



Council Report

penticton.ca

Date: May 27, 2025
To: Anthony Haddad, City Manager
From: Yvonne Kent, Planner II

File No: RMS/6480-20

Subject: Official Community Plan Amendment Bylaw No. 2025-11: Development Permit Guidelines Update

Staff Recommendation

THAT Council, prior to consideration of "Official Community Plan Amendment Bylaw No. 2025-11" and in accordance with Section 475 of the Local Government Act, consider whether early and on-going consultation in addition to the required Public Hearing is necessary with:

- a. One or more persons, organizations or authorities;
- b. Regional District of Okanagan Similkameen;
- c. Local First Nations;
- d. School District #67;
- e. The provincial or federal government and their agencies;

AND THAT it is determined that referral to the Urban Development Institute (UDI) at their meeting on April 30, 2025, and the Canadian Home Builders' Association (CHBA) at their meeting on May 8, 2025, and referral to the Agricultural Land Commission from April 14, 2025 to May 14, 2025 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2025-11", a bylaw to replace "Chapter 5: Development Permit Area Guidelines" with an updated chapter and remove references to "Intensive Residential Development Permit Area" in the following sections of the Official Community Plan:

- Future Land Use Plan, paragraph titled "Form and Character Guidelines"
- Policy 4.1.5.3 of section 4.1.5 titled "Housing and Neighbourhood Character"
- Policy 4.6.6.1 of section 4.6.6 titled "Character Areas"

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2025-11" to the June 10, 2025 Public Hearing.

Strategic priority objective

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

Culture: We are committed to open communication, integrity, and professionalism to build public trust through excellence in all that we do. We embrace modernization, innovation and adaptability to meet the evolving needs of our community, fostering a culture of engagement and purpose.

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

Bylaw 2025-11 proposes to update Development Permit Area guidelines in the Official Community Plan in response to recent provincial housing legislation directives and staff's experience working with the design guidelines since 2019. Design guidelines guide the form and character of commercial and residential development and development in hillside, environmentally sensitive and riparian areas across the City. The Official Community Plan includes seven Development Permit Areas (DPAs) and 169 guidelines. An updated Chapter 5: Development Permit Area Guidelines in the Official Community Plan is proposed which includes seven DPAs and 119 guidelines (Attachment A).

Background

As per s.488 of the *Local Government Act* an Official Community Plan may designate DPAs. Unless an exemption specified in the OCP applies, development in a DPA cannot proceed without first obtaining a Development Permit.

The City of Penticton Official Community Plan currently designates the seven following DPAs:

1. Intensive Residential Development Permit Area
2. Multifamily Development Permit Area
3. Commercial & Mixed-Use Development Permit Area
4. Downtown Development Permit Area
5. Hillside Development Permit Area
6. Riparian Development Permit Area
7. Environmental Development Permit Area

DPAs may be established for a variety of purposes. In the City of Penticton DPAs are established for:

- Form and character objectives for intensive residential, multi-family residential and commercial developments;
- Protection of the natural environment; and
- Protection of development from hazardous conditions.

The Official Community Plan must describe the special conditions or objectives that justify the designation and specify guidelines for development permit approval. As per s. 490 of the *Local Government Act*, the authority to issue a development permit must only be exercised in accordance with the applicable

guidelines. Other considerations (ex: permitted use) cannot be used to evaluate a development permit application, these are instead addressed through the Zoning Bylaw.

History

The DPAs in the Official Community Plan were last updated in 2019, through adoption of the current OCP.

In 2023 Council formed the Official Community Plan Housing Task Force, intended to make housing more attainable and affordable in Penticton. Council, in December of 2023, approved 18 Task Force recommendations and gave staff direction to begin their implementation. Over the past year and a half the City has been amending bylaw and streamlining processes aligned with this direction. The design guidelines changes are specifically aligned with Recommendation 9: *“Support streamlined and efficient reviews of Development Permit applications, with appropriate design guidelines in place to support densification through quality design.”*

In addition to the recommendations from the Task Force, the City has also been updating bylaw to align with 2023 Provincial direction on streamlining housing reviews and approvals. On June 18, 2024, Council adopted Zoning Bylaw No. 2024-22, which permits small-scale multi-unit housing (SSMUH) in accordance with Provincial Bill 44 - *Provincial Housing Statutes (Residential Development) Amendment Act, 2023*. As per the Provincial Policy Manual, “following adoption of zoning bylaws to enable SSMUH, local governments should review their DPAs and associated guidelines to ensure they do not unreasonably prohibit or restrict SSMUH development”.

These changes and recommendations are part of the Province’s More Homes for People Action Plan and follow the Province’s Development Approvals Process Review (DAPR) which was completed in 2019 to increase the efficiency and effectiveness of local government development approvals processes.

In 2024, a consultant was commissioned to review the DPAs and associated guidelines and make recommendations for refreshing the guidelines since they were last updated in 2019.

Analysis

General Changes

As per the SSMUH Provincial Policy Manual, local governments should ensure development permit guidelines are clear, specific, and directly linked to the authorities found in the *Local Government Act*. As such, and with the consultant recommendations in consideration, the following changes are proposed across all DPAs in the Official Community Plan:

- Corrected spelling errors, references to sections, bylaws, and legislation.
- Removed/revised figures that inaccurately reflected the guidelines.
- Revised/removed guidelines with no clear authority under the *Local Government Act*.
- Revised guidelines to use guideline language (ex: “should” not “shall”).
- Revised language and formatting to be consistent across development permit areas and guidelines.
- Removed guidelines that are addressed by, or conflict with, City bylaws and permits (ex: Zoning Bylaw No. 2024-22, Sign Regulation Bylaw No. 2022-28, and Storefront Use Permits).
- Removed duplicate guidelines and combined multiple guidelines where appropriate.

