owner has a rolling packing unit to pack the soil as it is placed. The owner has lined up with incline excavation to come in after every 25 loads to work the fill & level it out – ensuring the fill is going the way it should. They will be using a 135 Excavator to do this. We will also use a laser level & inclinometer to ensure the fill is placed at a safe and useable slope. Soil will be brought to site by dump truck loads – approximately 12 meters per load.

Steps taken to reduce negative impacts on surrounding agricultural lands:
Stability of the fill — use Boney Materials at the base to ensure stability. Keep the slope at 10 – 12% to the west to ensure stability and that the fill won’t slide down toward the lake direction.
Other neighbors are orchardists and vineyardists — so we will match their activities.
We will ensure the seasonal creek is not impacted at all. Qualified Environmentalist (RPBio) is part of our team.
We will ensure only clean – non contaminated fill comes to this site. Not creating contamination for downhill.

Reclamation Measures have been talked about in above paragraphs. The Goodjohn’s are serious about creating more useable and growable property within the A1C. It is designated as Agricultural Land — they want to make it better for that purpose.

Please don’t hesitate to call me with questions regarding this proposal.

Andrew Tiell, MBA
Certified Environmental Professional – CEP Canada
Certified Environmental & Safety Compliance Officer – NREP
AHERA - NIOSH - OSHA - HICQ Certified
(250) 489-0818
Attachment E: Images of Subject Property

Figure 4: Entrance to the subject property

Figure 5: Placed Fill
Council Report

Date: August 6, 2019                  File No: RZ PL2019-8526
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 595 Vancouver Avenue

Subject: Zoning Amendment Bylaw No. 2019-29

Staff Recommendation

THAT “Zoning Amendment Bylaw No. 2019-29”, a bylaw that rezones “Proposed Lot 1” to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 to R2 (Small Lot Residential) of the subdivision of “Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662” (595 Vancouver Avenue), as shown on Schedule ‘A’ of the bylaw, be given first reading and be forwarded to the August 20, 2019 Public Hearing;

AND THAT prior to adoption of “Zoning Amendment Bylaw No. 2019-29”, the following condition be completed:

• Registration of a Covenant to restrict direct vehicular access to Proposed Lot 3 (access will need to come through an easement on the Proposed Lot 2 panhandle)
• Demolition of the current single family dwelling

Background

The subject property (Attachment “A”) is currently zoned R1 (Large Lot) and is designated in the City’s Official Community Plan (OCP) as LR (Low Density Residential). The site is 0.556 acres in area and is located adjacent to the “Esplanade”, a dedicated city park. The property currently has one large single family dwelling and is located in close proximity to the downtown, in an established traditional single-family neighborhood undergoing infill style re-development.

The applicant is requesting to rezone 595 Vancouver Avenue from R1 (Large Lot...
Residential) to R2 (Small Lot Residential) and R3 (Small Lot Residential: Lane). This rezoning will facilitate the subdivision of the property into three parcels, which will permit the construction of three single family dwellings (Figure 1 – Proposed Subdivision).

The Zoning Map of the neighbourhood (Attachment ‘B’) indicates that this area is mainly zoned R1 (Large Lot Residential) but also includes R2 (Small Lot Residential) and RD1 (Duplex Housing) designations. As indicated in the Future Land Use Map (Attachment ‘C’), much of this neighbourhood is identified for low density development.

There is a prevailing pattern of subdivision that has occurred in this area where a number of lots were created years ago fronting the “Esplanade”. At the time, there were discussions about a road being placed close by. Through time, the “Esplanade” was deemed part of an important sensitive ecosystem and considered noteworthy to protect. A number of existing properties along Vancouver Avenue have access through easement and panhandle. The subject property was originally three lots that were consolidated to build the existing large single family dwelling. The property owner wishes to re-establish the historic lot layout with the three lots (one fronting Vancouver Avenue and two fronting the Esplanade).

Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the property as follows: “Proposed Lot 1” from R1 (Large Lot) to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 from R1 (Large Lot) to R2 (Small Lot Residential) of the subdivision of “Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662” (595 Vancouver Avenue). The zoning amendment is intended to facilitate a 3 lot subdivision.

Financial implications

If approved, the development anticipated by this application will create in total 2 new development sites for the construction of single family housing, hence contributing to an increase in the City’s tax base. All costs of the development are the responsibility of the property owner.


