

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

Monday, February 16, 2015
Following the Public Hearing at 6:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Adoption of Minutes:**
 - 4.1 Minutes of the February 2, 2015 Committee of the Whole 1-2 Receive
 - 4.2 Minutes of the February 2, 2015 Public Hearing 3-6 Receive
 - 4.3 Minutes of the February 2, 2015 Regular Council Meeting 7-12 Adopt
5. **Presentations:**
 - 5.1 Anti-Bullying Proclamation - Pink Shirt Day is February 25, 2015 13
 - 5.2 Proclamation – Chamber of Commerce Week – February 16 – 20, 2015 14
6. **Delegations (5 minutes maximum):**
 - 6.1 BC Schizophrenia Society – Jim Cleghorn and Sharon Evans 15-19
7. **Reconsideration of Bylaws and Permits:**
 - 7.1 Corry Place Local Area Service Bylaw No. 2014-51
Re: Corry Place reconstruction project 20-24 Adopt
 - 7.2 Zoning Amendment Bylaw No. 2015-04
Re: 739 Birch Avenue 25-26 Adopt
 - 7.3 Zoning Amendment Bylaw No. 2015-06
Re: 264 Wade Avenue West 27-28 2nd/3rd
 - 7.4 OCP Amendment Bylaw No. 2015-09
Re: Amend Schedule 'F' Trails and Cycling Network 29-30 2nd/3rd/Adopt

8. **Staff Reports:**

PM	8.1	Zoning Amendment Bylaw No. 2015-12 Re: 115 Kinney Avenue <u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2015-12", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Ave, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the March 2, 2015 Public Hearing.	31-34
PM	8.2	Proposed 25m cellular communication tower Re: 127 Upper Bench Road South <u>Staff Recommendation:</u> THAT Council receive the Municipal Information Package prepared by Cavalier Land Ltd in regard to a proposed 25m cellular communication tower at 127 Upper Bench Road South; AND THAT Council review the results of the public engagement process once its complete.	45-57
BPM	8.3	Brewery Lounge Endorsement – The Cannery Brewing Company Re: 198 Ellis Street <u>Staff Recommendation:</u> THAT staff be directed to commence public notification of the proposed Brewery Lounge Endorsement for The Cannery Brewing Company; AND THAT staff report back to Council at their meeting on March 2, 2015, the results of the public consultation for Council's consideration.	58-66
FC	8.4	Fire and Life Safety Amendment Bylaw No. 2015-10 <u>Staff Recommendation:</u> THAT Council give first three readings to the City of Penticton "Fire and Life Safety Amendment Bylaw No. 2015-10".	67-70

9. **Correspondence:**

10. **Committee and Board Reports:**

11. **Notice of Motion**

12. **Other Business**

13. **RDOS Update**

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

15. **Media and Public Question Period**

16. **Adjournment**

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

Monday, February 2, 2015
at 2:30 p.m.

Present:

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

Staff:

Annette Antoniak, Chief Administrative Officer
Chuck Loewen, General Manager of Recreation
Colin Fisher, Chief Financial Officer
Mitch Moroziuk, Director of Operations
Dana Schmidt, Corporate Officer
Simone Blais, Communications Officer
Tina Siebert, Bylaw Supervisor
Len Robson, Public Works Manager
Colleen Pennington, Economic Development Officer

1. Call to order

The Mayor called the Committee of the Whole meeting to order at 2:30 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on February 2, 2015 be adopted as circulated.

CARRIED UNANIMOUSLY

3. Presentations

3.1 Graffiti Management Strategy and Pilot Project Participation

Tina Siebert, City of Penticton; Kerri Milton, Downtown Penticton Association; Al Sismey, Crime Stoppers; Don Wrigglesworth, RCMP Community Policing; Leigh Follestad, SmartShopper

The graffiti management team presented a graffiti management strategy for a pilot program in the downtown core.

It was MOVED and SECONDED

THAT the Committee of the Whole recommend that Council fund half of the graffiti management pilot project at \$28,800 with the remainder of the funds to be sourced by the graffiti management team.

CARRIED UNANIMOUSLY

4. Media and Public Question Period

5. Adjournment

It was MOVED and SECONDED

THAT the Committee of the Whole adjourn at 3:45 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* sections 90 (1) as follows:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Monday, February 2, 2015
at 6:00 p.m.

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

Staff: Annette Antoniak, City Manager
Chuck Loewen, General Manager Recreation Services
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Mitch Moroziuk, Director of Operations
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for the "Zoning Amendment Bylaw No. 2015-04". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

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

"Zoning Amendment Bylaw No. 2015-04"

The purpose of the Zoning Amendment Bylaw is to amend Zoning Bylaw 2011-23" as follows:

- Rezone Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane).
- The applicant is proposing to subdivide the property and construct front-to-back duplexes with secondary suites on each lot.

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

APPLICANT

- No one spoke.

DELEGATIONS

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

- No one spoke.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2015-04" was terminated at 6:02 p.m. and no new information can be received on this matter.

2. Call to order

Mayor Jakubeit called the public hearing to order at 6:04 p.m. for the "Zoning Amendment Bylaw No. 2015-02". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

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

"Zoning Amendment Bylaw No. 2015-02"

The purpose of the Zoning Amendment Bylaw is to amend Zoning Bylaw 2011-23" as follows:

- Add section 10.1.3 Site Specific Provisions; .5 In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a day care centre, major shall be permitted.

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

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

APPLICANT

- Tina Bootsma, Spiller Road, applicant, has been in the child care field for 25 years. Centre will be open only between the hours of 7:30 a.m. -5:30 p.m. and not on weekends or stat holidays. Selected this property for ample client parking, lane parking for staff and half block to Skaha Park which is a great place to spend with children. Will fence around property to keep children safe and noise level down. Looking forward to offering the community day care services for children ages 1 ½ to five years of age.

DELEGATIONS

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

- Christopher Stabler, Lee Avenue, submitted a letter with concerns about traffic, noise and garbage. Where will garbage go? Will there be dumpsters? Commercial establishment will have lights and signs, concerned about damage to backyard and loss of green space. Submitted a petition with unanimous neighbourhood disapproval. This will produce a blighted lot, must be internal and external changes to this property, yard damaged, never back to residential property.
- Lynn Kelsey, Oakville Street, this is not in my backyard but I see the need for good quality, safe, adequate day care. Applicant needs to be applauded;
- Craig Wittenburg, concerned with the difference in property tax in residential and commercial, unintended but obvious benefit, unfair advantage over other commercial day cares in the city;
- Genie Weston, 84 Yorkton, recently purchased home as retirement home, every day the day care is open it will be loud, concerned about quiet oasis they purchased in a low density property area;
- Hanna Taylor, 110 Yorkton Avenue, home is lifetime investment, now at risk, this is not appropriate in our neighbourhood, will be a business with no occupants, rushed through, only received notification January 26, shocked and upset City Planner would recommend this to Council. Leave neighbourhood as residential, uphold zoning bylaw. Object to a major day care in the middle of residential properties.

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

- James Brown, Skaha Lake Road, not opposed to day care in area but concerned with the quietness that may be compromised.

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

- Applicant, no intention of changing the outside of the house, will be putting a sign on fence or house. Must adhere to Ministry of Children regulations, not allowed to operate for more than nine hours.

The public hearing for "Zoning Amendment Bylaw No. 2015-02" was terminated at 6:38 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Monday, February 2, 2015
Following the Public Hearing at 6:00 p.m.

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

Staff: Annette Antoniak, City Manager
Chuck Loewen, General Manager Recreation Services
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Mitch Moroziuk, Director of Operations
Simone Blais, Communications Officer
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 6:39 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

106/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on February 2, 2015 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the January 19, 2015 Committee of the Whole

107/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the January 19, 2015 Committee of the Whole as circulated.

CARRIED UNANIMOUSLY

4.2 Minutes of the January 19, 2015 Public Hearing

108/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the January 19, 2015 Public Hearing as circulated.

CARRIED UNANIMOUSLY

4.3 Minutes of the January 19, 2015 Regular Council Meeting

109/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the January 19, 2015 Regular Council Meeting as circulated.

CARRIED UNANIMOUSLY

4.4 Minutes of the January 26, 2015 Special Committee of the Whole Meeting

110/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the January 26, 2015 Special Committee of the Whole Meeting as circulated.

CARRIED UNANIMOUSLY

5. Presentations

5.1 RDOS 2015 Goals and Objectives and Budget Presentation – Sandy Croteau

Sandy Croteau, presented Council with the Regional District of Okanagan-Similkameen 2015 Goals and Objectives and Budget.

6. Delegations

6.1 Rotary Mental Wellness Initiative – Brian Hughes

Brian Hughes, Penticton Rotary Club, provided Council with an update regarding the two year initiative with School District #67 to improve mental wellness in our area and will be hosting a TED Talk on February 17, 2015.

6.2 Three Mile Beach – Cary Pinkowski

Cary Pinkowski, Pierre Laveque and Matt Fraser, residents of Three Mile Beach area, provided Council with their concerns regarding nudists at Three Mile Beach. They believe that there is more than nude suntanning taking place and would like to see the City implement a bylaw fine similar to that imposed by the City of Victoria.

7. Reconsideration of Bylaws and Permits

7.1 Corry Place Local Area Service Bylaw No. 2014-51

Re: Certificate of Sufficiency

111/2015

It was MOVED and SECONDED

THAT Council receive the Certificate of Sufficiency for "Corry Place Local Area Service Bylaw No. 2014-51";

AND THAT Council give third reading to "Corry Place Local Area Service Bylaw No. 2014-51".

CARRIED UNANIMOUSLY

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

112/2015

It was MOVED and SECONDED

THAT Council postpone reading Zoning Amendment Bylaw No. 2015-02 up to 60 days to allow the proponent of 96 Yorkton Avenue an opportunity to consult with the neighbourhood.

CARRIED
Councillors Martin and Konanz, Opposed

7.3 Zoning Amendment Bylaw No. 2015-04
Re: 739 Birch Avenue

113/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-04".

CARRIED UNANIMOUSLY

7.4 Irrigation, Sewer and Water Amendment Bylaw No. 2015-05
Re: Service Connections

114/2015

It was MOVED and SECONDED

THAT Council adopt "Irrigation, Sewer and Water Amendment Bylaw No. 2015-05".

CARRIED UNANIMOUSLY

7.5 Credit Card Processing Fees Bylaw No. 2015-07

115/2015

It was MOVED and SECONDED

THAT Council adopt "Credit Card Processing Fees Bylaw No. 2015-07".

CARRIED UNANIMOUSLY

7.6 Five Year Financial Plan Bylaw No. 2015-08

116/2015

It was MOVED and SECONDED

THAT Council adopt "Five Year Financial Plan Bylaw No. 2015-08".

CARRIED
Councillor Konanz, Opposed

8. Staff Reports

8.1 Development Variance Permit PL2014-112
Re: 760 Bird Street

Delegations/Submissions: Nil

117/2015

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2014-112", for Lot A, District Lots 202 and 249, Similkameen Division Yale District, Plan KAP85080, located at 760 Bird Street, a permit to decrease the minimum rear yard setback from 6.0m to 4.5m and to decrease the interior side yard (south) setback from 1.5 meters to 1.0 meters, in order to place a manufactured home on the property;

AND THAT staff be directed to issue "Development Variance Permit PL2014-112".

CARRIED UNANIMOUSLY

8.2 ALR Exclusion PL2014-107

Re: 4203 Valleyview Road

118/2015

It was MOVED and SECONDED

THAT Council support "ALR Exclusion PL2014-107", for that part of Block 237 outlined red on Plan B4253; District Lot 190, Similkameen Division Yale District, Plan 466 Except Plans 6527, 11149 and KAP92940, located at 4203 Valleyview Road, an ALR Exclusion intended to remove a rocky, non-arable section of land from the ALR;

AND THAT staff are directed to forward the application to the Agricultural Land Commission (ALC) with support for their consideration and approval.

CARRIED UNANIMOUSLY

8.3 New Non-Exclusive Licence to Use – Penticton Disc Golf Club

Re: 1400 Riddle Road

119/2015

It was MOVED and SECONDED

THAT Council authorize a new Licence to Use Agreement with the Penticton Disc Golf Club (PDGC) a non-profit Society, over a +-27 ac. portion of 1400 Riddle Road (also known as Three Blind Mice) with a legal description of DL 392s to formalize the current use of an existing Disc Golf Course on the property and to allow improvements and development of the course for a period of 5 years, beginning March 1, 2015 at a rate of \$250.00 per year;

AND THAT the standard administration fee of \$250 be waived for the Penticton Disc Golf Club Licence to Use.

