

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

Monday, March 2, 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 16, 2015 Public Hearing 1-3 Receive
 - 4.2 Minutes of the February 16, 2015 Regular Council Meeting 4-7 Adopt
5. **Presentations:**
6. **Delegations (5 minutes maximum):**
 - 6.1 BC SCPA South Okanagan/Similkameen Branch – Corinne Ross and Andrea Kemp 8
 - 6.2 Community Policing Recruitment – Superintendent Hewco and Cpl. Wrigglesworth 9
 - 6.3 Three Mile Beach – Kevin Proteau 10-40
7. **Reconsideration of Bylaws and Permits:**
 - 7.1 Fire and Life Safety Amendment Bylaw No. 2015-10 41 Adopt
 - 7.2 Zoning Amendment Bylaw No. 2015-12 42-43 2nd/3rd
Re: 115 Kinney Avenue
8. **Staff Reports:**
 - 8.1 Three Mile Beach 44-47
Staff Recommendation: THAT Council receive this report and provide staff with direction of their preferences with respect to public uses of the Lake Okanagan beach area otherwise known as Three Mile Beach:
 - A. Investigate amendments to the City of Penticton's parks bylaw to include provisions to regulate and levy fines for public nudity such as adopted by the City of Victoria in its parks bylaw,
 - B. Investigate amendments to the City of Penticton's parks bylaw to include Penticton-specific provisions that control clothing optional behavior in public spaces,
 - C. Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for all of Three Mile Beach,

CFO

- D. Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach,
- E. Investigating making provisions by way of special facilities at Three Mile Beach (e.g., berms, landscaping, etc.) that would segregate uses such as a clothing optional area,
- F. Encouraging clothing optional behavior to relocate away from 3 Mile Beach to alternative public space where neighbourhood acceptance exists,
- G. Conducting public surveys within the City of Penticton as a whole on the issue of clothing optional public space and/or the options listed above,
- H. Other solutions as deemed fit by Council,
- I. One or more of the above options/solutions,
- J. None of the above and remain the status quo.

BPM 8.2 Brewery Lounge Endorsement – The Cannery Brewing Company - Comments 48-55 Del/Sub
 Re: 198 Ellis Street
Staff Recommendation: THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from The Cannery Brewery Company located at 198 Ellis Street for a Brewery Lounge Endorsement Licence.

BPM 8.3 2015 Special Occasion Licence Applications 56-65
 Re: Beer/Wine Garden
Staff Recommendation: THAT Council, subject to the approval of the RCMP and Liquor Control and Licensing Branch, approve the following Special Occasion (Beer/Wine Garden) Licenses:

Organization	Event Location & est. attendance	Beer Garden or Whole Site License	Event Dates Requested	Event Operating Hours	Number of Event Days
Okanagan Fest of Ale (19th Annual) (re-occurring event)	Penticton Trade and Convention Center (7500) (500 outdoor)	Indoor and outdoor vendors	April 10 April 11	1:00pm to 3pm (industry) 3:00pm to 9pm (public) 12:00pm to 6:00pm	02
- Initial approval granted Jan 12, 2015 Resolution 87/2015. Amendment requested to add exterior vendor area. Layout and community impact statement - Attachment B. - Final security layout and occupant load to be confirmed with City Penticton Fire Dept, RCMP and Local Liquor Inspector prior to event opening.					
South Okanagan Little League (2nd year event)	Lions Park (500)	Beer Garden	May 16 May 17 May 18	10:00am to 10:00pm 10:00am to 10:00pm 10:00 to 10:00pm	03
Penticton Harlequins RFA Re: Rugby Tournament (reoccurring event)	McNicoll Park (200)	Beer Garden	June 13 June 14	10:00am to 6:00pm 10:00am to 6:00pm	02
Lions Club of Penticton Re: Elvis Festival (reoccurring event)	Okanagan Lake Park (500+)	Beer Garden	June 26 June 27	5:00pm to 10:00pm 11:00am to 8:00pm	02
Peach City Beach Cruise (reoccurring event)	Okanagan Lake (4000)	Beer Garden	June 26 June 27 June 28	11:00am to 11:00pm* 11:00am to 11:00pm* 11:00am to 11:00pm*	03
Canada Day Downtown Penticton Association (2nd yr. liquor event – Cue's catering license)	Gyro Park (3000)	Beer Garden	July 01	12:00pm to 10:00pm	01
Penticton Scottish Festival Society	Kings Park (2000)	Beer Garden	July 4	10:00am to 10:00pm	01
Prospera Granfondo Axel Merckx Events (reoccurring event)	Gyro Park (3000)	Whole Site (see map attachment C)	July 12	11:00am to 4:30pm	01
Rotary Club of Penticton Car Show (new SOL to event)	Rotary Park (2500)	Whole Site (see map attachment D)	Aug 1	11:00am to 4:00pm	01