The draft Official Community Plan (OCP) (2019) identifies this area for ‘Detached Residential’. This designation envisions single family detached houses with secondary suites or carriages houses, duplexes or small scale neighborhood commercial building. The proposed rezoning is reflective of the current development trends in the area, providing for a wider variety of housing and is in line with the proposed designation.

Environmental Development Permit Area

The subject property is located in an Environmental Development Permit Area as per the OCP. The Environmental Development Permit area is designated to protect important sensitive ecosystems and biological diversity. The property is located near an area known as the “esplanade” which refers to the benches and steep slopes above the Okanagan Lake shoreline. The Esplanade is characterized by riparian and coniferous woodland communities with grassland and disturbed areas used for recreational purposes.
The OCP references the “Esplanade” as an area where the natural environmental qualities should be maintained and enhanced. The applicant has submitted an Environmental Assessment prepared by a Qualified Environmental Professional (QEP) in support of the rezoning application. An approved development permit will be required prior to final approval of the subdivision. If successful with rezoning and subdivision, as part of the building permit process, an Environmental Development permit will need to be obtained and will include provisions for restoration and replanting with natives trees. A qualified Environmental Professional will provide ongoing monitoring to confirm that conditions of the permit are met.

**Technical Review**

This application was forwarded to the City’s Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Subdivision and Building Permit stage of the project, if rezoning is supported by Council. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. The owner (developer) must provide a detailed site grading plan of the proposed lots showing existing and final site elevations as well as a detailed geotechnical report as part of the subdivision process. The development is required to conform to the BC Building Code. These items have been communicated to the applicant.

**Access**

Access to all three proposed lots is intended to be from a 6m panhandle. The proposed R3 zoning does not allow vehicular access from the collector road and specifies that access shall be from a rear lane. Because lane access is required the R3 zone, allows for lots with less widths than a typical lot where a driveway is required from the fronting street. In this case, no lane is present. Additional driveways on Vancouver Avenue is not recommended therefore staff recommend to secure the vehicular access of the proposed panhandle of “Proposed Lot 2” by way of a restrictive covenant to be placed on the property and easement over the proposed panhandle. Similar access arrangements have been created in the past for other parcels of land in this area, given the historical parcelization and access constraints of Vancouver Avenue.

**Demolition of the single family dwelling**

If Council adopt Zoning Bylaw 2019-29 as presented, the proposed zoning would not be in –line with the current house on the property. The zoning bylaw stipulates that where a lot is divided into more than one zone, each zoned portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions. In this case the current house on the property if retained would be in contravention of this provision; hence, demolition of the house is necessary prior to final adoption of the proposed zoning bylaw amendment.

**Development Statistics**

The following table outlines the proposed development statistics on the plans submitted with the development application. It is worth noted that no building is proposed at this time:
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<th>Item</th>
<th>Requirement R2 zone</th>
<th>Proposed</th>
<th>Requirement R3 zone</th>
<th>Proposed</th>
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<tr>
<td>Minimum Lot Width:</td>
<td>13m</td>
<td>15.3m</td>
<td>9.1m</td>
<td>9.2m</td>
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<tr>
<td>Minimum Lot Area:</td>
<td>390m²</td>
<td>1,903.34m²</td>
<td>277m²</td>
<td>446m²</td>
</tr>
</tbody>
</table>

**Analysis**

*Support “Zoning Amendment Bylaw No. 2019-29”*

When considering a zoning amendment application, staff and Council look toward the Official Community Plan’s future land use map and designation for guidance, including all relevant planning policy. As indicated by the Future Land Use Map (Attachment ‘C’), this property is identified for low density residential (LR) development and future development is envisioned to support single family and duplex development as well as limited commercial and institutional use.

The City's draft Official Community Plan 2019 also identifies the future land use of this property as Detached Residential. There may be some concerns over the assessment of view impacts on the existing homes in the vicinity. Regarding single family dwellings, the current and proposed OCP does not provides guidelines or policies to protect views. New housing development is to be sensitive in scale and character to the neighbourhood around it. Where development permit is required, views through the mountain and lakes should be carefully considered and incorporated into the design, however a development permit for the eventual single family homes is not required. The Zoning Bylaw regulates the height and development regulations regarding the build form on the lots.