CARRIED UNANIMOUSLY

8.4 Letter of Support to the Okanagan Similkameen Conservation Alliance

120/2015

It was MOVED and SECONDED

THAT Council support the Okanagan Similkameen Conservation Alliance's (OSCA) application to the Okanagan Basin Water Board (OBWB) for funding from the Water Conservation and Quality Improvement Grant.

CARRIED UNANIMOUSLY

8.5 Building Canada – Small Communities Grant Application Revised

121/2015

It was MOVED and SECONDED

THAT Council rescind Council Resolution 521/2014, see Attachment "A";

AND THAT Council support an application to the Building Canada – Small Communities Grant program for the upgrading of Main Street from Lakeshore Drive to Nanaimo Avenue;

AND THAT the City's portion of the project costs be funded from Water Capital, Electrical Capital, Local Improvement Charges and General Capital;

AND FURTHER THAT the Director of Operations, Mitch Moroziuk and the Chief Financial Officer, Colin Fisher, be authorized to sign the Certification Form for the grant application.

CARRIED UNANIMOUSLY

8.6 Utility Rate Review – Electrical, Sanitary and Water

122/2015

It was MOVED and SECONDED

THAT Council approve the expenditure of \$60,000 for a water, sewer and electrical Utility Rates Review for 2015;

AND THAT the Utility Rates Review be funded with \$30,000 of Sewer Capital Reserves, \$15,000 of Water Capital Reserves and \$15,000 of Electric Capital Reserves; AND THAT Staff bring forward amendments to the 2015 Financial Plan Bylaw No. 2015-08 as soon as practicable.

CARRIED
Councillor Konanz, Opposed

8.7 OCP Amendment Bylaw No. 2015-09
Re: Amend Schedule 'F' Trails and Cycling Network

123/2015

It was MOVED and SECONDED

THAT prior to consideration of Bylaw 2015-09 and in accordance with Section 879 of the Local Government Act, that Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT Council amend Official Community Plan Bylaw 2002-20 to reflect work completed on the Trail and Cycling Network and to make small changes to improve safety;

AND THAT "OCP Amendment Bylaw 2015-09", be introduced and given first reading;

AND THAT "OCP Amendment Bylaw No. 2015-09" be forwarded to the February 16, 2015 Public Hearing.

CARRIED UNANIMOUSLY

- 8.8 Quarterly Update for period ending December 31, 2014
Re: October 1 – December 31, 2014

124/2015

It was MOVED and SECONDED

THAT Council receive the quarterly update on Council strategic priorities and staff departmental work plans for the period of Oct. 1 to Dec. 31, 2014, for information.

CARRIED UNANIMOUSLY

9. Correspondence

- 9.1 Canadian Union of Postal Workers
Re: Request for Support to Save Canada Post

125/2015

It was MOVED and SECONDED

THAT Council receive the correspondence dated January 15, 2015 from Canadian Union of Postal Workers requesting support to save Canada Post.

CARRIED UNANIMOUSLY

126/2015

It was MOVED and SECONDED

THAT Council send a letter to MP Dan Albas expressing concerns with Canada Post community mailboxes and the loss of door to door services.

CARRIED
Councillors Picton, Martin, Konanz, Opposed

10. Committee and Board Reports

11. Notice of Motion

12. Other Business

13. RDOS Update

14. Business Arising from In-Camera

15. Media and Public Question Period

16. Adjournment

127/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, February 2, 2015 at 9:12 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor



Pink Shirt Day

February 25, 2015

WHEREAS acts of bullying, harassment and intimidation are unacceptable in a safe, caring and orderly society; and

WHEREAS communities, workplaces, families, schools and individuals all have critical roles to play in modeling, teaching and promoting socially responsible behaviour; and

WHEREAS the Pink Shirt Anti-Bullying Campaign takes place world-wide on Wednesday, February 25, 2015 and recognizes the efforts to build communities fostering respect, inclusion, fairness, equity and compassion; and

WHEREAS every day the Boys and Girls Club of Penticton, children and youth get the help they need to learn to develop positive relationships with peers, family, teachers and the community at large; and

WHEREAS members of the community are encouraged to participate in Pink Shirt Day to promote awareness, understanding and openness about the problem of bullying as well as a shared commitment to a solution; and

WHEREAS together we can take a stand that bullying is simply not acceptable in our community; and

NOW THEREFORE I, Andrew Jakubeit, Mayor of the City of Penticton, DO HEREBY PROCLAIM February 25, 2015 as "Pink Shirt Day" in the City of Penticton and invite all to join together in taking a stand against bullying in our community.



CHAMBER OF COMMERCE WEEK PROCLAMATION

WHEREAS a strong local business community is a key driver of our local economic prosperity, and

WHEREAS a strong local business community creates jobs and opportunities for residents of Penticton and supports community growth, and

WHEREAS the Penticton & Wine Country Chamber of Commerce is a business organization dedicated to strengthening Penticton's business community and helping our City to thrive, and

WHEREAS every year, members of the Penticton & Wine Country Chamber of Commerce dedicate countless volunteer hours in service to our local businesses and community;

NOW, THEREFORE, I, Andrew Jakubeit Mayor of Penticton do hereby proclaim that February 16 to 20, 2015, shall be known as

"Chamber of Commerce Week"

In the City of Penticton





penticton.ca

Request to Appear as a Delegation

Preferred Council Meeting Date: MONDAY MAR 2, 2015

Second choice(s): MONDAY FEB 16, 2015

Subject matter: THE MENTAL HEALTH OF THE COMMUNITY.

Name of person(s) making presentation:

BC SCHIZOPHRENIA SOCIETY - PENTICTON BRANCH - JIM CLEGHORN

Address: #8-1701 PENTICTON AVE. Phone:

PENTICTON, BC V2A 2N6 Email:

Please provide details of your presentation:

<u>TO PROVIDE AN OVERVIEW OF THE IMPLEMENTATION OF</u>
<u>MENTAL HEALTH CARE IN THE OKANAGAN</u>
<u>SIMILKAMEEN AND THE BC SCHIZOPHRENIA SOCIETY'S</u>
<u>ROLE IN MENTAL WELLNESS OF THE COMMUNITY.</u>

Please note:

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

Corporate Office

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

Phone: 250-490-2405
Fax: 250-490-2402
dana.schmidt@penticton.ca



B.C. Schizophrenia Society – Penticton Branch
Mental Wellness Centre, 203 Martin Street, Penticton, B.C. V2A 5K2
Ph: 250-493-7338. Email: bcsspenticton@shaw.ca

“A Reason to Hope; A Means to Cope”

Vision/Mission Statement

We provide education and caring support for families affected by mental illness in the South Okanagan (Summerland - Princeton – Osoyoos). The family unit is our first responsibility and primary focus. The person with the illness is always included in the definition of family.

We are dedicated to supporting each other, educating the public, raising funds for research and advocating for better services for people with schizophrenia and other serious and persistent mental illnesses. In response to the needs of the communities of the South Okanagan Similkameen, the Branch provides support and education related to any mental illness. This includes individual and group support for family members of all ages and peer support for persons in recovery. Mental illness affects the person and their circle of support. Everyone needs care and learning.

We are a non-profit, registered society with a charitable tax number and offer the following Programs and Services:

- One on one support and referral for people dealing with/suffering from Schizophrenia, Bipolar Disorder, Major Depression and Anxiety Disorders.
- Peer Support Program for the South Okanagan Similkameen area
- Martin House Program – non-residential program for young adults (16-30 yrs) who have a mental illness to help them make the transition to adulthood by developing strategies to reduce the barriers that illness can present.
- Your Recovery Journey – 10 free interactive weekly sessions facilitated by people in recovery who can give valuable information that will help others on their recovery journey.
- One on one support and referral for any family members/friends with a loved one in recovery from a mental illness.
- Family Education Program in partnership with Interior Health Authority
- Family Support Groups in partnership with the B.C, Schizophrenia Society and Penticton Mental Health Centre.
- Womens' Support Group – Thursdays
- Online Support Groups – www.reachingfamiliesproject.org.
- Information and Information Centre – Resource Centre & Library

- Partnership Presentations – based on a personal story telling model providing a unique and powerful way to help people in the community understand the nature and prevalence of chronic and severe mental illness.
- Kids in Control - a psycho-educational group for children ages eight to 13.
Teens in Control- a psycho-educational group for ages 13 to 18..
The eight-week group helps children understand their parents' mental illness and learn how to take care of themselves.
- Puppeteer Program - The B.C. Schizophrenia Society, through the Partnership Education Program, presents the “Brother Where Are You” puppet show to Grade 2-4 students in order to give them accurate information and to dispel the myths and misunderstandings about mental illness. The puppet show is designed to be presented by consumers and family members who use brightly coloured puppets. “Brother Where Are You” is a story about a young girl who shares her concerns with her friends about her brother who has schizophrenia.
- Strengthening Families Together - This 10-session national education program for family members and friends of individuals with serious and persistent mental illnesses aims to increase accessibility to Canadian-based information on the topics associated with living daily with a mental illness. Strengthening Families Together is about more than education: it is about strengthening family members and friends of individuals with a serious mental illness by providing support, awareness, and tools.
- Relaxation Training – Wednesdays 11 – 12:30

Special Events

Bell “Let’s Talk” campaign Jan 28 annually

maladjusted – Mar 15, 2015

Schizophrenia Awareness Day – May 24th annually

Defeat Depression – May 9, 2015

Newsletter – The Iris Express (bi monthly)

For Immediate Release

Theatre for Living in collaboration with **Penticton Indian Band** and **B.C. Schizophrenia Society**
– **Penticton branch**

Presents...

maladjusted

humanizing mental health.
the system. the people. the play.

26 community BC/Alberta tour

***maladjusted* stops for ONE NIGHT only in Penticton**

Date & Time: Sunday, March 15, 2015 7:30 PM

Venue and Address : Shatford Centre 760 Main St., Penticton, B.C.

Show info # : 250-493-7338

Tickets \$ 12.00

"The passion, pain and hope for change was palpable and the real issues were held up and examined. Real emotions, real stories inspired by real people. That's unique, important and powerful theatre." David C. Jones, The Charlebois Post

maladjusted is a powerful interactive play, originally produced in 2013, and created and performed by patients and caregivers. The play addresses issues in our mental health system that are creating barriers to human-centered care.

Local Sponsors:

B.C. Schizophrenia Society – Penticton Branch., 203 Martin St., Penticton, B.C. V2A.5K2

Ph: 250-493-7338. E-mail: bcsspenticton@shaw.ca

We provide education and caring support for families affected by serious mental illness. The family unit is our first responsibility and primary focus; the person with the illness is always included in the definition of family.

Penticton Indian Band, 200 Westhills Rd., Penticton, B.C. V2A 8Z1

The mission of the Penticton Indian Band Health Department is to offer and promote health services to enable the community members to achieve health and wellness.

Theatre for Living (TfL) has been creating cutting edge, controversial and hard-hitting theatre since 1981. Some previous touring productions: **No` Xya` (Our Footprints)** (1987/88); **Meth** (2006); **Shattering** (2008); **Corporations in our Heads** (2013). Formerly known as Headlines Theatre, TfL takes its new name from Artistic Director David Diamond's innovative practice that has come to define the company's work. This year, TfL's legacy continues with ***maladjusted***, back by popular demand and touring into 26 communities across BC and Alberta!

Cast members brought rich and unique real-life experiences as patients and caregivers from within the mental health sector to the original creation and performance of this **Forum Theatre** production.

maladjusted engages audiences with powerful images and authentic voices weaving together three very personal narratives: A young teenager struggling with sadness over her friend's suicide is misdiagnosed by her doctor and put on prescription drugs; a young homeless man who is legitimately taking prescription meds gets thrown into dangerous circumstances by frustrated social workers, who from within a mechanizing system, are trying their best to help him; and

finally, there is all of us, unable to adjust to the needs of a maladjusted mental health sector, who become potential agents for change. How can we support human-centered care? What needs to be done to ensure safety for patients and caregivers? How do we sustain a healthy mental health system? These are just a few questions that *maladjusted* explores.

“maladjusted, is a thought-provoking, gut-wrenching, funny, sad and mind broadening journey inside the hierarchical and mechanical mental health system-a system that leaves little time or money to invest in the people it is trying to serve.” Patty Osborn, geist.com

What is Forum Theatre?