Challenge Penticton (reoccurring with new location)	Okanagan Park (3000) Gyro Park	Whole Site (see map attachment E)	Aug 28 Aug 30 Aug 31 Aug 30	5:00pm to 9:00pm 12:00pm to 12:00am* 12:00pm to 7:00pm 12:00pm to 9:00pm	03
Penticton Harlequins RFA Rugby Tournament (reoccurring event)	McNicholl Park (200)	Beer Garden	Sept 12 Sept 13	10:00am to 6:00pm 10:00am to 6:00pm	02
				Total Days	21

- ME 8.4 Electrical Disconnect – Reconnect Fees and Options 66-70
Staff Recommendation: THAT Council receive the report entitled “Disconnect-Reconnect Fees and Options” dated March 2, 2015.
- PWM 8.5 OCP Amendment Bylaw No. 2015-13 & Zoning Amendment Bylaw No. 2015-14 71-94
Re: BMX Track – Expansion/Relocation – 630 Munson Mt Rd
1. Staff Recommendation: THAT Council support the relocation of the BMX track from Lions Park to 630 Munson Mountain Road.
2. OCP Amendment THAT “OCP Amendment Bylaw 2015-13,” a bylaw to amend Schedule B of Official Community Plan 2002-20 to change the future land use designation of Lot A, Plan KAP28179, District Lot 187, Similkameen Yale District, located at 630 Munson Mountain Road, from A (Agriculture) to PR (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission; AND THAT Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with: One or more persons, organizations or authorities, The Regional District of Okanagan Similkameen, Local First Nations School District #67, and, the provincial or federal government and their agencies; AND THAT it is determined that consultation only with the Agricultural Land Commission is required.
3. Rezone THAT “Zoning Amendment Bylaw 2015-14,” a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, Plan KAP28179, District Lot 187, Similkameen Yale District, located at 630 Munson Mountain Road, from A (Agriculture) to P2 (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission.
4. Value in Kind THAT the OCP Amendment and Rezoning Amendment Application fees of \$2,130 be charged to the Community Grants budget as value in kind.
5. License to Use THAT Subject to adoption of “Zoning Amendment Bylaw 2015-14”, Council authorize the termination of the existing BMX Club lease at 198 Warren Ave; AND THAT a new License to Use be authorized for a portion of City property not to exceed 1.12 hectares (2.5 acres) in area, located at 630 Munson Mountain Road, for the development of a BMX Track with the terms and conditions as noted in Attachment “C”, AND THAT the new License to Use be executed by the Mayor and Corporate Officer.
6. Budget THAT subject to the adoption of “Zoning Amendment Bylaw 2015-14, the Five Year Financial Plan Bylaw No. 2015-08 be amended to include a provision of \$10,000 for the provision of water and electricity to service the site and an additional \$1,500 to pay for the annual water and power consumption.
- ITM 8.6 Asset Management Infrastructure Planning Grant Application 95-96
Staff Recommendation: THAT Council support an application for \$10,000 for grant funding to the Ministry of Community and Rural Development under the Infrastructure Planning Grant Program to complete an Asset Management Assessment.
- PM 8.7 Zoning Amendment Bylaw No. 2015-15 and DVP PL2015-010 97-116
Re: 783 Winnipeg Street
Staff Recommendation: THAT “Zoning Amendment Bylaw No.2015-15”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 16th, 2015 Public Hearing; AND THAT prior to adoption of the bylaw that a 0.9m road dedication along the Winnipeg Street road frontage be registered with the Land Title Office; AND THAT Council

support "Development Variance Permit PL2015-010" for Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, a permit to reduce the front yard setback from 3.0m to 2.0m; AND THAT staff are directed to issue DVP PL2015-010, subject to adoption of "Zoning Amendment Bylaw No. 2015 -15".