Additional Changes in each Development Permit Area

General Development Permit Area

Chapter 5: Development Permit Area Guidelines includes general form and character guidelines at the start of the chapter. Guidelines are for features found in all developments, such as parking, landscaping, waste and recycling, and signage.

Key Changes:

- New 'General Development Permit Area' designated, incorporating the streamlined general guidelines.

As per s.490 of the *Local Government Act*, authority to issue a Development Permit must only be exercised in accordance with applicable guidelines. The general guidelines are not currently part of a DPA. To ensure the general guidelines can be utilized when reviewing Development Permit applications, a General DPA has been designated which includes these guidelines.

Intensive Residential Development Permit Area

The Intensive Residential DPA is established to meet objectives for the form and character of intensive residential development. A development permit is required before the development of single detached dwellings on small lots, carriage houses, and duplexes.

Key Changes:

- DPA deleted (Form and character development permit would no longer be required for small-lot single detached dwellings and carriage houses).

This change responds to guidance in the SSMUH Provincial Policy Manual, that "local governments are discouraged from using DPAs to control the form and character of SSMUH developments up to six units in all but exceptional circumstances". The Intensive Residential DPA was designated in the Official Community Plan in 2019. It includes limited guidelines related to single detached dwellings on small lots, duplexes, and carriage houses. Since 2019, most carriage house guidelines have now been addressed by, or conflict with, regulations added to the Zoning Bylaw to address this type of housing. Staff propose keeping a development permit requirement for duplexes but moving that form of housing into the Multifamily Residential DPA.

Multifamily Residential Development Permit Area

The Multifamily Residential DPA is established to meet objectives for the form and character of multifamily residential development. A development permit is currently required for multifamily housing types including townhomes and apartments.

Key Changes:

- Duplexes are now considered through the Multifamily Residential Development Permit Area

With the removal of the Intensive Residential DPA the form and character development permit requirement for duplexes has been moved to this DPA. Relevant guidelines have been carried forward into the Multifamily DPA.

Hillside Development Permit Area

The Hillside DPA is established for protection of the natural environment and protection of development from hazardous conditions.

Key Changes:

- Subdivisions creating fewer than three additional lots are now exempt from the Development Permit requirement.
- Form and character guidelines have been removed.

The Hillside DPA was designated in the Official Community Plan in 2019. Since its inception, staff have found the guidelines are more applicable to large-scale development projects. Additionally, as the DPA has not been established to meet objectives for the form and character of development, the form and character guidelines in the DPA have been inapplicable.

Environmental Development Permit Area

The Environmental DPA is established for the protection of the natural environment.

Key Changes:

New exemption added such that the following will not require a Development Permit: "Acceptance by the City of Penticton of a report prepared by a Qualified Environmental Professional concluding that there is no natural environment associated with the development or adjacent areas described on the Environmental Development Permit Area Map."

An equivalent exemption has been in the Riparian DPA since 2019. Adding this exemption to the Environmental DPA ensures that development does not need to undergo the Development Permit process where not required, helping to streamline the development approvals process.

Commercial & Mixed-Use, Downtown, and Riparian Development Permit Areas

There are no additional changes in these DPAs.

Industry Feedback

Staff sent referrals and presented the proposed design guideline updates to the Urban Development Institute and the Canadian Home Builders' Association. At the meetings no concerns were expressed regarding the proposed changes and the groups indicated their support for efforts to streamline and clarify the development permit process. No comments were received from the Agricultural Land Commission through the one-month referral period.

Summary

Staff are proposing updates to Chapter 5: Development Permit Area Guidelines in the Official Community Plan to address clarity and redundancy issues, inconsistent guidelines, address recommendations from the OCP Housing Task Force and recommendations from the recent consultant review and the SSMUH Provincial Policy Manual. These changes also align with the Province's Development Approvals Process Review and are intended to streamline the development approval process and increase the City's housing supply, meeting local and provincial objectives. Should Council wish to make additional changes to the DPAs and associated guidelines, this can be done as part of future Official Community Plan updates.

Alternate recommendations

THAT Council deny first reading to "Official Community Plan Amendment Bylaw No. 2025-11".

Attachments

Attachment A – Official Community Plan Amendment Bylaw No. 2025-11

Respectfully submitted,

Yvonne Kent
Planner II

Concurrence

General Manager of Development Services <i>BL</i>	City Manager 
--	---

Schedule 'A'



Chapter 5

Development Permit Area Guidelines





Development Permit Area Guidelines

5.1.1 Development Permit Area Guidelines Overview

Development Permit Areas are established for multiple purposes such as managing the form and character of commercial and residential development and guiding development in hillside, environmentally sensitive and riparian areas.

Before any development can take place, it is necessary to obtain a permit if land is within an area shown on the Development Permit Area Maps (Maps 3-6) or other specified areas described in text in this Chapter. If multiple Development Permit Areas overlap, all guidelines apply.

A Development Permit application will be evaluated based on the applicable guidelines.

5.1.2 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 in Riparian (**Section 5.7**) and Environmental DPAs (**Section 5.8**)
- Additional exemptions for specific DPAs are provided in their respective Exemptions sections below.