Forum Theatre is an opportunity for creative, community-based dialogue. The play is performed once, all the way through, so the audience can see the situation and the problems presented. The story builds to a crisis and stops, offering no solutions. The play is then run again, with audience members able to “freeze” the action at any point where they see a character engaged in a struggle. In *maladjusted* this means trying to receive or give *human-centered care* and failing. An audience member yells “stop!”, comes into the playing area, replaces the character s/he sees struggling, and tries out his/her idea to create human-centered care. The other characters respond, not to “make it better”, not to “make it worse”, simply to be truthful, drawing on their own lived expertise. What insights do we have? What do we think? What do we learn? Who agrees? Who disagrees? In this way we engage in a creative and action-based dialogue about issues in our lives. The process is fun, profound, entertaining and full of surprises.

Theatre making Policy

maladjusted enables diverse audiences, made up from the mental health community and the general public to transform the theatre into a center for dialogue, informing policy creation. Community Action reports created at each event on the tour (these are ideas generated from the local community) will help guide local agencies to humanize their policies.

The cast & crew

maladjusted brings six original and relevant voices to the stage: Micheala Hiltergerke, Pierre Leichner, Martin Filby and Sam Bob* reunite on stage as original cast and Christine Germano & Columpa Bobb* join them, combining shared Award for Community Engaged Art and numerous other awards. He leads a talented design and technical team including: Technical Director Elisha Burrows, Technical Lighting Director Tim Cardinal, Stage Manager Dorothy Jenkins*, Set/Props Designer Yvan Morissette, Sound/Video Designer Candelario Andrade, Lighting Designer Gerald King, Costume Designer Carmen Alatorre, and crew person, Robyn Volk

*Appear through the generous support of Canadian Actors' Equity Association.

“Theatre for Living blurs the lines between performance, political activism, playwriting, community organizing and investigative journalism, creating a deeply participatory art that flourishes inside and outside the theatre walls.”
Sally Buck, audience member

maladjusted is an opportunity to enjoy great theatre, engage in creative dialogue and have a transformational experience with family and friends. Bring your loved ones and come share it with us in a community near you!

maladjusted is made possible thanks to the generous support of the following funders:

Project Funders:



Edith Lando Charitable Foundation



Operating Support:



Media Sponsors:



For local media inquiries please contact: Jim Cleghorn 250 -809-8319 e-mail: bcsspenticton@shaw.ca.

For photos of *maladjusted* please click [here](#)

For more information about Theatre for Living:

Dima Alansari, Publicist P: 604.871.0508 publicity@theatreforliving.com, www.theatreforliving.com

The Corporation of the City of Penticton

Bylaw No. 2014-51

A bylaw to establish a local area service and to authorize the construction of storm sewer improvements on the Corry Place.

WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to proceed with a local area service, subject to a petition against by property owners subject to a local area service tax;

AND WHEREAS notice of Council's intention to undertake a local area service under its own initiative has occurred in accordance with Section 213 of the *Community Charter*;

AND WHEREAS fewer than 50% of the property owners representing less than 50% of the total assessed value of the properties subject to the local area service tax described herein have petitioned against the local service tax;

AND WHEREAS the Corporate Officer has determined the sufficiency and validity of every petition against the local area service tax, and certified her determination;

AND WHEREAS the *Community Charter* provides for a part of the cost to be borne by property owners benefitting from a local area service and for the levy and imposition of a local service tax to be imposed on benefitting properties to recover the owners' portion of the costs;

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

Title

1. This bylaw may be cited for all purposes as the "Corry Place Local Area Service Bylaw No. 2014 -51".

Definitions

2. In this bylaw, unless otherwise stated, the following words and terms shall have the following meanings:

"actual interest" means the prime rate as established by the City's financial institution from time to time plus 2%.

"actual owner supported costs" means the actual storm sewer costs multiplied by 50%.

"actual storm sewer costs" means the final cost of the storm sewer and drainage, including raw materials and labour and engineering but does not include post-construction maintenance and operational costs.

“annual tax” means the tax charged annually as calculated under Section 10 of this bylaw.

“current tax year” means:

- a) the current year; or
- b) if taxes under this bylaw have been paid for the current year, the year following the current year.

When applied in a formula in this bylaw, the current tax year shall be expressed as a number between 2016-2036.

“estimated interest” means 3.50% per annum.

“estimated owner supported costs” means \$24,062; which is the estimated storm sewer and drainage costs multiplied by 50%.

“estimated project cost” means the total estimated project cost as determined by the City Engineering Department prior to construction.

“estimated storm sewer costs” means the estimated cost of the storm sewer and drainage, including raw materials, labor, engineering and contingency, but does not include post-construction maintenance and operational costs.

“project area” means the area shown in blue on Schedule A of this bylaw.

“total value of land and improvements” means the sum of the value of land and improvements of all the assessed parcels in the project area and for the purpose of this bylaw has a value of \$7,922,000.

“value of land and improvements” means the 2014 assessed value of land and improvements from the City of Penticton Tax Roll for the land and improvements located on a property adjacent to the project area as shown in gold outlined in red on Schedule A of this bylaw.

Interpretation

- 3. Where the wording of a clause in this bylaw yields a different number than a formula which is referenced to, or forms part of that clause, the number derived from the formula shall prevail.

Project description

- 4. The local area service shall be the installation of new storm sewer on Corry Place as shown in Schedule A.

Project location

- 5. The boundaries of the local service area are shown in blue within Schedule A of this bylaw.

6. Assessed parcels which shall be subject to the local service tax under this bylaw, are those parcels, within the area shown in gold outlined in red on Schedule A of this bylaw.

Total Project cost

7. The estimated total project cost for the local area service is \$550,170.

Portion of cost of service recovered from land owners

8. The total portion of the local area service cost that will be recovered from property owners under Section 10, through the local service tax shall be either:
 - a) estimated owner supported cost of \$24,062, plus interest; or
 - b) actual owner supported costs,whichever is less.
9. The remaining portion of the local area service cost has been appropriated for that purpose in the annual budget and has been levied through the City's annual property tax bylaw.

Form of local service tax and methods of cost recovery

10. The local area service tax shall be imposed as a single amount for each property calculated by multiplying the actual storm sewer cost by the ratio of the value of land and improvements for the property in question to the total value of land and improvements in accordance with Section 202(2)(a) of the *Community Charter*. This will be apportioned evenly over a 20 year period.
11. Each year, property owners shall pay the local area service annual tax, including interest, for a period of 20 years.
12. As an alternative to Section 11, property owners may elect to pay their entire contribution prior to commencement of the first year, without any interest.

Project Completion

13. Landowner support for this project does not guarantee commencement of construction until the remaining funds are approved for the estimated total project costs.

Severability

14. A declaration by a court of competent jurisdiction that a section, clause or provision of this Bylaw, including anything shown on Schedules to the Bylaw is invalid, shall not affect the validity of the Bylaw or any part of the Bylaw other than the section, clause or provision, or part of the Schedule declared to be invalid.

READ A FIRST time this	15	day of	December, 2014
READ A SECOND time this	15	day of	December, 2014
READ A THIRD time this	2	day of	February, 2015
ADOPTED this		day of	, 2015

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A

Local Area Service Boundary

Assessed Parcel Boundaries

Land owner contribution area 50% contribution toward new storm sewer and drainage improvements

The Corporation of the City of Penticton

Bylaw No. 2015-04

A Bylaw to Amend Zoning Bylaw 2011-23

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw 2015-04".

2. **Amendment:**

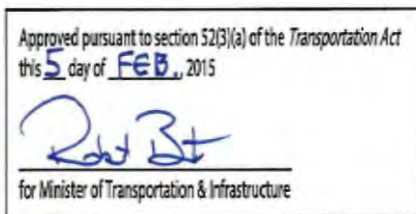
2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

Rezone Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

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

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



Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer



Date:

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2015-06

A Bylaw to Amend Zoning Bylaw 2011-23

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw 2015-06".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Add Section 10.6.4.3: "In the case of lot 3, District Lot 4 Similkameen Division Yale (Formerly Yale-Lytton) Plan 2580, located at 264 Wade Avenue W, an office shall be permitted."

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	19	day of	January, 2015
A PUBLIC HEARING was held this	16	day of	February, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
RECEIVED the approval of the		day of	, 2015
Ministry of Transportation on the			
ADOPTED this		day of	, 2015

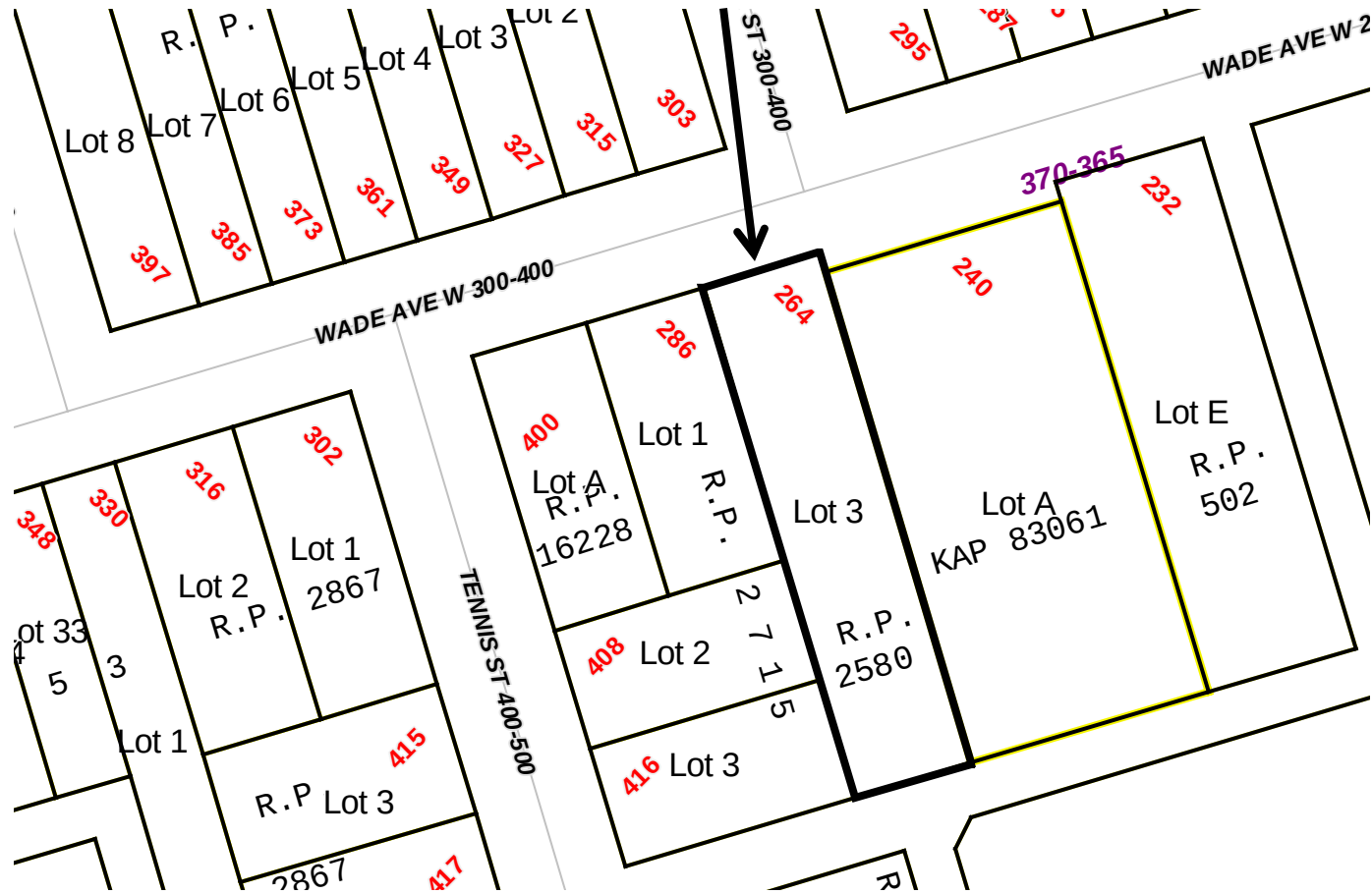
Notice of intention to proceed with this bylaw was published on the 6 day of February, 2015 and the 11 day of February, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

264 Wade Avenue West

Site Specific Rezoning: Add "office" as a permitted use



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-06

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2015-09

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to Section 903 of the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

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 "Official Community Plan Amendment Bylaw No. 2015-09."

2. **Amendment:**

2.1 "Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

Delete Schedule "F" Trails & Cycling Network and replace with revised Schedule "F" as contained in Attachment "A" to this Bylaw.