The proposal for the site provides single detached housing, at an acceptable scale for the current area and follows the development pattern of the neighbouring lands with lots of a similar size. Staff consider that the zoning amendment to allow for the proposed development represents an appropriate use of the land for the following reasons:

- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- Recognizing that traditional single family neighborhood will see intensification as the City grows, the draft OCP (2019) envisions new forms of residential developments along collector roads, services and amenity which is the case here.
- The proximity to the downtown, Okanagan beach, and other nearby services encourages more walking and active forms of transportation.
- The current proposal will convert a large lot into 3 smaller lots in a desirable location.

In addition, staff consider the proposed additional lots to be a good fit for the property and the neighbourhood. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for the proposal. Given the above, staff recommends that Council support “Zoning Amendment
Bylaw No. 2019-29” and forward the application to the August 20, 2019 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain R1 (Large Lot residential). If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2019-29”.
2. THAT Council refer the application back to staff for further discussions with the applicants.

Attachments

Attachment A – Location Map
Attachment B – Official Community Plan Map
Attachment C – Zoning Map
Attachment D – Images of Subject Property
Attachment E – Site and Subdivision Plan
Attachment F – Letter of Intent
Attachment G – Zoning Amendment Bylaw No. 2019-29

Respectfully submitted

Audrey Tanguay
Senior Planner

<table>
<thead>
<tr>
<th>Director Development Services</th>
<th>Chief Administrative Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT</td>
<td>DvD</td>
</tr>
</tbody>
</table>
Figure 1: Location Map
Attachment B – Official Community Plan Map

Figure 2: OCP Map
Attachment C – Zoning Map

Figure 3: Zoning Map
Attachment D - Images of Subject Property

Figure 4: Image of subject property with current driveway shown
SKETCH PLAN SHOWING PROPOSED SUBDIVISION OF LOT A, DL 202, SDYD, PLAN 37662

SCALE 1:250

THE ESPLANADE

PROPOSED LOT 2

AREA 0.19 ac

PROPOSED LOT 3

AREA 0.19 ac

BLOCK 4

PLAN 479

PLAN KAP88850

PLAN 18881

VANCOUVER AVENUE

LEGEND

SPOT ELEVATION

CONTOUR ELEVATION

NOTE: All distances are in metres.

DATE: APRIL 26, 2018

Figure 8: Site Plan

Attachment E - Site and Subdivision Plans
May 05, 2019
City of Penticton Planning Department
Blake Laven, RPP, MCIP – Planning Manager
171 Main Street
Penticton BC, V2A 5A9

RE: 595 Vancouver Avenue

Dear Mr. Laven,

The registered owner of the property has commissioned our firm, HDR Architecture, Inc., to provide architectural design services for 595 Vancouver Avenue in Penticton. The site is currently zoned R1; which accommodates a single family home. We feel this is a lost opportunity and an underutilization of site potential, as this desirable location is close to many public amenities such as Okanagan Lake and the Esplanade. Thus we are proposing the following subdivision (from 1 lot to 3 lots) and rezoning strategy (maintain R1 zoning except Lot 1 to R3) which is in keeping with the scale and form of the neighborhood:

Lot 1: Rezoned to R3; access via 6 meter easement over panhandle Lot 2.
Lot 2: Panhandle Lot; maintain current R1 zoning
Lot 3: Maintain current R1 zoning; access via easement over panhandle Lot 2

This proposal will be a positive contribution to our community by allowing more housing opportunities and allowing densification in an area which is close to downtown and its associated amenities. This project is a viable alternative to urban sprawl and hope for a reduction in vehicular reliance.

Sincerely,
HDR Architecture, Inc.

Robert Cesnik
ARCHITECT AIBC, MRIBC, LEED AP BD+C
Associate

hdrinc.com/ca
500 – 1500 West Georgia Street, Vancouver, BC, CA. V6G 2G6
T (604) 687-1096

Registered Architects: Jim Aylers, Arch. AIBC, MRIBC, LEED AP; NCARB. Mark Hetsko, Arch. AIBC, MLA, MRIBC, NCARB.
Troy Ransel, Arch. AIBC. MBA.
John Scott, Arch. AIBC, MLA, MRBC, NCARB.
Rod Woodcock, Arch. AIBC, MRIBC, LEED AP
A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;
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. 2019-29”.