CO	8.8	Fees and Charges Amendment Bylaw No. 2015-11 <u>Staff Recommendation:</u> THAT Council give three readings to "Fees and Charges Amendment Bylaw No. 2015-11".	117-141
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9. **Correspondence**

9.1	Messner Kenney LLP, Re: 3 Mile Beach Hearing – March 2, 2015	142-143
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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**

Minutes

penticton.ca

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

Monday, February 16, 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
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. 2015-06". 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. 2015-06"

The purpose of the Zoning Amendment Bylaw is to amend "Zoning Bylaw 2011-23" 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."
- The applicant is proposing to convert the house to an office for the "Supported Employment Program" operated by Interior Health.

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

APPLICANT

- Doug Lavell and Heather Boyce, representatives from Interior Health, provided Council with an overview of the employment services that will be provided at 264 Wade Avenue West. This service is offered from a leased property in downtown Penticton, no longer financially viable at that location.

DELEGATIONS

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

- Pat Allies, Tennis Street, not opposed to services offered but concerned with site security and traffic. Have not heard from Interior Health, would support a condition of a fence and a gate.
- Ken Bareba, Tennis Street, would like a fence and gate for security, concerned about after office hours and weekends.
- James Etherington, Wade Avenue, Interior Health has been an excellent neighbour, concerned with traffic and use of laneway. Propose one way signs to manage existing traffic.

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

- Gary Denton, Kendall Crescent, asked what is current zoning, asked about future sale and if office would still be permitted. Opposed to this amendment, unfair to ask residents to accommodate a non-residential use, this is about land use, commercial space is available.

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

- Applicant, happy to work through security and land buffer issues, will work with neighbours for mutual benefit. To address traffic, not opposed to one way lane. Cost is the main reason would like to use Wade Ave. property. It is an appropriate location with easy access to transit for clients.

The public hearing for "Zoning Amendment Bylaw No. 2015-06" was terminated at 6:39 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 6:39 p.m. for the "Official Community Plan Amendment Bylaw No. 2015-09". 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*.

“Official Community Plan Amendment Bylaw No. 2015-09”

The purpose of the Official Community Plan Amendment Bylaw is to amend “Official Community Plan Bylaw 2002-20” Schedule ‘F’ Trails and Cycling Network as follows:

- Change the proposed trail/multi-use path designation on Lakeshore Drive to existing trail/multi-use path, to reflect the construction that was completed in 2014;
- Change the proposed bike route designation on Ellis Street to existing shared bike route, to reflect the construction that was completed in 2014; and
- Reroute the existing bicycle route at the intersection of Eckhardt Ave and Government Street.

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

DELEGATIONS

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

- No one spoke.

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

- No one spoke.

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

- No one spoke.

The public hearing for “Official Community Plan Amendment Bylaw No. 2015-09” was terminated at 6:41 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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Monday, February 16, 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
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 6:41 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

128/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on February 16, 2015 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the February 2, 2015 Committee of the Whole

129/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the February 2, 2015 Committee of the Whole as circulated.

CARRIED UNANIMOUSLY

4.2 Minutes of the February 2, 2015 Public Hearing

130/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the February 2, 2015 Public Hearing as circulated.

CARRIED UNANIMOUSLY

4.3 Minutes of the February 2, 2015 Regular Council Meeting

131/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 2, 2015 Regular Council Meeting as circulated.

CARRIED UNANIMOUSLY

5. Presentations

5.1 Anti-Bullying Proclamation – Pink Shirt Day is February 25, 2015

Mayor Jakubeit proclaimed February 25, 2015 as “Pink Shirt Day” in the City of Penticton.

5.2 Proclamation – Chamber of Commerce Week – February 16 – 20, 2015

Mayor Jakubeit proclaimed February 16 – 20, 2015 as “Chamber of Commerce Week” in the City of Penticton.

6. Delegations

6.1 BC Schizophrenia Society

Jim Cleghorn and Sharon Evans provided Council with an overview of the implementation of Mental Health Care in the Okanagan Similkameen and invited Council to the play “Maladjusted” on March 15, 2015.