5.1.3 Variances

Setbacks, Height and 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 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

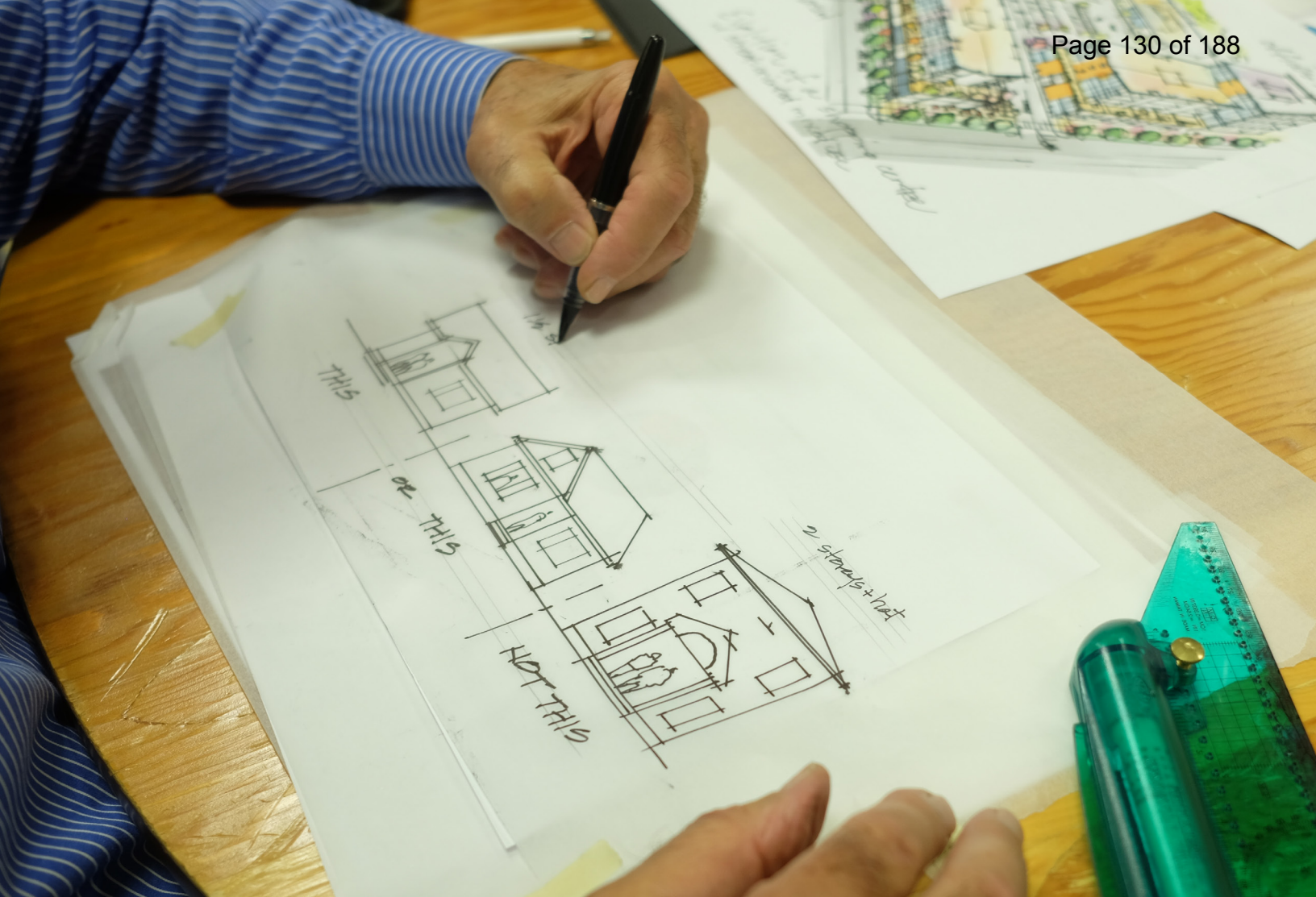
The following variances to parking standards may be considered as a component of a Development Permit Application subject to Section 490(1)(a) of the Local Government Act:

1. Variance to reduce the required number of commercial parking spaces to zero.
2. Variance to reduce the required number of residential parking spaces (including visitor) for multi-unit residential development, and/or the residential portion of mixed used developments to a ratio of one space/dwelling unit provided that:
 - The development is within 400 meters of a transit stop;
 - 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 development); and
 - 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.



5.2

General Development Permit Area

5.2.1 Designation

The General Development Permit Area establishes objectives for:

- Form and character of commercial or multifamily development pursuant to Section 488(1)(f) of the Local Government Act.
- Energy conservation pursuant to Section 488(1)(h) of the Local Government Act.
- Water conservation pursuant to Section 488(1)(i) of the Local Government Act.
- Reduction of greenhouse gas emissions pursuant to Section 488(1)(j) of the Local Government Act.

5.2.2 Justification

The Official Community Plan places emphasis on new developments being attractive and high quality. In support of this, this Development Permit Area establishes guidelines for features found in most commercial and multifamily developments, such as parking, landscaping, and waste and recycling.

The City of Penticton is a signatory to the BC Climate Action Charter and has adopted a Community Climate Action Plan. In support of the City's sustainability objectives, guidelines have also been established to reduce greenhouse gas emissions, conserve water in Penticton's desert climate, and promote energy conservation.



Cars and Parking

- G12. 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. If lane access is not possible, access should be provided from a secondary street (where one exists) (see Figure 5-3 & 5-4).
- G13. Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings.
- G14. Parking should be located at the rear of buildings/sites, not between the front of buildings and the street.
- G15. Attached parking structures, their access and associated components (doorways, ramps, etc.) should be in line with or setback from the primary building face so as to minimize visual impact to the public realm.
- G16. 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.
 - If including internal roads, accommodate alternative transportation (e.g., multi-use pathways, separated bike lanes, etc.)

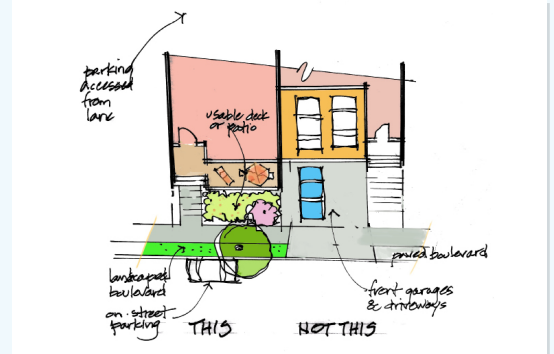


Figure 5-3: G12

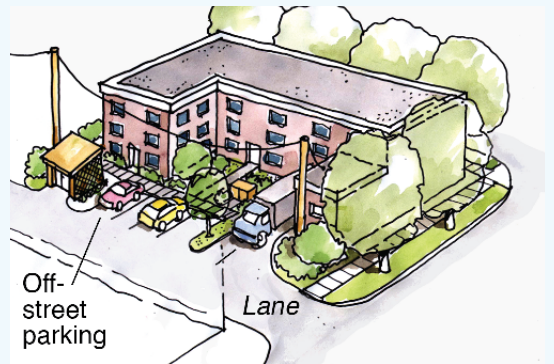


Figure 5-4: G12

Architecture

Design for Our Climate

- G17. 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 and increased solar gain in winter months (see Figure 5-5);
 - selecting roof materials to minimize heat loading and increase reflectivity; and,
 - strategies for cross-ventilation.
- G18. Landscape designs should accommodate windbreaks (perpendicular to the direction of winter prevailing winds) to reduce heat loss in winter.