2.2 Attachment "A" attached hereto forms part of this bylaw.

READ A FIRST time this 2 day of February, 2015

A PUBLIC HEARING was held this 16 day of February, 2015

READ A SECOND time this day of , 2015

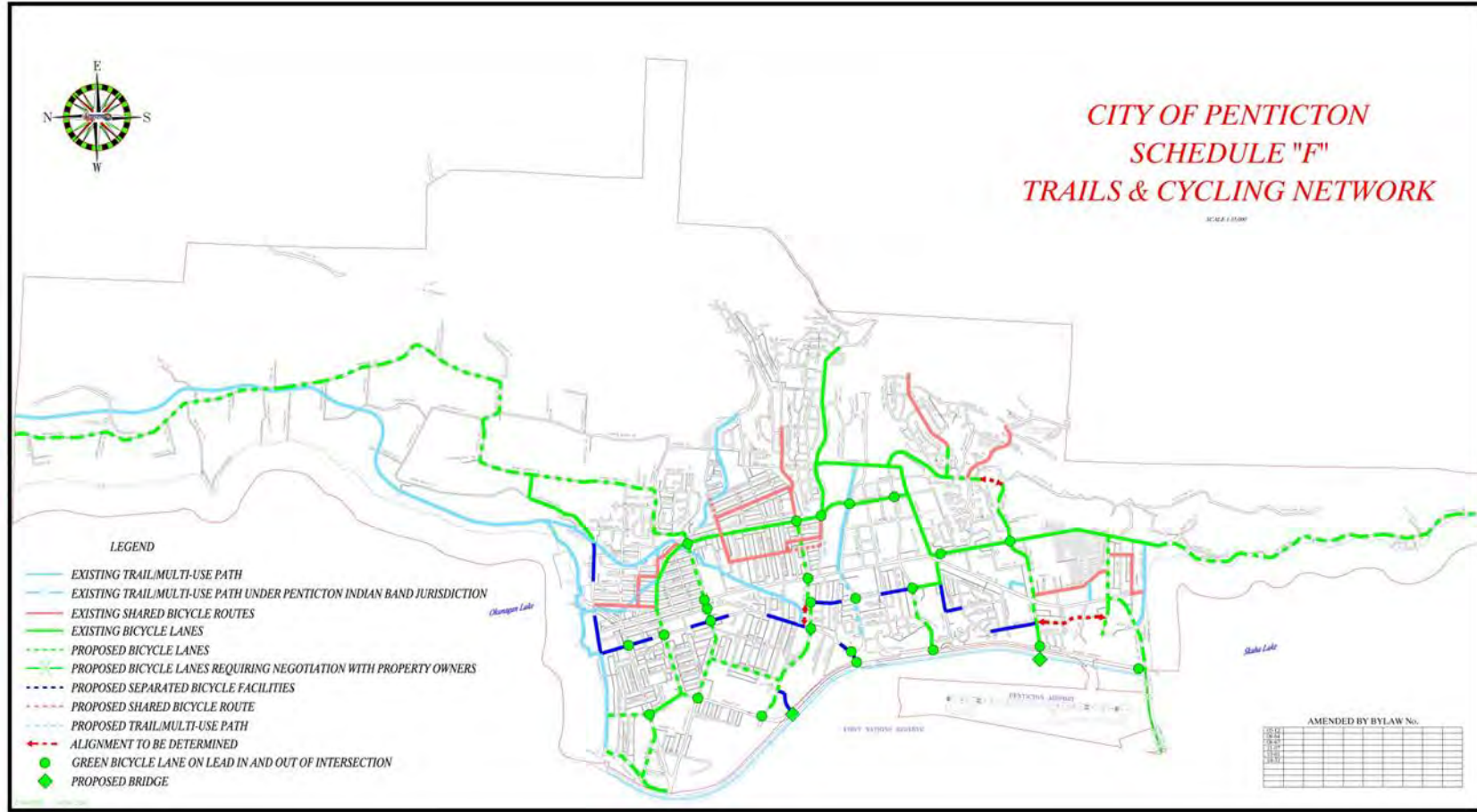
READ A THIRD time this day of , 2015

ADOPTED this day of , 2015

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer





Date: February 16th, 2015
To: Annette Antoniak, City Manager
From: Lindsey Fraser, Planner
Address: 115 Kinney Avenue

File No: RZ PL2014-108

Subject: Zoning Amendment Bylaw No. 2015-12

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2015-12", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Ave, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the March 2nd, 2015 Public Hearing.

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is zoned R1 and is designated in the City's Official Community Plan as MD (Medium Density Residential). A single family dwelling is currently located on the property and is surrounded by single family dwellings, commercial (Cherry Lane Mall) and high density residential (Cherry Lane Towers). The City encourages the densification of this area and, although the vision for this area is for a higher density product, which would require amalgamation of the subject property with neighbouring properties, the townhouse development is a higher density use than currently exists and is in line with the MR OCP designation.

The site is well-positioned geographically as a myriad of services are located close by. As such, densification should be encouraged. Cherry Lane mall provides grocery, medical, and general retail opportunities; staff feel that in supporting the rezone and careful development of this lot, it may attract more conversions from single-family to multi-family in the area. Additionally, the applicant has stated the building is intended to serve as rental, adding a positive contribution to Penticton's rental stock.

Although the current address is from Kinney Avenue, the applicant's intent is to have the building's frontage off Atkinson Avenue to the east. Thus, addressing will also be from Atkinson Street.

Proposal

The applicant is requesting that the subject property be rezoned from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), with the intent of construction a 4 unit townhouse development.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by Engineering and Public Works departments. It was identified by Engineering that a 5 m x 5 m corner cut is required, as a portion of the City's sidewalk is constructed on a small corner of the property. The property owner has offered to transfer this area to the city as part of the rezoning of the property. The surveying and legal costs associated with the corner cut will be paid for by the City. Engineering also identified that this area is deficient with regard to fire hydrant spacing. The City's Public Works Department has confirmed that the area will need to be outfitted with a hydrant at a later date and at the City's expense. These items have been communicated to the applicant.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RM2 Zone	Provided on Plans
Minimum Lot Width:	20 m	36m (Atkinson St)
Minimum Lot Area:	670 m ²	824 m ²
Maximum Lot Coverage:	40 %	24%
Maximum Density:	0.75 FAR	0.45 FAR
Vehicle Parking:	5 spaces (4 resident, 1 visitor)	5 spaces
Required Setbacks Front yard (Atkinson St): Side yard (south): Side yard (north): Rear yard:	3.0m 6.0m 6.0m 6.0m	6.0m 3.0m (this will be changed to 6.0m after conversation with applicant. No variance will be required) 11.0m (this may be reduced approximately 3 meters) 7.0m
Maximum Building Height:	12.0m	7.0m
Other Information:	☐ Property is in the 'General Multiple' Development Permit Area and a DP will be required. At DP stage, the City will require some design changes to the building, including the location of one unit frontage or appropriate aesthetic treatment along Kinney Avenue.	

Analysis

Support Rezone

The subject property is designated as 'Multiple Residential' by the City's OCP. Within this designation, the OCP encourages staff to promote a wide range of housing forms including triplexes, fourplexes, apartments

and, as is the case with this application, townhouses. Additionally, the OCP encourages a wide range of housing tenures including rental housing and the provision of new housing through infill practices.

Although this application is only in rezoning stage, the applicant and his designer have been proactive in seeking City guidance throughout preliminary stages. Plans do not show the final product of the building and are provided for context as to how the development intends to meet the criteria set out in the City's development regulations. The City will continue to work with the applicant through the Development Permit stage in formalizing a design that meets the client's needs as well as the needs of the broader community. As mentioned in the table (previous page) the City will be requesting that a unit entrance be located on Kinney Avenue in order to ensure 'activation' of that street edge and a more welcoming building presence. Additionally, there may be some minor adjustments to the proposed setback distances.

There should be no direct negative effect on surrounding properties. There is only one property that abuts the subject property: 125 Kinney Avenue. This neighbouring lot currently houses a single family dwelling. The applicant has provided an ample buffer area between the proposed development and this neighboring property (7.0m). Any setback adjustments made after rezone will not reduce the proposed interior setback distance of 7.0m.

To the rear of the property is the high density Cherry Lane Towers development. There is a substantial setback distance of approximately 12m from the rear property line to the vertical face of Cherry Lane Towers, and a distance of 23m (75 ft.) between the rear building face of the proposed development and the closest vertical face of Cherry Lane Towers. There should be no deleterious effect on the Cherry Lane Towers development.

Given the above, staff feel that the request for rezone on 115 Kinney Avenue is reasonable, in keeping with City policies and bylaws, and should be forwarded to the March 2nd, 2015 Public Hearing.

Deny/Refer

Council may feel that townhouse development is not appropriate for this lot and the property owner should wait until neighbouring property owners are ready to amalgamate lots in an effort to construct buildings with higher density potential. If this is the case, Council should deny the first reading.

Alternatively, Council could refer the application back to staff.

Alternate recommendations

1. THAT Council refer "Zoning Amendment 2015-12" back to staff to make changes Council feel are appropriate.

Attachments

- Attachment A: Subject property location map
- Attachment B: Zoning map of neighbourhood
- Attachment C: OCP designation map
- Attachment D: Images of subject property
- Attachment E: Letter from applicant
- Attachment F: Proposed site plan and preliminary renderings

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Manager	City Manager
 	

Attachment A – Subject Property Location Map



Figure 1: Subject property, 115 Kinney Avenue highlighted in blue

Attachment B – Zoning Map of Neighbourhood



Figure 2: Zoning map showing subject property as R1

Attachment D – Images of Property



Figure 4: Front of 115 Kinney Avenue with Cherry Lane Towers in background



Figure 5: 115 Kinney Avenue, looking west



Figure 6: Rear of 115 Kinney Avenue looking west with alley separating 115 Kinney Avenue with Cherry Lane Towers



Figure 7: Current spacing between 115 Kinney Avenue (right) and 125 Kinney Avenue (left). Note, cedar trees are present on 125 Kinney Avenue.

Attachment E – Letter from Applicant



People plus Space: Planning and Design
203-166 Main Street
Penticton, BC V2A 5A4

December 16th, 2014

City of Penticton – Development Services
Attn: Lindsey Fraser
Planner
171 Main Street
Penticton, BC V2A 5A9

Dear Lindsey Fraser,

Please accept this application for the rezoning of 115 Kinney Avenue. The subject property is currently zoned R1 Large Lot Residential with a future land use, as per the Official Community Plan (OCP), of Medium Density Residential. This application requests the rezoning of the property as outlined below, please be advised the applicant is not requesting any variances.

The purpose of the application at this time is to increase the value of the property with the opportunity to develop in the future.

Site Use

The intent of this application is to rezone the subject property from an R1 Large Lot Residential zone to an RM2 Low Density Multiple Housing zone. The OCP designates the future land use in this area as Medium Density Residential; therefore, the request to rezone the property aligns with the future growth of the property and surrounding area.

The proposed building design which complies with the RM2 Zoning Bylaw setbacks is also designed "in a manner sensitive to the surrounding neighbourhoods" (CoP OCP). Larger setbacks than required by the Zoning Bylaw provide sensitivity to the adjacent neighbour. Adjacent properties to 115 Kinney Avenue are zoned RM4 and C4; therefore, the rezoning of 115 Kinney Avenue is keeping with the surrounding neighbourhood and future growth as per the OCP.

Conclusion

The proposed building design is reflective of the surrounding aesthetic and future vision for the area as outlined in the OCP. Rezoning the property will allow for any future development of 115 Kinney Avenue, a prominent location flanking two streets in Penticton. Support of the rezoning of the site will continue to encourage future development in the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'H82' followed by a flourish.