7. Reconsideration of Bylaws and Permits

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

Re: Corry Place reconstruction project

132/2015

It was MOVED and SECONDED

THAT Council adopt “Corry Place Local Area Service Bylaw No. 2014-51”.

CARRIED UNANIMOUSLY

7.2 Zoning Amendment Bylaw No. 2015-04

Re: 739 Birch Avenue

133/2015

It was MOVED and SECONDED

THAT Council adopt “Zoning Amendment Bylaw No. 2015-04”.

CARRIED UNANIMOUSLY

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

134/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-06".

AND THAT that prior to adoption of the bylaw, the applicant provide a fence and gate at the property located at 264 Wade Avenue West.

CARRIED
Councillors Picton and Konanz, Opposed

- 7.4 Official Community Plan Amendment Bylaw No. 2015-09
Re: Amend Schedule 'F' Trails and Cycling Network

135/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2015-09";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2015-09".

CARRIED UNANIMOUSLY

8. Staff Reports

- 8.1 Zoning Amendment Bylaw No. 2015-12
Re: 115 Kinney Avenue

136/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-12", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3, District 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), be given first reading and be forwarded to the March 2, 2015 Public Hearing.

CARRIED UNANIMOUSLY

- 8.2 Proposed 25m cellular communication tower
Re: 127 Upper Bench Road South

137/2015

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

- 8.3 Brewery Lounge Endorsement – The Cannery Brewing Company
Re: 198 Ellis Street

138/2015

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

8.4 Fire and Life Safety Amendment Bylaw No. 2015-10

139/2015

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

- 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**

140/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, February 16, 2015 at 7:44 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor



Request to Appear as a Delegation

Preferred Council Meeting Date: February 2nd 2015

Second choice(s): March 2nd 2015

Subject matter: An introduction about the BC SPCA South Okanagan / Similkameen Branch and the work we do in the local community.

Name of person(s) making presentation:

Corinne Ross (Branch Manager) and Andrea Kemp (Volunteer Vice Chair of our Community Council)

Address: 2200 Dartmouth Drive

Phone: 250 493 0136 (office)

Penticton, BC, V2A 4C2

Email: cross@spca.bc.ca

Please provide details of your presentation:

A brief introduction into the work the BC SPCA South Okanagan / Similkameen does in the local community. Who we are, what we do and who we help.
Some stats on the number of animals in our care each year and an overview of our new 5 year Strategic plan.

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

RCMP



ROYAL CANADIAN MOUNTED POLICE

RCMP CALL FOR VOLUNTEERS

Volunteers are an integral component to the successful delivery of community policing services. The purpose of volunteer programs is to compliment and not replace employees. Volunteers do not perform law enforcement or operational duties performed by regular members.

Penticton RCMP needs volunteers to assist with various aspects of community policing such as **Auxiliary Constable Program, Citizens on Patrol, Speed Watch, Lock Out Auto Crime** and **Victim Services**.

Volunteers with the Penticton RCMP must meet certain requirements which include being at least 16 years of age, being responsible and of good character and achieving the appropriate level of security clearance.

While helping their community, our volunteers develop friendships, gain experience and skills, challenge themselves and develop a valuable sense of pride.

For more information or to apply, please contact one of the following agencies:

- **Penticton RCMP Detachment** - 1168 Main St., Penticton, phone 250-492-4300
- **Penticton RCMP Community Policing Office** – 185 Lakeshore Dr., Penticton (next to the Peach)
- **Downtown Penticton Association** – phone 250-493-8540 or email info@downtownpenticton.org.

Request to Appear as a Delegation

Preferred Council Meeting Date: MARCH 2, 2015

Second choice(s): MARCH 16, 2015

Subject matter: 3 MILE BEACH (clothing optional)

Name of person(s) making presentation:

KEVIN PROTEAU + 2

Address: 74-1484 OUNGAN
AVE EAST PENTICTON

Phone:

Email:

Please provide details of your presentation:

WE will be PRESENTING ON behalf of the community that FREQUENTS 3 mile beach.
This has been discussed with MAYOR & COUNCIL

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

Three Mile Naturist Beach Committee

PO Box 24081
Government Street RPO
Penticton, BC
V2A 8L9

<http://www.3milebeachpenticton.com>

The City of Penticton
171 Main Street,
Penticton B.C

February 25, 2014

Mayor Andrew Jakubeit and Council,

The Three Mile Naturist Beach Committee (3-MNBC) is an ad-hoc working group assembled for the purpose of representing the naturist community's heritage use of Three Mile Beach. Our vision is grounded in the greater community's vision, and that the continued use of Three Mile Beach, is a vital component to the social, cultural and economic well-being of Penticton.