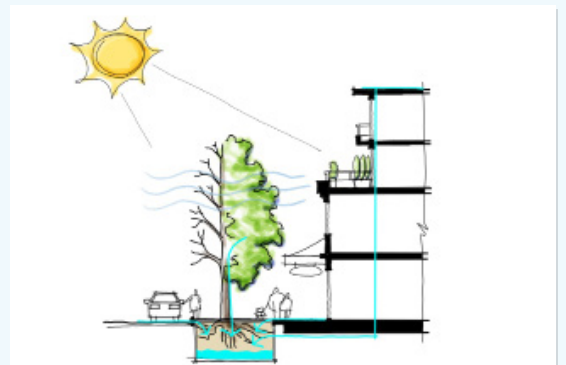


Figure 5-5: G18



Friendly Faces, Friendly Neighbours (Orientation & Massing)

- G19. Orientation of buildings (e.g., entries, windows, porches, balconies, patios, and decks) should face public spaces (e.g., streets, lanes, parks, open spaces, and parking areas) with a preference for ground-oriented types (e.g., a front door for everyone or every business) (see Figure 5-6).
- G20. 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.
- G21. 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.
- G22. Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces by strategically spacing windows, balconies, patios, and decks so they do not line up with those of adjacent dwellings and their private open space where possible.

Eyes on the Street

- G23. Entries should be visible and clearly identifiable from the fronting public street.
- G24. Extensive blank walls (over 5m in length, and including retaining walls) along the street should be avoided.
- G25. Screening should be provided (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.).



Figure 5-6: G19

Landscape Architecture

Design with Nature

- G26. Water Conservation and Plant Maintenance: Xeriscaping & Irrigation
 - Landscape designs should employ **xeriscaping** principles (see Glossary) that reduce the need for supplemental water from irrigation.
 - Landscape designs should employ strategies such as stormwater management reuse (including rain gardens and water reclamation) to minimize impact on infrastructure and the use of potable water.
 - Landscaping should use 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 on the south and west faces of buildings.

Enhance the Urban Forest

- G27. New development should retain, where possible, existing mature and native trees and protect their root systems.
- G28. Where space permits, areas adjacent to streets should be planted with trees with appropriate soil volumes to ensure longevity.
- G29. 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

- G30. 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.).
- G31. 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).
- G32. Buffer design should complement neighbourhood character and landscape setting (refer to “Materials Selection – Hardscapes and Softscapes”).
- G33. Where landscaped island area is required in the Zoning Bylaw it should be installed with the following considerations (see Figure 5-7):

- 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 blocks of parking spaces; and,
- Planting around utility kiosks and waste/recycling areas.

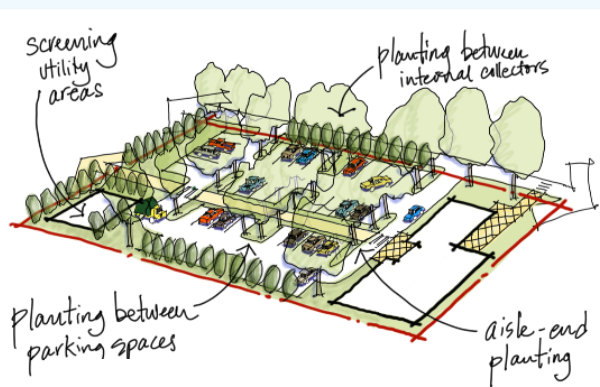


Figure 5-7: G33

- G34. 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 should 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.

Materials Selection – Softscapes & Hardscapes

G35. 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 should 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 should not be used.
- Synthetic turf should be avoided.



G36. 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.
- Should 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

- G37. Both fronting streets should be addressed in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades.
- G38. Support wayfinding by framing views (or open space) and/or utilizing landmark architectural elements (if appropriate).
- G39. Consider utilizing corner entrances, angled facades at intersections, or 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 (see Figure 5-8).

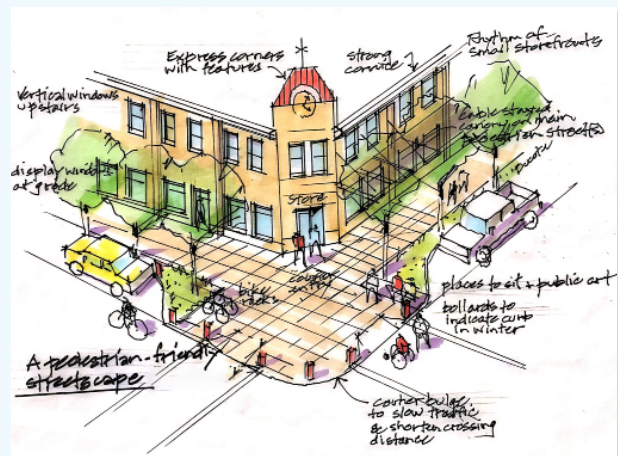


Figure 5-8: G37-39

Public Art

- G40. Opportunities for the inclusion of public art should be explored in public and semi-public open spaces, especially plazas.
- G41. Historical references should be carefully and collaboratively chosen.