Heather Shedden
Principal Planner and Interior Designer
People plus Space: Planning and Design



Attachment F – Proposed Site Plan and Preliminary Renderings



Figure 8: Site plan for 115 Kinney Avenue



Figure 9: Elevation renderings of proposed development

A Bylaw to Amend Zoning Bylaw 2011-23

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

1. **Title:**

2. **Amendment:**

Rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

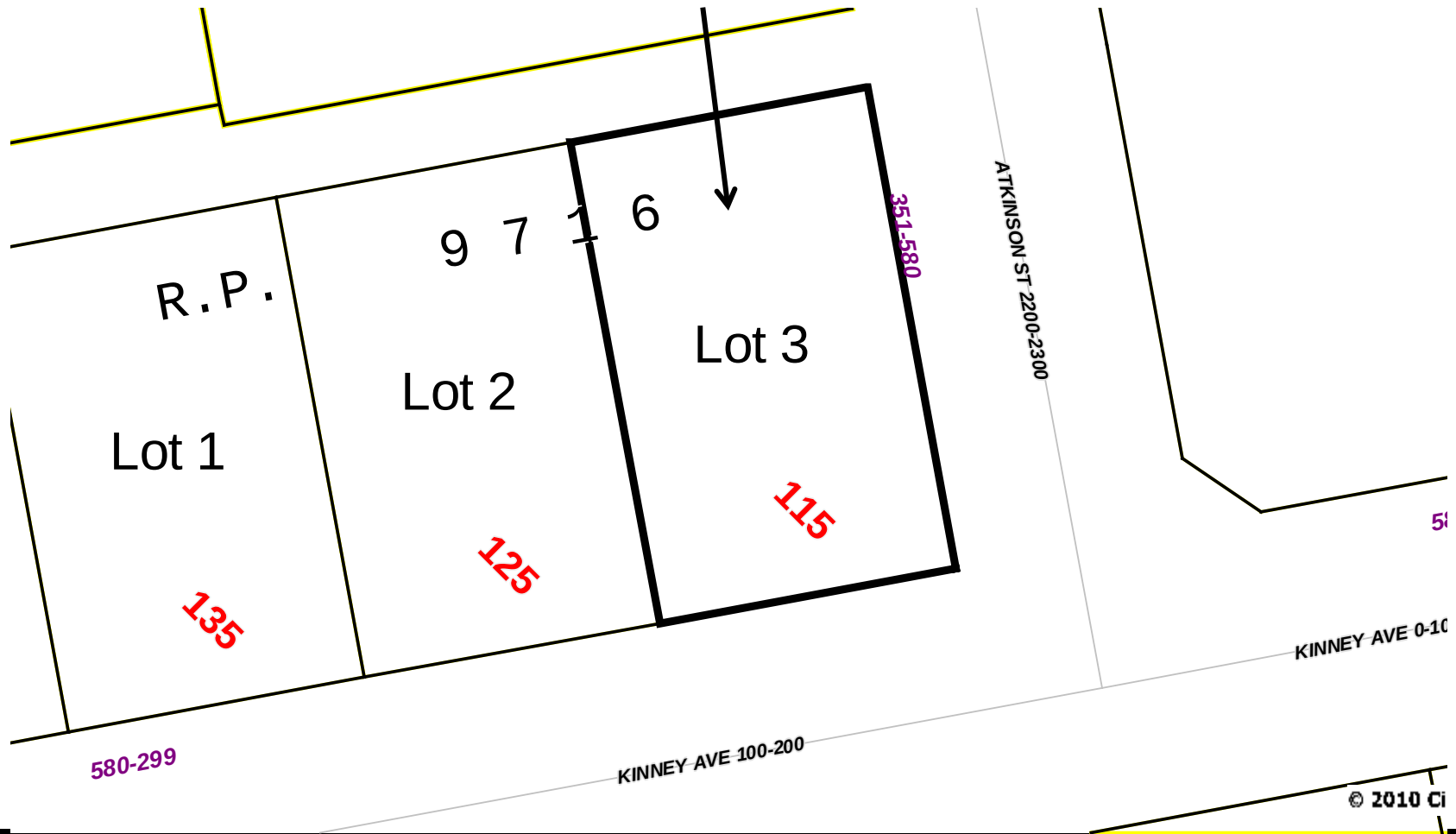
ADOPTED this _____ day of _____, 2015

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

115 Kinney Avenue - Rezone
From R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)

- 44 -



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-12

Date: _____

Corporate Officer: _____



Date: February 16, 2015
To: Annette Antoniak, City Manager
From: Blake Laven, Planning Manager

File No: 127 Upper Bench Road

Subject: Proposed 25m cellular communication tower at 127 Upper Bench Road South

Staff Recommendation

THAT Council receive the Municipal Information Package prepared by Cavalier Land Ltd in regard to a proposed 25m cellular communication tower at 127 Upper Bench Road South;

AND THAT Council review the results of the public engagement process once its complete.

Background

Cavalier Land Ltd. is acting as an agent for Rogers Communications Inc., who are proposing to install a 25m (82 foot) cellular communication tower at 127 Upper Bench Road South (Attachment 'A'). 127 Upper Bench Road South is a 6.8 ac farm property located in the Agricultural Land Reserve. The property currently features grape and fruit production. The proposed tower will be located on the south property line and accessed through 124 Upper Bench Road South (currently operating as Giardino's Nursery). The tower is proposed to be a monopole tower with a base facility taking up approximately 100m². Renderings of what the tower will look like in-place are included in the Municipal Information Package (Attachment 'B').

Cellular tower approval is one of the items, such as aviation, that is beyond the jurisdiction of local government - it falls under the authority of Industry Canada. Industry Canada, does, however, take into account local recommendations when reviewing applications for tower installation. Industry Canada requires public consultation prior to approval and installation of a tower. If a local government has an established public consultation process for communication towers, it is acceptable for companies to follow that process. In the absence of a local process, as is the case in Penticton, Industry Canada has a default process companies must follow.

The default Industry Canada process involves providing notice to the "local public", which includes: residents, industry, business and property owners, located within a radius of three times the tower height. In cases where the tower is greater than 30m in height, notice must be placed in the local newspaper as well (that is not the case with this tower, as it is only 25m in height). The public must be given a minimum of 30 days to respond to the notice. The company must conclude the meaningful consultation within 120 days.

Part of the default consultation process involves receiving a "Letter of Concurrence" from the local government. Staff are recommending that Council receive the report prepared by Cavalier Land Ltd, and endorse the proposed consultation plan outlined in the report. If Council chooses to follow this recommendation, staff will report back to Council with the results of that consultation and make a further recommendation on whether to provide a letter of concurrence at that time.

Financial implication

N/A

Analysis

Although cellular communication towers are deemed by many to be unsightly, they serve an important role in ensuring a safe and reliable communication network. The location of the proposed tower in an agricultural area, will not be obtrusively visible. The default consultation process will allow for those that are directly affected by the tower (immediate neighbours) to provide the company and Council with their comments. Staff are recommending that this process proceed as proposed and that a decision on whether to provide a letter of concurrence, or a letter of concurrence with conditions, be delayed until the consultation period is complete.

Alternative

Council may feel that the consultation radius (roughly 100m) is not large enough, and may wish to have Cavalier Lands Ltd. conduct a greater amount of public consultation. If that is the case, Council should receive the report and direct staff to work with Cavalier Lands with direction that they desire.

Attachments

Attachment A – Location Map

Attachment B – Municipal Information Package Prepared by Cavalier Land Ltd.

Respectfully submitted,



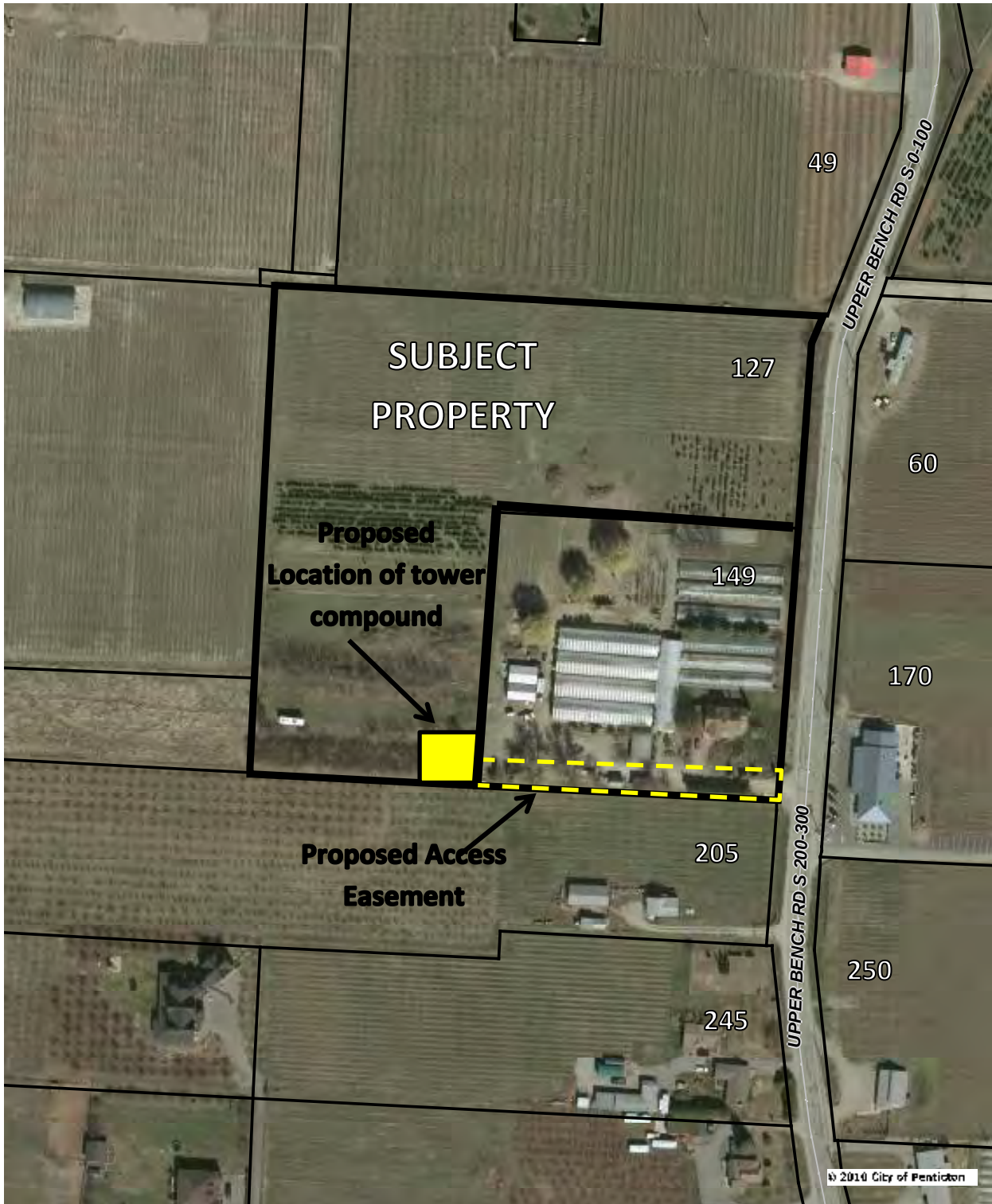
Blake Laven, RPP, MCIP
Planning Manager

Approvals

City Manager



Attachment 'A'
Subject Property Location Map



Attachment 'B'
Municipal Information Package for Proposed Tower



February 02, 2015

Blake Laven
Planning Manager
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Subject: Proposed Radiocommunications Facility
Address: 127 Upper Bench Road South, Penticton BC
Legal: Lot 1 District Lot 188 and 155 Similkameen Division Yale District Plan KAP91714
PID: 028-458-125
Approximate Coordinates: N 49° 30' 01.98", W 119° 34' 09.76" (NAD83)
Rogers Communications Inc. Site #: W3513 Penticton NE

Overview

Cavalier Land Ltd, as agent for Rogers Communications Inc. ("Rogers"), is submitting this information package to formally initiate the public consultation process for a proposed telecommunications facility. We have been in preliminary discussions with you over the past year, primarily through Mr. Anthony Haddad, regarding a suitable location for a 25 metre facility in order to provide high quality wireless coverage for data and voice communication services in your community.

The following information package provides a summary of the proposed installation, its design and our concurrence process. Should you have any questions or you would like to discuss the details further, please do not hesitate to contact me direct at 778-997-1972 or by email at: michael.cameron@cavalierland.ca.

Michael Cameron
Municipal Affairs Specialist
Cavalier Land Ltd
400-440 2nd Avenue SW
Calgary, AB T2P 5E9
778-997-1972
Michael.cameron@cavalierland.ca

W3513 Penticton NE

02/02/2015



Rationale for Proposed Installation

A robust and enhanced network is required if wireless customers are to be able to access advanced technologies for personal, business and emergency communications. When the demand for wireless services in an area grows, a network weakness is often identified. The first steps taken by Rogers' radiofrequency engineers are to explore and all co-location opportunities to add additional equipment on nearby towers or to mount new antennas on existing buildings before a new tower is proposed. Rogers only considers proposals for new towers after every other alternative has been exhausted.

In this case, Rogers' engineers have determined that there are no existing structures available in the area able to achieve the targeted coverage improvements. As a result of this review, a new 25 metre telecommunications facility is proposed to improve wireless coverage in the northeast Penticton area between the base of Campbell Mountain and Lake Okanagan. The proposed location is considered appropriate in the context of the surrounding environment.