We wish to move past this recent conflict; that we would describe as contrived intolerance, and restore the peace and serenity to both the beach, and the Three Mile Road neighbourhood. We note, in the 2014 season there were 37 police complaints for public nudity, and we would suggest there were well over 100 police hours spent patrolling the beach. There were no arrests, and as far as we can gather, there simply is no documented history to support the position that there is any criminal behavior associated with the naturist use of the beach. Our research shows that the last times Council dealt with the issue of public nudity was in the summer of 1933 and then again in mid-summer of 1946.

Anecdotal evidence suggests naturist use, of Three Mile Beach, dates back to the late 1920's, and while that use may have started out of necessity to service the needs of a transient work force attached to the agriculture industry; the area offers rich bio-diversity, a natural setting, isolation and an established beach culture that is very attractive to both locals and purpose driven visitors. We agree with Mr. Fraser's submission that usage of the beach by naturists has increased in recent years and we believe this is due, in part, to changing societal values and an aging population that is simply more comfortable with their own body image. We also believe the mature naturist beach culture offers a safe and clean atmosphere that many people from all over Canada are prepared to travel to.

Three- Mile Beach is renowned amongst naturists for its environmental values, including: wildlife corridors, a re-established lakeside wetland and a riparian habitat that is home to many species, including the blue listed - blue tailed skink. The bio-diversity and environmental values are of paramount importance as a drawing feature to both naturists and non-naturists alike, and we would submit the various user groups have peacefully co-existed for decades. We would suggest the naturist stewardship of those environmental values complements the recreational values for other user groups and the area is used 12 months of the year - not just during beach season.

Three Mile Beach is a family beach, in fact, the only family-friendly naturist beach in the Okanagan. Some have said, the naturist use is taking away from the family use of the beach, however, the city beach is only 150 meters in length and the only people excluded are those people who exclude themselves due to their own biases. We believe the beach can and will continue to service those who have historically used the beach; as they have always been exposed to the clothing-optional use once they reached the beach. Penticton has no lack of beaches for people who don't want to be exposed to clothing-optional beach use. In fact, there is approximately $\frac{3}{4}$ of a kilometer of beach on the south side of the point that is primarily used as a dog beach.

We believe the opportunity exists to clean up a further area on the South side to create a new place, with even better protection from the north winds, and open lake with stunning views of the city and vineyards of the northeast sector of Penticton. Historically, the South side was the location of the change room facilities that were first discussed in 1927, and later constructed in 1946. This location continued to be utilized for that purpose until the early 2000's when the change room was removed.

In speaking to the economics of the beach:

1. The neighbourhood immediately adjacent to Three Mile Beach consists of six single family dwellings that were developed in the mid to late 60's and throughout that history each of those homes have contained families with children – at one time or another. All of the current owners bought in this neighbourhood knowing that naturists use the beach below during the summer months. In fact, the chamber of commerce website listed Three Mile Beach as an unofficial clothing optional beach up until 2011. Mr. Pinkowski purchased his property in 2006 and has been quoted in newspaper articles as saying his family was supportive of the naturist beach use for a period of time. At very least they were aware and complacent. Mr. Fraser's property is approximately $\frac{3}{4}$ of a kilometre away from the North beach with its own private beach, as well as, exclusive access to the bay on the South side of Three-Mile Point.
2. We assert the economic assessment of Three Mile Beach, the development opportunities, new revenue streams and economic diversity suggested, is very narrow in its view and fails to consider the obviously **net negative impact to our local economy**. We ask that you consider, not only the loss from visitors who are no longer interested in staying in Penticton, but also the impact from local's who will travel out of town to enjoy a naturist experience elsewhere. We question the potential revenue stream of bylaw enforcement vs. the actual cost to do that enforcement.

The true economics of Three- Mile Beach have never been considered. Naturist beaches and destinations are economic activity generators and the North American market is estimated to be in the billions and increasing annually. The European market is said to be in the 10's of billions.