Lighting

- G42. Lighting should meet international Dark-Sky standards. Exceptions may be made for signage and architectural lighting (e.g., enhancing special features or aesthetic qualities) and to meet CPTED principles.
- G43. Lighting that illuminates natural areas or neighbouring properties should be avoided.

Signage

- G44. Signage should complement overall form and character as an extension of associated building and landscape designs.



Utilities, Mechanical Services and Servicing

- G45. Mechanical/Utility cabinets and transformer pads (units) should be located at the rear of the property, behind the building. Where this is unachievable, units may be located at the edge of the front yard if incorporated into landscaped areas or wrapped in decorative vinyl.
- G46. Units should not obstruct private views onto public space that might otherwise provide safety through passive surveillance.

Waste Management

- G47. 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.
- G48. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.
- G49. Clear access to refuse/recycling areas should be provided.

Fences

- G50. Fencing located along a street edge should be low and/or not create a solid barrier (i.e. it should be visually transparent) (see Figure 5-9).

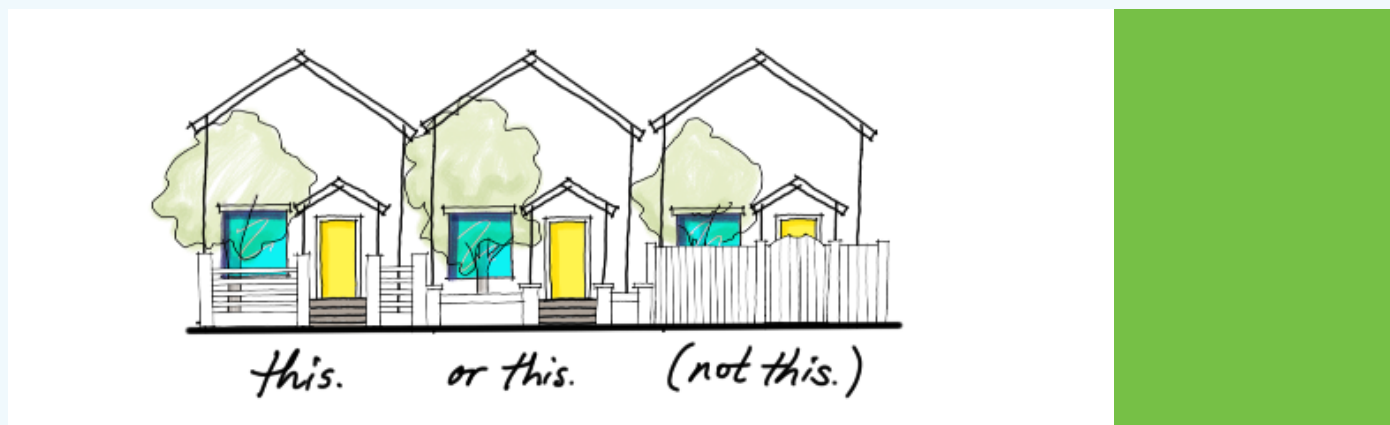


Figure 5-9: G50



5.3

Multifamily Residential Development Permit Area

5.3.1 Designation

The Multifamily Residential Development Permit Area is designated for the establishment of objectives for the form and character of multifamily development pursuant to Section 488(1)(f) of the Local Government Act.

5.3.2 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.

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.



This Development Permit Area includes 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.

5.3.3 Area

The Multifamily Residential Development Permit Area applies to all multifamily development within the city for properties currently zoned for multifamily residential (R4 and RM zones) and containing multifamily residential uses. This includes duplexes, multiplexes, cluster housing, rowhouses, townhouses and apartments. For certainty, this does not include single detached dwellings, secondary suites or carriage houses.

5.3.4 Exemptions

A Development Permit will not be required for the exemptions as indicated in [Section 5.1.2 EXEMPTIONS](#), plus:

- 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 buildings are being proposed

5.3.5 Multifamily Residential Guidelines

Site Planning

Designing in Context

- MF1. A portion of the building face should relate to the front and rear yard setbacks of existing neighbouring buildings (see Figure 5-10). However, the front setback should be no greater than 6.0m so that dwelling units engage with the street.

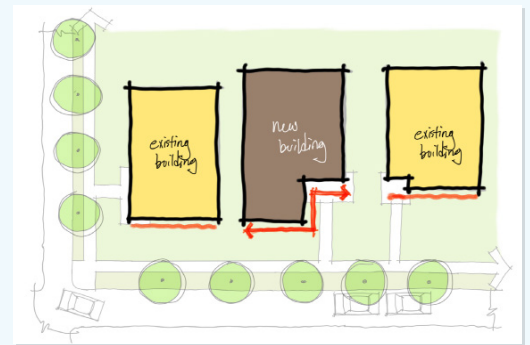


Figure 5-10: MF1

Framing Space

- MF2. All multifamily developments should incorporate shared amenity spaces that address the needs of all age groups likely to reside within the development.
- MF3. In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from units (see Figure 5-11).
- MF4. Amenity spaces should incorporate vegetation for the purposes of active and passive recreation and/or visual interest.



Figure 5-11: MF3



Parking

MF5. Visitor parking should be:

- In public view, and
- Easily accessible near the main entry to the site.

Attractive Entries

MF6. Entrances to apartment lobbies should be connected to adjacent sidewalks.

MF7. Entrances to apartment lobbies should provide seating.

MF8. Public art at entrances to apartment lobbies is encouraged.

Special Considerations for Tall Buildings

The following guidelines apply to buildings over six storeys in height:

MF9. Should minimize shadowing on adjacent parks, public and private open spaces and pedestrian facilities.

MF10. Should minimize impacts on adjacent public streets and open spaces by maintaining public, and where feasible existing private views (outlooks to the lakes and hillsides).

MF11. To increase their attractiveness, taller buildings should demonstrate high-quality cohesive design of form, materials and colour.