2. **Amendment:**

   2.1 Zoning Bylaw 2017-08 is hereby amended as follows:
   
   Rezone “Proposed Lot 1” of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane) and rezone “Proposed Lot 2 and 3” of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R2 (Small Lot Residential) as identified on Schedule ‘A’ of this bylaw.
   
   2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2019
A PUBLIC HEARING was held this day of , 2019
READ A SECOND time this day of , 2019
READ A THIRD time this day of , 2019
ADOPTED this day of , 2019

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2019 and the __ day of ____, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

__________________________
John Vassilaki, Mayor

__________________________
Angie Collison, Corporate Officer
595 Vancouver Ave – Rezoning

Proposed Lot 1:
From R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane)

Proposed Lots 2 and 3:
From R1 (Large Lot Residential) to R2 (Small Lot Residential)
Staff Recommendation

THAT Council support naming the portion of road running north/south between Westminster Ave East and Cambie Place “Oliver Place”.

Background

The City’s Subdivision Approving Officer has granted preliminary layout approval for the subdivision of 120 Cambie Street (Attachment ‘A’). The subdivision is creating 3 lots which will front onto an existing lane, which is sometimes referred to as Cambie Court. Cambie Court, however, is not an assigned street name and no properties are addressed from Cambie Court. As part of the development process the lane is intended to be rebuilt as a city road. Rather than call the new road, Cambie Court, the developer has selected the name “Oliver Place” from the “Street Name Reserve List” created by the Heritage Advisory Committee for the new road.

In addition to the three new lots, two other existing homes also front the lane that is to become Oliver Place. Those two properties are currently using Cambie Place as their address, but don’t directly front Cambie Place. Those two properties will be readdressed onto the new street. As per City policy, the developer is paying compensation to the existing homes to assist in updating personal information with the new street name and address. Notice has been sent to owners and residents of those properties.

Further subdivision is intended to occur along this new road, hence assigning the name now will improve safety and clarity for existing and future owners in the area.

City Policy

According to the recently adopted “Civic Addressing and Street Naming Bylaw 2018-51”, City Council has the authority to assign names to roads. This authority is exercised through a Council resolution. Consideration of street names are intended to be given to names that portray a strong positive image and have historical, natural, cultural or social significance or after persons who have made significant contributions to the community, province or country. The Bylaw references the “Street Name Reserve List”, which is a list of
names put together by the Heritage Advisory Committee. The list includes the name Oliver Place. In situations where the name is selected from the street name reserve list, referral to the Heritage Advisory Committee is not required.

The Bylaw also outlines that selecting names that are similar to other nearby streets should be avoided for clarity sake. Given that there is already a Cambie Street and Cambie Place established in the area, it was thought that naming the street Cambie Court (as it is sometimes referred) would be confusing.

“Charles Oliver”

The name “Oliver” originates from former Penticton reeve and mayor, Charles Oliver. The son of former B.C. Premier John Oliver served two four-year as head of Penticton’s local government. He was first elected as reeve in 1931, serving until 1935. Twenty-six years later, he was mayor again, from 1957-1961. Charles Oliver shaped the history of the Okanagan Valley while encouraging economic growth in the region. He was also involved in bringing a large piece of the Kettle Valley Railway branch line to the Okanagan Lake dock.

Analysis

In terms of the suitability of the name for the lane, staff call attention to the fact that most of the streets in the area are named after cities and names of prominent Penticton and area historical figures. The name “Oliver” is in line with this theme and meets the policy of being selected from the “Street Name Reserve List”.

Additionally, assigning this name at this time will improve clarity for Canada Post, Emergency Services and affected persons that have properties fronting this lane. Given the above considerations, staff recommend that Council support naming the portion of road running north/south between Westminster Ave E and Cambie Place “Oliver Place”.

Alternate recommendations

THAT Council deny naming the lane “Oliver Place”.

THAT Council refer the name to the Heritage Advisory Committee for comment.

Attachments

Attachment A – Subdivision Plan
Attachment B- Aerial Photo

Respectfully submitted,

Audrey Tanguay
Senior Planner
Lane to be named: Oliver Place