We've heard of the need to consider the opportunity for economic diversity through development of an agro-tourism facility, but there also exists the potential for a complementary development proposal which recognizes the social, cultural, environmental and recreational values inherent in the area. Such a proposal would indeed, create economic diversity, as well as augment those values for future generations.

We see this current conflict as an early warning of the documented parks and recreation deficit in Penticton's north east sector, as well as, a slightly uncommon variation of a typical land use conflict between agricultural use and residential areas. In this instance the property owner is claiming that the recreational use of the city beach and the provincially-controlled foreshore is affecting his property values. We don't believe this to be true.

To accomplish a win-win compromise scenario for both complainants and naturists with a heritage use of this beach, the 3-Mile Naturist Beach Committee (3-MNBC) is asking Council to acknowledge that traditional heritage use of this beach with a Council resolution directing Staff to:

- 1) Install an advisory sign at the top of the stairs leading down to the beach – informing people: "You may encounter clothing- optional beach use ahead."
- 2) Install a sign at the bottom of the stairs, asking beach users to respect our neighbours by ensuring one is clothed beyond this point with appropriate attire..."
- 3) Develop a comprehensive plan for the beach based on the economic, cultural, and social needs of our community with public input before, not after the fact, accommodating both non-naturist and naturist users.

While naturist philosophies may not be held by many people in our community we believe the vision and planning precepts we are forwarding, are. Please take the time to review our attachments from the City's vision statement and Official Community Plan bylaw.

Our vision is the Community's vision because we too are the community.

Attachments:

- City of Penticton Vision Statement
- Official Community Plan Bylaw

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Naturist Action and Naturist Education Foundation Director, and
Chair of the Wreck Beach Preservation Society
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Vision Statement - vivid descriptors

<http://www.penticton.ca/EN/main/community/about-penticton/vision-statement.html>

Vibrant

- There is a sense of excitement throughout Penticton. Families are celebrating life in the community year-round and attending a robust mixture of festivals and all season events, local markets, cultural institutions and experiences, multicultural events that also attract numerous visitors adding additional life and energy to the community.
- City pride is palpable and evidenced by a rich assortment of active volunteer organizations that enable citizens to engage in and improve their community.

(A mature naturist culture nurtures the area around three mile beach. The pride and engagement is reflected in the clean, safe and comfortable atmosphere that three mile is known for.)

Innovative

- Penticton is business friendly and economically diverse. It has a healthy mix of traditional business offerings as well as knowledge-based enterprises providing products and services to the local, provincial, national and global community.

(Three Mile is an economic generator to the community. It attracts purpose driven visitors that support our local businesses. Three Mile is emerging as a creative hub where likeminded people are coming together and formulating new ideas and innovative approaches.)

Adventurous

- Penticton offers a wide array of international, national, provincial and regional sport tourism, and outdoor adventure opportunities.
- Penticton promotes the benefits of healthy living for all ages.

(Another offering in the list of adventurous outdoor opportunities)

Waterfront/Lakefront

- Penticton's pristine lakes are enhanced by exceptional accommodation, dining and recreational options for residents and visitors alike to gather as a community.
- Sensitive waterfront areas have been rehabilitated, preserved, protected and enhanced demonstrating that Penticton and its citizens are exemplary environmental stewards.

(Clothing optional use of the three mile provides well rounded lakefront recreation opportunities reaching a broader demographic, and the exemplary environmental stewardship of the area is well documented in various testimonials.)

Community

- There is a true sense of community where we feel good about our neighbours and where collaborative relationships come naturally.

(Considered a core value amongst naturists)

Sustainability

- Penticton is a leader in balancing social, environmental, economic and agricultural sustainability.
- We seek to meet the needs of the present generation without compromising the ability of future generations to meet their needs.

(Penticton is a leader in balancing social, environmental, economic and agricultural sustainability and at this juncture we are asking for the City's assistance in maintaining that balance for the community, not just of today, but for future generations – as well.)

Diversity

- We accept and respect others and have created a safe, positive and nurturing environment to explore and celebrate the richness of human diversity.
- We understand and believe that each individual is unique - be it along the dimensions of race, ethnicity, gender, education, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies.