MF12. Tall buildings should be designed with podiums at grade and point towers above.

MF13. 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.

MF14. In cases where there are multiple tall buildings or towers above a podium on one site, a minimum distance of 9m (29.5 ft) between them should be provided to permit open amenity space uses.



5.4 Commercial & Mixed-Use Development Permit Area

5.4.1 Designation

The Commercial & Mixed Use Development Permit Area is designated for the establishment of objectives for the form and character of commercial or multifamily development pursuant to Section 488(1)(f) of the Local Government Act.

5.4.2 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. These guidelines recognize established large-format retail and encourage retrofitting strategies to enhance walkability and livability.





This Development Permit Area includes 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

5.4.3 Area

The Commercial Development Permit Area applies to all commercial development within the City for properties zoned for commercial (C and CT zones) and containing commercial uses.

5.4.4 Exemptions

A Development Permit will not be required for the exemptions as indicated in Section 5.1.2

EXEMPTIONS, plus:

- External renovations that do not affect the form and character of the building or site (to be determined by Development Services Department)
- Subdivisions where no buildings are being proposed
- Additions or renovations that are not visible from the public realm

5.4.5 Commercial & Mixed Use Guidelines

Site Planning

Framing Space

CM1. Retail building frontages should meet the sidewalk at grade.

CM2. Retail building frontages should be built to the property line so that a continuous commercial street frontage is maintained but 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 5-12).

CM3. Retail building frontages may feature outdoor displays and patios provided a minimum 2.0m wide clear pedestrian zone is maintained.

CM4. Outdoor eating areas and street-side plazas should be located next to and connected with public sidewalks. They should be placed at centres of activity, such as transit exchanges, intersections of important streets and retail streets, thus creating focal points for these areas.

CM5. Outdoor eating areas and street-side plazas should be framed by buildings on a minimum of two sides to create well defined edges. The buildings should have windows and/or doors facing the plaza.

CM6. Outdoor eating areas and street-side plazas should 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.).



Figure 5-12: CM2



CM7. Mixed-use developments should consider the privacy of resident amenity spaces within and/or adjacent to buildings (see Figure 5-13).

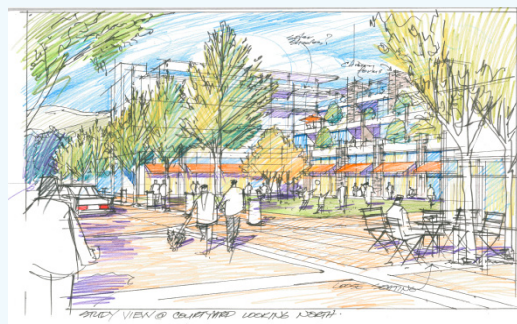


Figure 5-13: CM7

Architecture

Friendly Faces (Massing & Articulation)

CM8. Retail bays should appear no wider than 15 metres in order to create or maintain a fine-grained pattern of shops. A larger retailer may combine bays internally; however, the external bay articulation should be maintained (see Figure 5-14).



Figure 5-14: CM8

Commercial Frontages

- CM9. Should include clearly signed and generously sized entries to indicate primary pedestrian access.
- CM10. Should maintain visual connection to the store interior through at least 75% transparent glazing along the primary store frontage.
- CM11. Should include outdoor spaces that serve to complement the street realm (e.g., street-side plazas, outdoor eating and cafe seating areas) (See Figure 5-15).

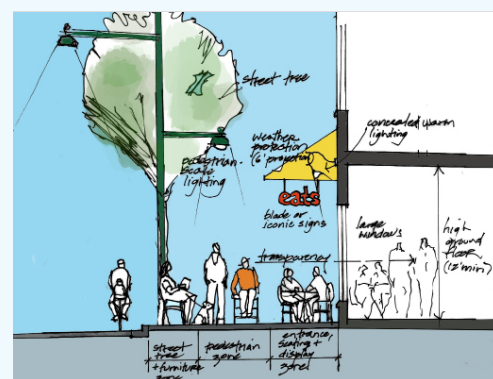


Figure 5-15: CM11

Special Considerations

Weather Protection

- CM12. All buildings with street-oriented commercial at grade should include awnings and canopies to form a sheltered environment for pedestrians. Where commercial space is not street-oriented or where there are multifamily apartment residential uses, there should be awnings overtop of main entrances.
- CM13. Awnings and canopies should be designed as an extension of the architectural expression of the building façade.
- CM14. Placement of awnings and canopies should balance weather protection with daylight penetration. Avoid opaque canopies that run the full length of façades (ex: use glass or wood slats).

Signage

- CM15. 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.
- CM16. Where signage is proposed on commercial buildings it should clearly identify uses and business name and be pedestrian-oriented (e.g., installed along the business's primary pedestrian corridor and access).



5.5 Downtown Development Permit Area

5.5.1 Designation

The Downtown Development Permit Area is designated for the establishment of objectives for the form and character of commercial or multifamily development pursuant to Section 488(1)(f) of the Local Government Act.

5.5.2 Justification

Penticton's Downtown is well established and vibrant: the six-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 for downtown neighbourhood development of diverse housing, commercial services and community amenities as growth in the Downtown continues.



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 guidelines support and build on the vision and intent outlined in the 2012 Downtown Plan.

This Development Permit Area includes the following objectives:

- Complement the existing built form
- Recognize a unique sense of place and history
- Take advantage of strategic opportunities for landmark buildings.



5.5.3 Area

All lands in the identified Downtown Development Permit Area as shown on Map 3: Downtown Development Permit Area.

5.5.4 Exemptions

A Development Permit will not be required for the exemptions as indicated in Section 5.1.2 EXEMPTIONS, plus:

- external renovations that 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, where no buildings are being proposed
- additions or renovations that are not visible from the public realm

5.5.5 Downtown Guidelines

Special Considerations

Signage, Lighting, Furniture, Public Art

- DT1. Lighting, signage, furniture and public art should incorporate the Downtown character and be designed and located to enhance the entertainment experience of the Downtown at night.
- DT2. 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 publicly accessible spaces.