Proposed Tower Location

Rogers is proposing to construct a 25 metre tower to provide wireless coverage. The proposed tower location is located at

- 127 Upper Bench Road South in Penticton
- Approximate coordinates: N 49° 30' 01.98", W 119° 34' 09.76"
- Currently zoned A (Agriculture)
- Within the British Columbia Agricultural Land Reserve (ALR).
 - Per the Agricultural Land Commission Act's *Agricultural Land Reserve Use, Subdivision and Procedure Regulation - Part II Permitted Uses Section 3(m)*; telecommunications equipment, buildings and installation are a permitted use so long as the area occupied by such does not exceed 100m²
- The property is primarily used for farming, producing grapes with some other fruits and nuts.

Special care has been taken to minimize the amount of land used, any disturbances that will occur during construction and to comply with all environmental regulations. Furthermore the proposed site is to be located in space deemed unusable for general business purposes by the Landlord (See Appendix A: Tower Location).

Proposed Tower Design

The proposed telecommunications structure is a monopole design with antennas flush-mounted mounted at the top of the structure. The entire installation consists of the tower structure, associated radio equipment shelter and power infrastructure at the base in a secured compound.

Vehicle access to the site will be via the existing customer access and parking areas for the adjacent Giardino nursery. No new roadways will be required for this site, and access rights have been secured with Giardino Nurseries of Penticton Ltd. The secure site area will be enclosed by a fence that will be approximately 1.8m (6') in height with a locked gate access point. The equipment shelter will contain radio equipment, back-up battery power, maintenance tools, manuals and a first aid kit (See Appendix B: Drawings).



Applications to Transport Canada and NAV Canada are required for telecommunications structures to ensure aeronautical safety for aircrafts, and have both been submitted for this proposed installation. If required, the proposed installation could include lighting and/or painting of the tower.

See Appendix B: Drawings, for a photo simulation of the proposed tower area looking northwest from the east side of Upper Bench Road South.

Consultation Process with the City of Penticton

Industry Canada requires all proponents to consult with the local land use authority and public, notwithstanding that Industry Canada has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed tower. Following Industry Canada's requirements, Rogers would like to initiate Industry Canada's Default Public Consultation Process (as described in the Industry Canada circular, CPC-2-0-03 commonly referred to as the "CPC"). Information on the CPC consultation process developed by Industry Canada may be found online at

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

Following the default public consultation process, the CPC requires Rogers to send out a notification package to all properties within three times the tower height of the proposed tower (See Appendix C: Notification Area). The notification package provides information to adjacent properties of the installation and allows them the opportunity to comment or ask questions or provide feedback. In addition to the notification package, a newspaper ad is also required to allow the general public to comment on the proposed installation. The newspaper ad will be placed in the Penticton Herald for two consecutive weeks.

The comment period is at the minimum 30 days. We approximate that there are no more than 20 property owners/residential addresses located three times the tower height (75 metres) with allowances for all neighbouring property owners to be included. Comments received will be acknowledged and provided a response. Rogers will also consider and respond to all relevant comments gathered so as to make any reasonable adjustments to the proposal.

Rogers is required to acknowledge receipt of any comments or questions within 14 days during the 30 day comment period. Rogers will then address all reasonable and relevant concerns within 60 days. The commenting party has a further 21 days to reply to Rogers' response. Cavalier Land expects to mail out the notification packages in early February to commence the 30 day comment period.

Anthony Haddad, Director of Planning Services for the City of Penticton, had previously indicated that Penticton Council would like to be given the opportunity to review the proposal in advance of the public consultation. Rogers is very much open to working directly with Council to ensure an open and smooth consultation process and would like to discuss the specific nature and timing of such a request at your earliest convenience.



Concurrence Requirements

At the end of the comment period, a summary of the consultation including comments received and responses provided will be provided to the City of Penticton requesting a letter of concurrence acceptable to Industry Canada. Please advise us if you would like to review a sample letter of concurrence which provides a resolution to the consultation process.

Health and Safety

Rogers relies on the health experts to set radio frequency standards and oversee acceptable levels. In fact, adherence to national health standards is a condition of our operating license. As a wireless provider, Rogers is responsible for ensuring that all of these safety standards are met and maintained.

In Canada, Industry Canada has adopted Health Canada's **Safety Code 6**, which establishes the safe limit for all devices that emit radio frequency waves and ensures public safety. The consensus among Canadian health organizations and the scientific community is that wireless antennas are safe. Here in BC, the BC Centre for Disease Control has reviewed the scientific data and supported the safety of wireless installations. List below are a number of web links to helpful information on this topic.

Base stations, like this tower site, operate at a very low power. Typically the maximum power density levels from tower structures over 20 metres are less than 1% of Health Canada's Safety Code 6 standards when measured at ground level.

In addition, Rogers adheres to a number of Canadian safety standards:

Health Canada's Safety Code 6 Compliance

Rogers attests that the radio antenna system described in the package will at all times comply with Health Canada's Safety Code 6 limits.

Canadian Environmental Assessment Act

Rogers attests that the radio antenna system as proposed for this site will comply with the Canadian Environmental Assessment Act.

Engineering Practices

Rogers attests that the radio antenna system proposed for this site will be constructed in compliance with all applicable safety and building standards and comply with good engineering practices including structural adequacy. Preliminary tower profile and equipment layout plans have been included in this notification package.

Transport Canada's Aeronautical Obstruction Marking Requirements

Rogers attests that the radio antenna system described in this notification package will comply with Transport Canada / NAV Canada aeronautical safety requirements. Rogers made all necessary applications to Transport Canada and NAV Canada.



Further Information

The following web links are provided for your information. We are also happy to answer any questions you may have:

Canadian Wireless Telecommunications Assoc. - Wireless Antenna Towers Siting
<http://www.cwta.ca/CWTASite/english/towers.html>

Industry Canada: Spectrum Management and Telecommunications
<http://strategis.ic.gc.ca/antenna>

Industry Canada: Antenna Towers in Your Community: Frequently Asked Questions
(CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems)
<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08788e.html>

Health Canada: Safety Code 6
http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php

World Health Organization Electromagnetic fields and public health
<http://www.who.int/mediacentre/factsheets/fs304/en/>

Vancouver Coastal Health
http://www.vch.ca/about_us/news/archive/2011-news/concerns_about_cell_phone_tower_radiation_addressed

Conclusion

Please consider this Information Package as the official commencement of the 120 day consultation process. Rogers is committed to working with the City of Penticton and the community in confirming an appropriate location and design for a telecommunications tower that will improve wireless services.

Regards,

A handwritten signature in black ink, appearing to read "Michael Cameron".

Michael Cameron
Municipal Affairs Specialist
Cavalier Land Ltd

400-440 2nd Avenue SW
Calgary, AB T2P 5E9
778-997-1972
Michael.cameron@cavalierland.ca



Appendix A: Tower Location



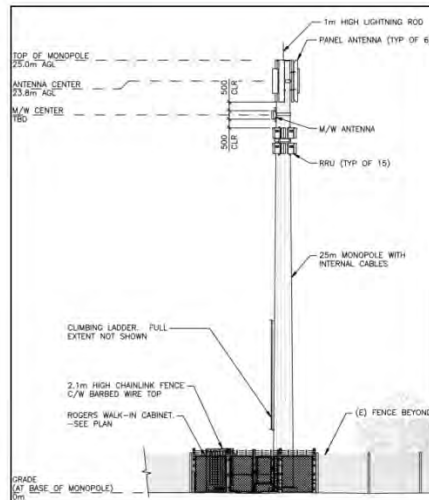
Yellow marker pin indicates proposed tower location adjacent to the Giardino nursery property

W3513 Penticton NE

02/02/2015



Appendix B: Drawings: 25m Tower Elevation



Proposed actual tower elevation as taken from the Development Drawings provided by Rogers Communications Inc

W3513 Penticton NE

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Appendix B: Drawings: Photo Simulations



Looking North from Johnson Road

W3513 Penticton NE

02/02/2015



Appendix B: Drawings: Photo Simulations



Looking Northwest from Upper Bench Road South

W3513 Penticton NE

02/02/2015



Appendix B: Drawings: Photo Simulations



Looking West from private drive east of Giardino Nursery

W3513 Penticton NE

02/02/2015



Appendix B: Drawings: Photo Simulations



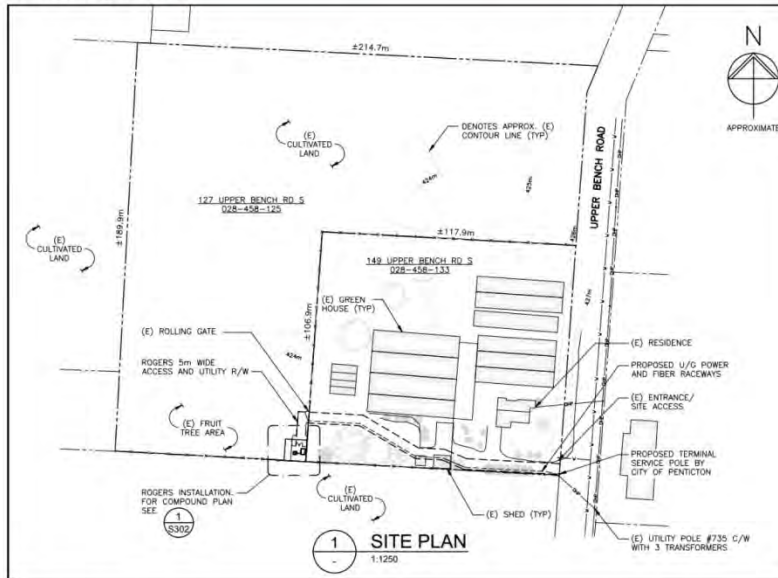
Looking South from Upper Bench Road South

W3513 Penticton NE

02/02/2015



Appendix B: Drawings: Site Plan

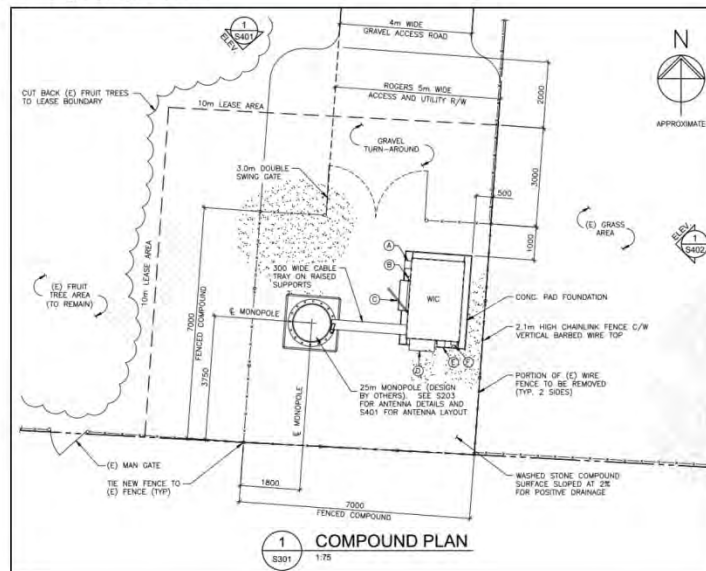


W3513 Pentiction NE

02/02/2015



Appendix B: Drawings: Compound Plan

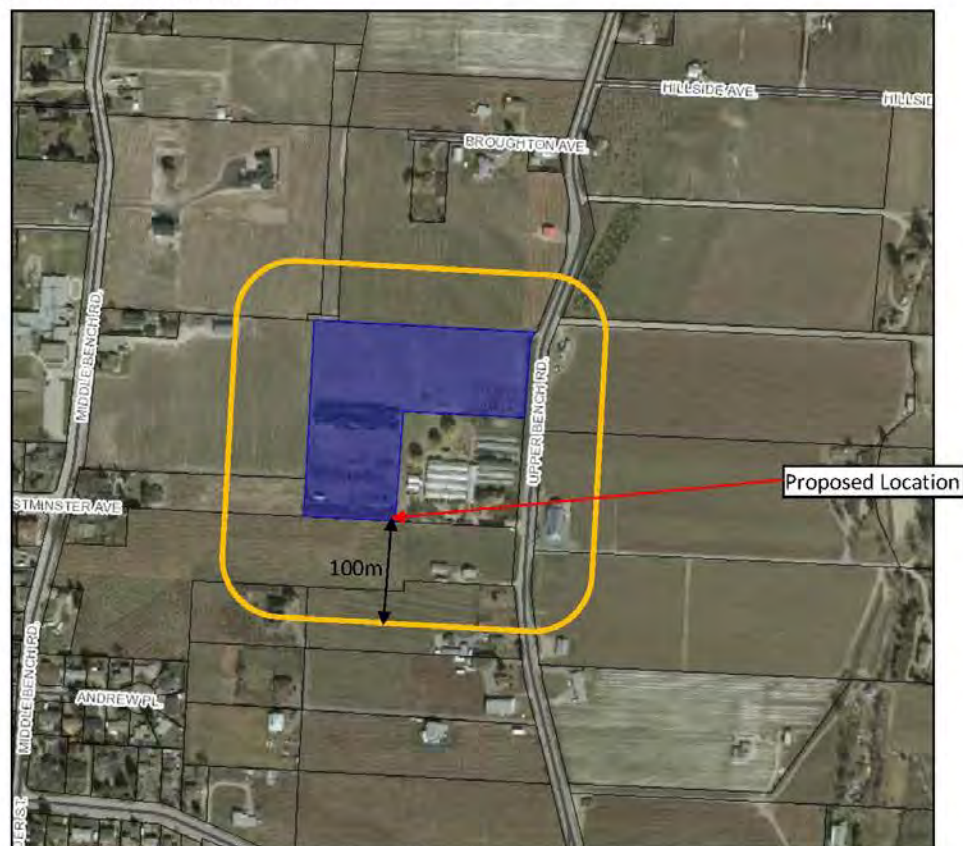


W3513 Pentiction NE

02/02/2015



Appendix C: Notification Area



View of 127 Upper Bench Road South (in blue) as taken from the Penticton WebMap showing proposed consultation radius in yellow. Minimum CPC consultation is 75 metres.