(We believe this vision is of paramount importance to the vitality of Penticton and further, we believe that Three Mile beach has existed for as long as it has, and with the success that it enjoys, because this statement is more than words on a paper. It is a reflection of who we are and how we live.)

priorities set on quality of life for the elderly as well as the young, and for the environment as well as commerce.

This OCP envisions a more complete community, an environmentally aware community, a socially responsible community, a community of continued economic diversity and increased economic opportunity, a community with increased transportation choice, a community which celebrates its heritage, culture and its creative and artistic makeup, and an involved community, prepared to invest their time to ensure that the vision is not lost or forgotten.

This Community Plan is based on the principles of sustainability, which seeks to manage natural, economic, and social systems and resources in a fashion that enhances quality of life, yet does not diminish the ability of future generations to also meet their needs.

In a practical sense, this vision means working towards achieving some of the ideals that residents of Penticton envisage by the year 2010. These ideals include the following:

1. Increasing the degree of vitality and diversity in our community. In particular, a Downtown where people live as well as make a living.
2. Develop an economy that capitalizes on Penticton's abundance of natural features and attributes and combines them with its rich agricultural history to create unique niche economies in agri-tourism, eco-tourism, sport-tourism, and cultural-tourism.
3. Enhancing publicly owned lakefront property for the benefit of both residents and visitors to our community.
4. Increasing the amount of urban landscaping in neighbourhoods and commercial areas.
5. Continuing to preserve and enhance the small town charm, pedestrian scale and rural ambiance that characterizes Penticton.
6. A recognition of the City's special natural places and an earnest effort to protect and enhance them, such as the Esplanade, the Silt Bluffs, Skaha Climbing Cliffs, the Oxbows, Munson Mountain wildlife corridors such as Randolph's Draw, Penticton and Ellis Creeks, and the KVR Trail.
7. Increasing Penticton's social conscience.
8. Support for the adherence to principles of Sustainable Communities.
9. Continuing to provide public access to public community and recreation areas.

5.4.1 Community Recreation Goals

The City's goals with respect to Community Recreation are as follows:

1. To provide a variety of recreational facilities, opportunities and programs that will meet the needs of the economic and demographic diversity of Penticton's resident and visitors.
2. To increase the level of private sector participation in the provision of recreation facilities and programs.
3. To increase the awareness of Penticton's sport-tourism opportunities.

5.4.2 Community Recreation Policies

To facilitate or accomplish the above-stated community recreation goals, the City of Penticton will adhere to the following policies:

1. The *City of Penticton Parks, Recreation and Culture Master Plan* will serve as general guide for future recreation facility and program development. The plan should be updated and revised within three years to reflect the City's changing demography and recreation desires.
2. The City will provide recreation facilities and programs at a cost that is affordable to users and taxpayers.
3. The City will ensure that recreation facilities and programs are accessible to all citizens, regardless of social and economic status.
4. The City will encourage and facilitate the provision of recreation opportunities and facilities by sports groups, service clubs, cultural groups and other community organizations.
5. The City will investigate the community costs and benefits to develop the following recreation facilities, and will work toward finding ways and means to fund the projects deemed appropriate:
 - a) a 4-plex slo-pitch complex;
 - b) develop a youth outdoor recreation facility near the Okanagan Lake waterfront.

housing options, an increased and more diverse level of medical services, and an increased capacity for senior recreation and leisure activities. Penticton needs to recognize that seniors are an important and integral part of Penticton's social and economic fabric and the community must cater to the recreation, leisure, and consumer goods and service needs of this significant population segment.

Family Support Services

Although family support services are being provided by private societies or the province, there is a need to coordinate the efforts of the various groups to ensure that duplication of services is minimized and gaps in services are identified and addressed. Independently, the individual groups currently providing social services within the City of Penticton are doing admirable work. Through a collective and coordinated approach, these groups could accomplish considerably more.

Cultural Diversity

The City of Penticton has a rich cultural heritage and is very ethnically diverse. Unfortunately, racial incidents do occur in Penticton, mostly between non-natives, and natives. The close proximity of the Penticton Indian Reserve and the City of Penticton results in constant interaction between the two communities, which results in occasional racial tension.

The adjacent nature of the City of Penticton and the Penticton Indian Band should precipitate positive and constructive relationships to create a healthy social and economic climate for the region.