Architecture

Designing in Context for Core Areas

The following guidelines apply to the 100-300 block of Main Street, 200 and 300 blocks of Martin Street, and Front Street:

- DT3. Storefront design should be informed by, and compatible with, the historic storefronts of the area and appear fine-grained rather than linear.
- DT4. 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.
- DT5. 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' (9 meter) wide building sites.



Designing in Context for Periphery Areas

DT6. Industrial character should be maintained through preservation of existing buildings and integration of industrial design elements and references, such as bay doors, machinery and fixtures at the following locations:

- 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.





5.6

Hillside Development Permit Area

5.6.1 Designation

The Hillside Development Permit Area is designated for the protection of the natural environment pursuant to Section 488(1)(a) of the Local Government Act and the protection of development from hazardous conditions pursuant to Section 488(1)(b) of the Local Government Act.

5.6.2 Justification

Penticton is, in large part, defined by its unique topography. The hillsides are a key part of its natural setting. Poorly designed and managed subdivisions on hillsides can have a negative impact on the natural environment and expose residents to risk.

This approach to hillside development includes strategies for mitigating risk, landscape retention, and grading at the neighbourhood and lot level.

The Guidelines direct development on hillsides that respects the natural setting by minimizing risk from hazards, minimizing ecological impacts, and creating development that ‘settles’ into the landscape.



This Development Permit Area includes the following objectives:

1. Minimize and mitigate hazards from steep slopes, wildfire and flooding
2. Fit with the natural landscape and climate
3. Create a sense of built form fitting with the land
4. Create movement connections for both people and wildlife

5.6.3 Area

All lands in the identified Hillside Development Permit Area as shown on [Map 4: Hillside Development Permit Area](#).

5.6.4 Exemptions

A Development Permit is only required for subdivisions, and will not be required for:

- Subdivisions by which fewer than 3 additional lots would be created.

5.6.5 Hillside 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;
- Identification of significant environmental attributes;
- Tree inventory.

ii. **Development Concept Plan identifying:**

- The proposed site plan outlining the location of roads, 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 Permit applications should 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.

HS2. All development within the Hillside Development Permit Area should be under the direct supervision of a Qualified Professional Geotechnical Engineer.

HS3. Assessment of wildfire behaviour (e.g., fire movement and topography) and ecologically-appropriate FireSmart principles (landscaping, building siting, and the exterior finish of buildings) should be integrated into hillside development planning at the neighbourhood-wide and site levels.

HS4. Planning for hillside environments should consider opportunities to integrate development into existing landscape functions whereby Environmentally Sensitive Areas (specifically ESAs 1 and 2) are avoided and natural areas further buffer and connect landscape features (See Figure 5-16).

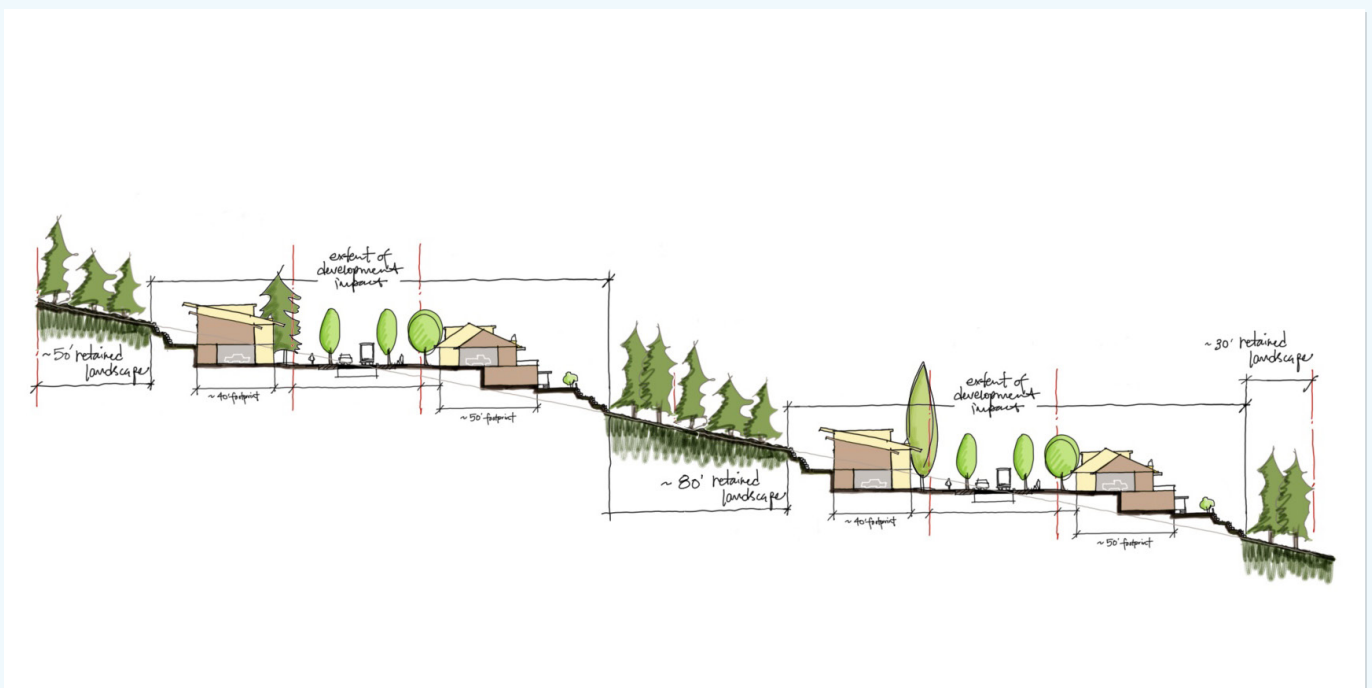
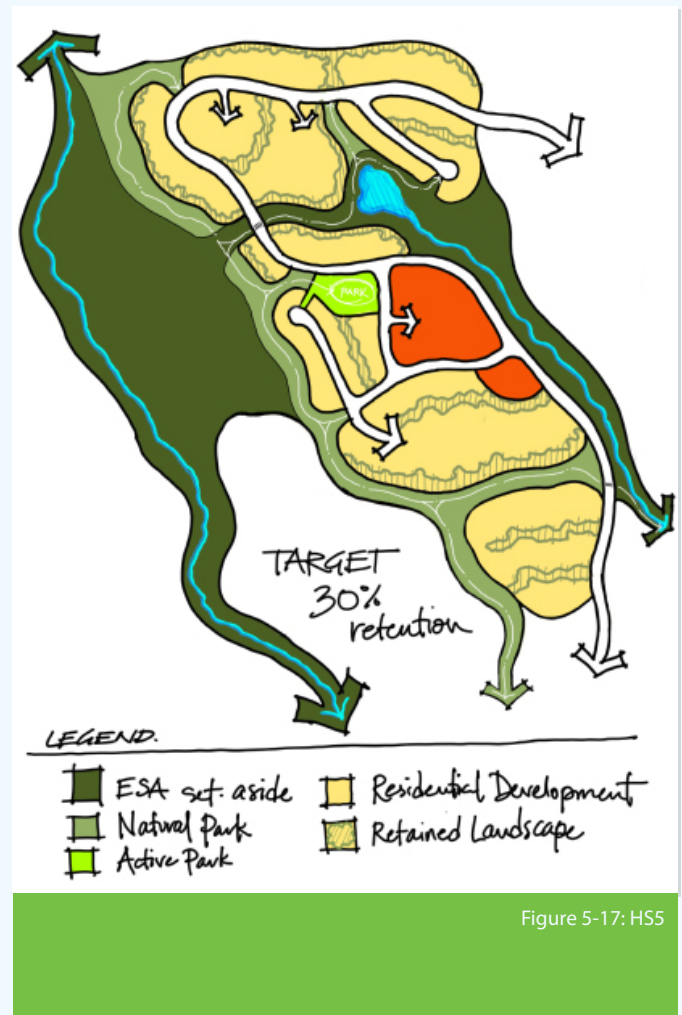