Consultation as shown incorporates all neighbouring properties.



Date: February 16th, 2015 File No: 4320-50
To: Annette Antoniak, City Manager
From: Ken Kunka, Building and Permitting Manager
Re: Brewery Lounge Endorsement – The Cannery Brewing Company – 198 Ellis Street.

Staff Recommendation

THAT staff be directed to commence public notification of the proposed Brewery Lounge Endorsement for The Cannery Brewery Company;

AND THAT staff report back to Council at their meeting on March 2, 2015, the results of the public consultation for Council's consideration.

Strategic priority objective

N/A

Background

On June 23, 2014 Council approved endorsement of a Brewery Lounge at the Cannery Brewing Company's current location at 118-1475 Fairview Road. The Cannery Brewery is currently constructing a new manufacturing and sales building at 198 Ellis St. and the City has received an application from Pat Dyck (Owner/Manager) of The Cannery Brewing Company to relocate their Brewery Lounge to their new proposed building currently under construction. (Site Location - Attachment A). Local Government input is required by the Liquor Control Licensing Branch (LCLB) under Policy No. 13-02, which is similar to winery lounge endorsements requiring local government input including public consultation.

The brewery is proposing an occupant load of 110 persons with 36 person exterior patio. The production area and lounge/retail will be separated from each other. (Floor Plan – Attachment B).

The hours of the lounge operation proposed are of 10:00am to 11:00pm Monday to Sunday. The applicant is requesting the lounge endorsement as outlined in the Letter of Intent (Attachment C).

The applicant has met the eligibility and suitability requirements with the LCLB and now requires local government input to complete their review process. The Summary approval has been attached. (Attachment D)

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

Application notification has been forwarded to the City's Liquor Licencing Technical Review Committee (LLTRC) for their comments. Committee members have reviewed and given conditional support with the following commentary:

- No on-site parking which may increase parking in local areas streets during evening hours.
- The proximity of the establishment to residential properties may see increased noise levels from exterior patio.

As per the Liquor Licencing Act, staff will also be seeking comments from adjacent property owners and occupants. A site notice sign has already been erected and local residents and business owners will be notified by mail within a 90m from the property boundaries of the proposed brewery lounge. At least two public notices in the Western will also be posted. Any public comments as a result of the public notice process will be compiled and forwarded to Council, along with final comments from the LLTRC to the **March 02, 2015** Council meeting, as per the City of Penticton Liquor Licencing Policy. At that time, a full report with final recommendations will be brought forward for Council's consideration.

Alternate recommendations

1. THAT Council denies support of The Cannery Brewing Company application to allow a brewery lounge.

Attachments

Attachment A – Location – Public Consultation map

Attachment B – Floor Plan

Attachment C – Applicants Letter of Intent

Attachment D – LCLB Application Summary

Respectfully submitted,

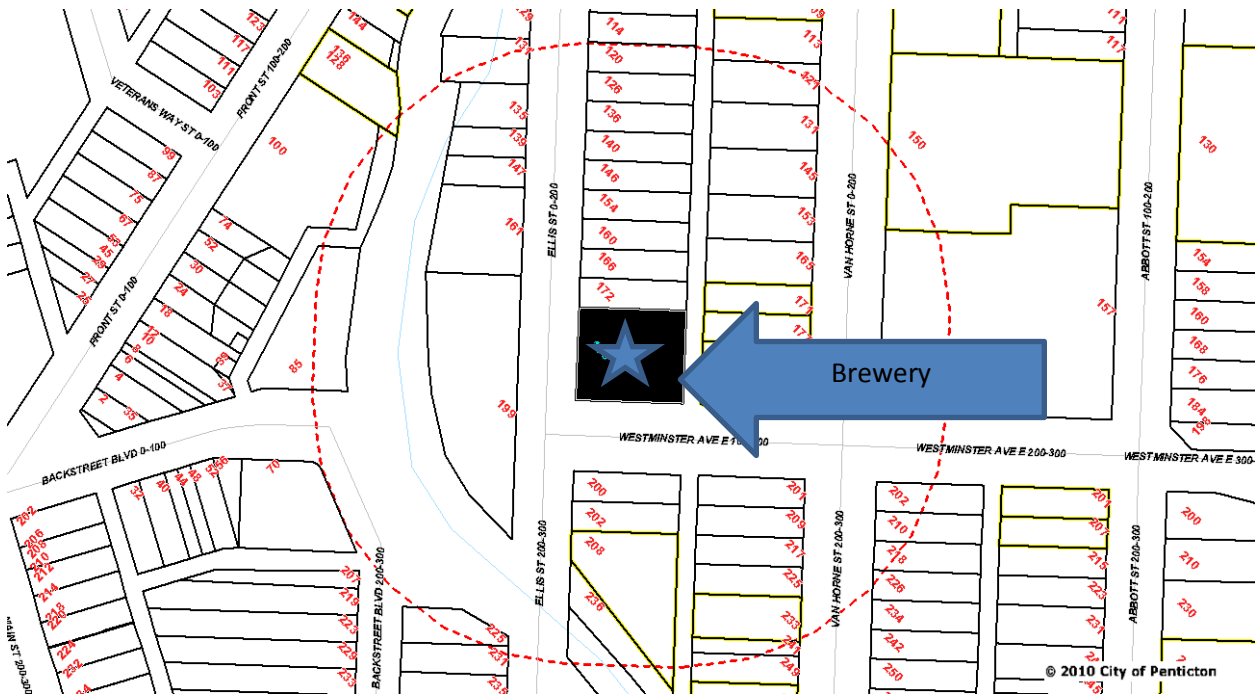
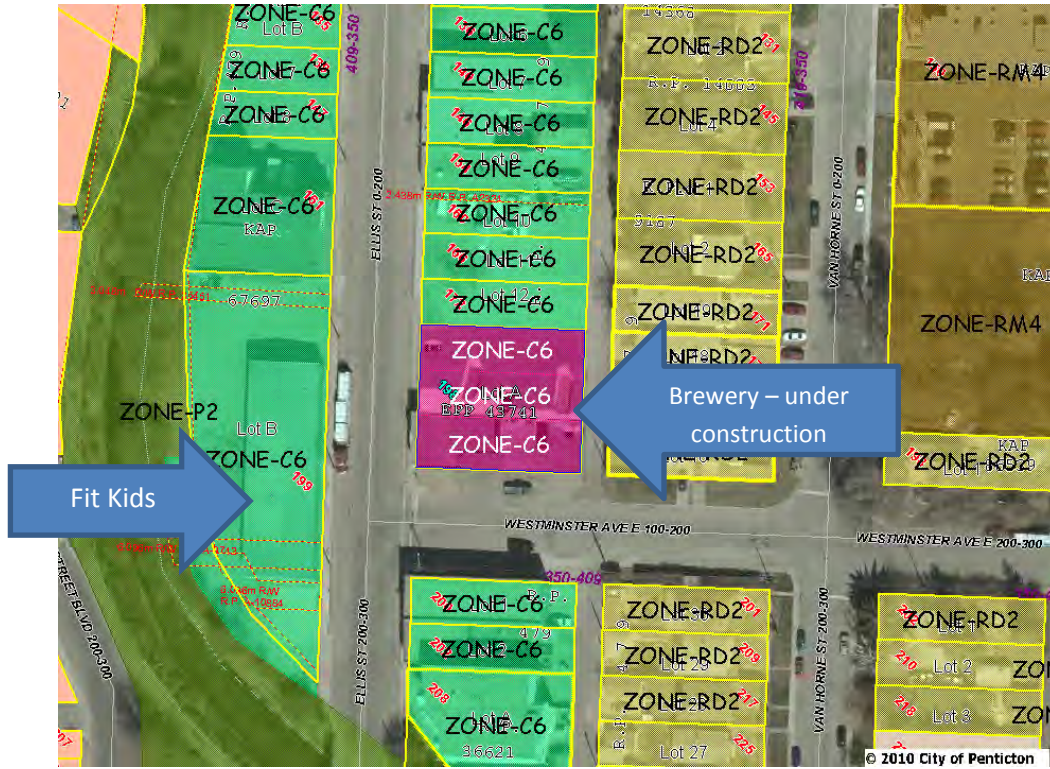
Ken Kunka

Building and Permitting Manager

City Manager



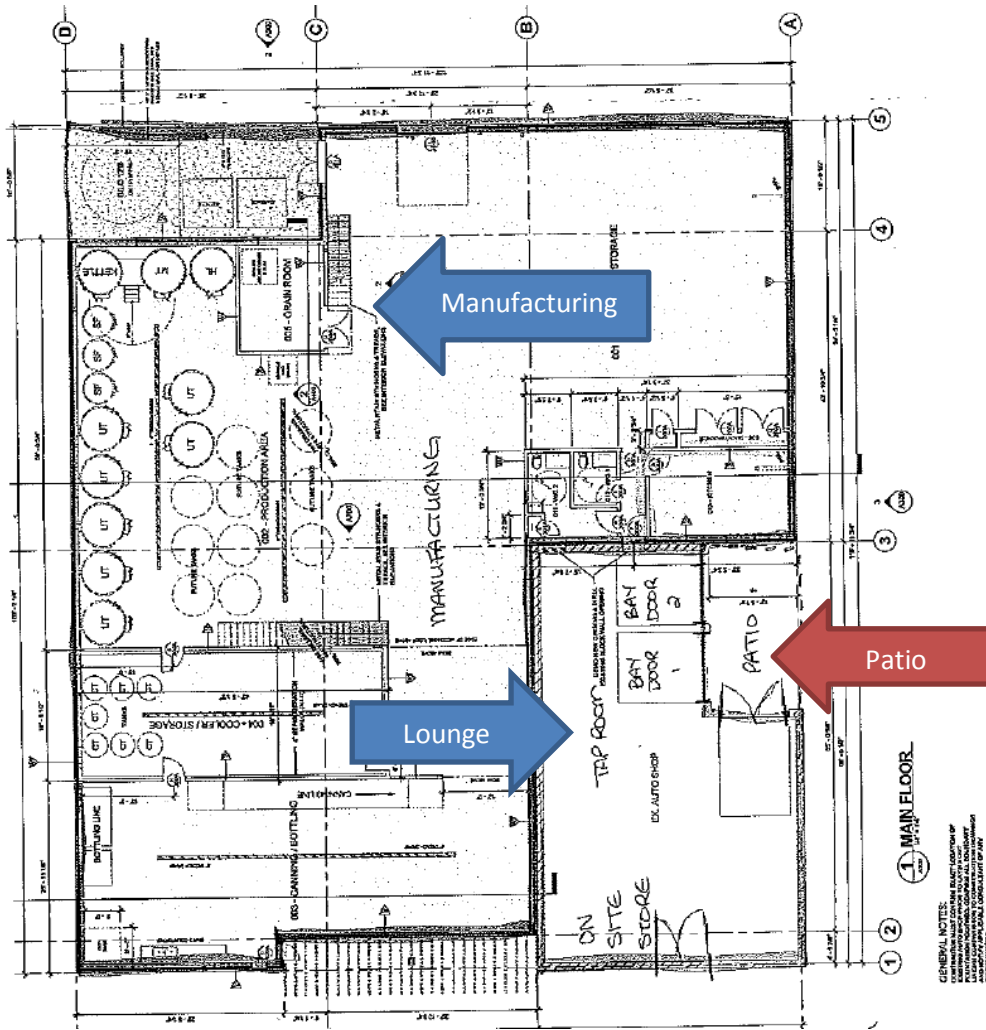
Attachment A
Location and Public Consultation Map