Figure 5-16: HS4



HS5. 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 5-17). 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 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.
- Carefully route roads along natural site contours to minimize unnecessary cut and fill



HS6. All house sites should 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 HS5 noted above.

Streets and Parking

- HS7. A “lighter on the land” approach should be applied to engineering and access to achieve significant reductions in landscape scarring through special design requirements for streets in hillside environments, including:
- Narrower streets,
 - Reduced on-street parking, and
 - Lower design speeds.
- HS8. Consider increased cul-de-sac lengths with emergency vehicle access to reduce impacts to hillsides in challenging topographic conditions.
- HS9. Emergency vehicle access lanes should 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%.



- HS10. Maximum driveway slopes should not exceed 20%.
- HS11. Retain the slope by using low, stepped retaining walls where necessary.
- HS12. Reconstructed slopes should be replanted with appropriate native plant material to blend with existing/ surrounding hillside setting and to stabilize the soil.

Special Considerations

Steep Slopes

- HS13. Approval of development on natural slopes of more than 30%, should be limited to a lot-by-lot basis. Each lot 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; and
 - minimum grading as is necessary for the building platform. Flat yards are not permitted.



5.7

Riparian Development Permit Area

5.7.1 Designation

The Riparian Development Permit Area is designated for the protection of the natural environment pursuant to Section 488(1)(a) of the Local Government Act.

5.7.2 Justification

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.

The Riparian Areas Protection Act requires Penticton to protect riparian areas from the effects of residential, commercial and industrial development. This 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.



This Development Permit Area includes the following 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.

5.7.3 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.

5.7.4 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 boundary adjustment where no new lots are being created and each remaining lot provides, outside of any riparian 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.



5.7.5 Riparian 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.
- 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.
- RP3. A Qualified Environmental Professional should conduct 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. The Riparian Development Permit shall not be issued prior to confirmation that the Assessment Report has been submitted to the Province by a Qualified Environmental Professional.
- RP5. For lots that meet the definition of hardship in the "Protocol for Management of Riparian Area Regulation variances", a landscaping plan should prescribe restoration measures and enhance riparian function in the SPEA.
- RP6. Landscaping should support riparian functions including erosion prevention and protection of water quality, and be limited to native species.
- RP7. Natural watercourses should be dedicated.
- RP8. 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;
 - 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 Protection Regulations (RAPR)



5.8 Environmental Development Permit Area

5.8.1 Designation

The Environmental Development Permit Area is designated for the protection of the natural environment pursuant to Section 488(1)(a) of the Local Government Act.

5.8.2 Justification

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.



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.

The Development Permit Area includes the following 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.

5.8.3 Area

All lands in the identified Environmental Development Permit Area as shown on **Map 6: Environmental Development Permit Area**.

5.8.4 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 natural environment associated with the development or adjacent areas described on the Environmental Development Permit Map.
3. 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.



4. 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.
5. 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.
6. A subdivision involving a boundary adjustment where no new lots are being created and each remaining lot provides, outside of any 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.
7. 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.
8. 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.
9. All Environmental Protection and Environmental Assessment Areas applicable to the development have been included in a registered covenant as assessed by a Qualified Environmental Professional
10. 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).

5.8.5 Environmental 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 report should 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 assessment 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 should 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 assessment reports should 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 should 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. Construction of access roads and utilities 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

- E10. Development should 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.
- E11. Development should be planned 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.
- E12. Development should be planned to avoid Provincial Red Listed ecosystems and species and to minimize impacts on Provincial Blue Listed ecosystems and species