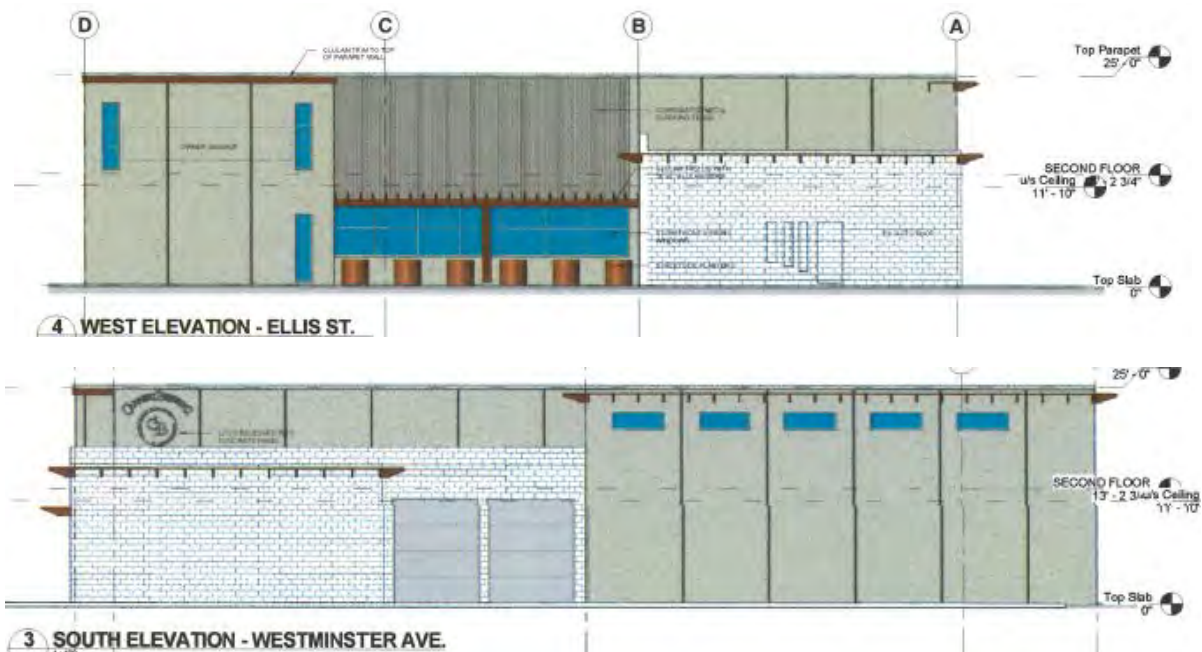
90m Radius Consultation

Attachment B

Floor Plans – Amended Areas



WESTMINSTER AVE. E.



Attachment C
Applicants Letter of Intent

Lounge Endorsement License Application
Letter of Intent

The Cannery Brewing Company is a micro-brewery that has been producing fine craft-brewed ales and lagers for the last fourteen years. Our current lounge endorsement licence has allowed us to expand the services that we offer to our customers. In addition to just being a production facility, we are able to offer for sale by the glass or "flights", the craft beers that we manufacture. We also strive to provide the most local food services from within our community to the customers in our lounge.

1, 2, 3 - Please see Application Form.

4 – Please see Map 1. Our new location of 198 Ellis Street is nestled amongst a variety of areas. Within a two block radius and to the east is residential and park area, and to the north lies Okanagan Lake, a couple of light industrial spaces, and Waterfront Eye Care. Directly south consists of commercial and office space with some light residential mixed in and across the street from our building is the former Greyhound station which now hosts the Penticton "Fit Kids" gymnastics and sports center.

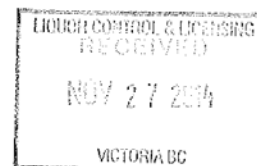
To the west enters the downtown core of Penticton. Here we are within walking distance of the Penticton Market, Gyro Park and Okanagan Lake Beach. We will be easily accessible and able to participate in many local events. There are many shops, restaurants and a few banks and government buildings in this area as well. Other locations in this area with food/liquor primary licenses or lounge endorsements are:

- Burger 55 - 52 Front St, Penticton, BC V2A 1H2
- The Dream Cafe - 67 Front St, Penticton, BC V2A 8G7
- Ginza - 74 Front St, Penticton, BC V2A 1H1
- The Wild Scallion - 75 Front St, Penticton, BC V2A 1H2
- Isshin - 151 Front St, Penticton, BC V2A 1H2
- Taco Del Norte - 85 Backstreet Blvd Penticton, BC V2A1H7
- Voodoos - 67 Nanaimo Ave E, Penticton, BC V2A 4M9

5 – Benefits to the Community

The surrounding neighbourhood will supply much of our target market. It is a pleasant mix of residential, commercial and downtown areas and we are within easy walking distance of Main Street and Front Street, who also offer food and beverage services as well as shopping and entertainment. Our lounge will enable us to support the significant tourism activities that are a major part of the economy of this area where the population triples during the warmer months. Our proximity to downtown will also allow us to support and participate in the local events Penticton offers such as Peachfest and the Challenge Penticton Race, whose main activities take place in the downtown core.

The Craft Beer market is a growing one with customers who are interested in trying new and different products as well as learning how these products are produced. We hope to help drive tourism to this



area of the community by offering guided tours of our facility to the public as well as offering tastings and sales of our products.

6 – Noise Impact on Surrounding Area

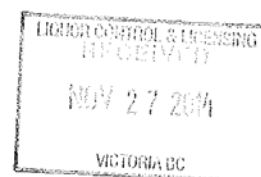
We anticipate little to no adverse noise affects on the surrounding area. Our outdoor patio will be situated on a street facing commercial property and surrounded by our building on 3 of the 4 sides. We do not intend to be a “bar” thus keeping our open hours within acceptable community noise violation times.

7 – Other Impacts

None.

8 – Other Information/Requests

None.



Attachment D
LCLB – Summary



January 22, 2015

Job # 2380612-20

Annette Antoniak
City Manager
City of Penticton
171 Main Street
Penticton BC V2A 5A9

Dear Annette Antoniak:

Re: Application for a Brewery Lounge Endorsement
Applicant: The Cannery Brewing Company Ltd.
Proposed location: 198 Ellis Street, Penticton

The applicant, The Cannery Brewing Company Ltd., has applied to the Liquor Control and Licensing Branch (Branch) for a brewery lounge endorsement, to be located at 198 Ellis Street in Penticton. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the establishment type for licensing.

Having determined applicant eligibility, we are now proceeding to the Site and Community Assessment stage which is the stage for local government input.

The City of Penticton is requested to consider the application and provide the Branch with a resolution which includes their comments and recommendation with respect to the licence application. To assist with Council's assessment of the application, the Branch has prepared a summary report for review and consideration by Council. The summary report is based on information provided by the applicant and by Branch staff.

Council has 90 days to either provide comments to the general manager, or to advise that they wish to "opt out" of the process. Either must be in the form of a Council resolution. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

Upon receipt of a Council Resolution, the Branch will review the Resolution to determine if all the regulatory criteria have been met in accordance with section 10 of the Liquor Control and Licensing Regulation and; if recommended by local government, assess whether the granting of the licence would be contrary to the public interest.

**Liquor Control and
Licensing Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC
<http://www.pssg.gov.bc.ca/clb>

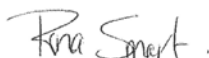
2

Following the rendering of a decision by the general manager as to whether to grant site and community approval, the applicant and the local government will be advised in writing.

Once granted site and community approval, the application proceeds to the building assessment stage of the licensing process, where floor plans are reviewed and if approved in principle, the applicant may proceed with construction/renovation of the establishment, followed by the final stages of the licensing process.

If you have any questions regarding this application please contact me at (250) 952-5769 or rona.smart@gov.bc.ca

Sincerely,



Rona Smart
Senior Licensing Analyst
Liquor Control and Licensing Branch

Enclosure – Application Summary

copy: Randy Brown, Liquor Inspector
Patt Dyck, The Cannery Brewing Company Ltd.



Date: February 16, 2015
To: Annette Antoniak, City Manager
From: Wayne Williams, Fire Chief
Subject: Fire and Life Safety Amendment Bylaw No. 2015-10

File No:

Staff Recommendation

THAT Council gives first three readings to the City of Penticton "Fire and Life Safety Amendment Bylaw No. 2015-10".

Strategic priority objective

N/A

Background

The City of Penticton and the Penticton Indian Band have signed a Letter of Intent to enter into a Fire Services Agreement whereby the City of Penticton Fire Department will provide fire and first responder services to Designated Lands within the Penticton Indian Band lands. A legal opinion was received regarding wording in the current City of Penticton Fire and Life Safety Bylaw ("the Bylaw").

As it is currently written, the Bylaw likely authorizes the Fire Department to provide fire inspection and suppression services on the Penticton Indian Band lands. However, there is some ambiguity in the language of the Bylaw. The recommendation was made to amend the Bylaw in order to clarify the authority of the Fire Department to provide additional services outside the municipality.

Municipalities are governed by the *Community Charter*, which defines the scope of municipal authority. Section 13 of the *Community Charter* provides:

- (1) A municipality may provide a service in an area outside the municipality, but it must first obtain consent as follows:*
 - (a) if the area is in another municipality, the council must obtain the consent of the council of the other municipality;*
 - (b) if the area is not in another municipality and is not treaty lands, the council must obtain the consent of the regional district board for the area.*
- (2) In giving consent under subsection (1), the other local government may establish terms and conditions, including terms and conditions respecting*
 - (a) limits on the service to be provided in its area, and*
 - (b) the process for terminating provision of the service in its area.*

(3) If consent is given as referred to in subsection (1), the municipal powers, duties and functions provided under this or any other Act in relation to the service may be exercised in the area referred to in that subsection, subject to any applicable terms and conditions established under subsection (2).

Section 23 of the *Community Charter* also states:

(1) A council may make agreements with a public authority respecting
(a) activities and services within the powers of a party to the agreement, including agreements respecting the undertaking, provision and operation of activities and services,
(b) operation and enforcement in relation to the exercise of authority to regulate, prohibit and impose requirements within the powers of a party to the agreement, and
(c) the management of property or an interest in property held by a party to the agreement.

Financial implication

N/A

Analysis

Our legal counsel has provided the following opinion and recommendations:

Approval to Enter into a Fire Services Contract

The municipality has already received the consent of the Regional District of Okanagan-Similkameen to provide services to the Penticton Indian Bands, as required by Section 13(1)(b) of the *Community Charter*.

Entering into a Fire Services Agreement with the Penticton Indian Band

The *Schedule* of the *Community Charter* states that the term 'public authority' includes a First Nation such as the Penticton Indian Band; therefore pursuant to Section 23 of the *Community Charter*, the municipal council has the authority to enter into a contract with the Penticton Indian Band in order to provide fire inspection and suppression services, pursuant to a bylaw enacted by the Band.

Recommended changes to the Fire and Life Safety Bylaw

As section 4.04(i) of the Bylaw states that the Fire Chief is responsible for "managing contracts with other jurisdictions and private industry as required," the Fire Chief would have the authority to carry out the terms of the contract.

However, there is some ambiguity about the extent of the Fire Chief's powers. Section 3 of the Bylaw states:

"In this Bylaw, unless the context otherwise requires: "CITY" means the Corporation of the City of Penticton or the area included therein as the context may require."

Given this definition, the use of 'City' in sections 4.04(d), 4.04(e), and 7.01 could be interpreted as limiting the scope of the Fire Department's power to within the City. The language of 4.04 isn't explicit that 'managing contracts with other jurisdictions' includes providing services outside of the city. In order to clarify City Council's intent that the Fire Chief has authority to provide services outside of the municipality, the following changes to the Bylaw have been recommended:

1. Replacing the use of the term 'City' in sections 4.04(d), 4.04(e), and 7.01 with: ***'the City or other areas in which the council has authorized the provision of services'***
2. Amending 4.04(i) from "managing contracts with other jurisdictions and private industry as required," to "managing contracts with other jurisdictions and private industry as required, ***including the provision of any of the services contemplated in this Bylaw outside the municipality.***"

These changes would dispel any ambiguity as to City Council's intent regarding the scope and nature of the Fire Chief's authority to provide fire inspection and suppression services on Penticton Indian Band Lands.

Alternate recommendations

Attachments

Respectfully submitted,

Wayne Williams
Fire Chief

Approvals

City Manager



Dana Schmidt, Corporate Officer