Youth Are Our Future

Today's youth are our leaders of tomorrow, and as a community, we need to ensure that our youth are able to access the resources they need to cope with the current challenges they face. Youth want to be heard, want to be involved, and want to feel like they can make a difference. The community must find ways and means of involving and integrating our youth in community and civic functions, activities and decisions.

5.5.1 Social Goals

The City's goals with respect to social issues are as follows:

5.5.2 Social Policies

1. To encourage and assist in the development of social action strategies that strengthens and enhances the well-being of our community.
2. To facilitate the development of programs and opportunities which will enhance the physical, social, psychological and cultural well-being of Penticton' residents.
3. To determine an appropriate level of local government involvement in addressing social issues, recognizing the City's limited financial resources and hold senior levels of government responsible to provide services they are responsible for.
4. To facilitate the development of strategies that will promote and encourage cultural diversity and tolerance within our community.
5. To recognize the value of our youth and ensure they have access to facilities, programs and opportunities that will allow them to develop into responsible and respectful contributing adults.

To facilitate or accommodate the above-state social goals, the City of Penticton will adhere to the following policies:

1. The City will work with the Social Development Advisory Sub-Committee to determine the need and feasibility of developing a Social Plan for the City of Penticton.
2. The City will encourage the coordination of community social services and use of public facilities through cooperation, liaison, and where appropriate, joint provision and participation among social agencies.
3. The City will continually communicate and cooperate with the various private and public providers of social services to assist in identifying community social problems and develop feasible solutions.
4. The City will encourage input from the private providers of social services to identify shortcomings in municipal services and infrastructure, and recommend improvements.
5. The City will undertake a review of the City's Zoning Bylaw to identify methods to increase housing affordability, through innovative methods of increasing densities such as permitting secondary suites.

“Example is not the main thing in influencing others, it is the only thing.”
Albert Schweitzer

5.2 Heritage Preservation and Enhancement

building design, landscape architecture, planning, interior design, crime prevention, and arts and culture.

3. The City will ‘lead by example’ by ensuring that the design of all new municipal structures are of a high quality and appropriately relate to the surrounding environment.
4. The City will work towards the design and placement of landscape material on boulevards throughout the city.

From its rich and colourful heritage of steam ship transportation, the Kettle Valley Railway and the fruit industry, the City of Penticton has evolved into a diverse urban community that serves a variety of local and regional economic, social and recreational needs. Through this evolutionary process, numerous changes have occurred that have shaped the appearance of Penticton. As change occurs, a strong connection to the past must be maintained. In doing so, the unique identity of our community will be maintained, contributing to Penticton’s own particular sense of time, place and identity. Recognizing and celebrating Penticton’s rich heritage will result in a more diverse and interesting place to live, work, play and visit.

The S.S. Sicamous is the most obvious and tangible connection to the City’s past, and is situated on the shore of Okanagan Lake near the mouth of the Okanagan River Channel. The SS Sicamous is designated as a Heritage Site and provides a strong visual reminder of the City’s historic reliance and attachment to both Okanagan and Skaha Lakes.



The S.S. Naramata is also located at the site, complimenting the S.S. Sicamous, and creating/enhancing the heritage area.

The Penticton Museum, located within the Library / Museum complex on Main Street, provides residents and visitors with a traditional array of local and regional historic artifacts and displays. The museum also provides programs complimenting the provincial school curriculum. Archives provide resources for students, researchers and scholars on the history of Penticton and the South Okanagan.

**3.1.9 Natural
Features and
Environment -
ally Sensitive
Areas Policies**

2. Promote policies, programs and initiatives that ensure the sustainability of our environment.
3. Preserve and enhance the ecological systems and diversity throughout the City.
4. Proactively address environmental issues with the City leading by example.
5. Incorporate environmental considerations in assessing growth management options, land use plans, transportation plans and development proposals.
6. To encourage good stewardship of land.

To achieve the above stated natural features and environmentally sensitive goals, the City will adhere to the following policies:

1. Will endeavor to work with environmental and habitat preservation groups such as South Okanagan Similkameen Conservation Program and the Okanagan Similkameen Conservation Alliance to further inventory environmentally sensitive areas and critical habitats.
2. Work towards preparing a strategy to conserve and manage environmentally sensitive lands in the City.
3. Continue to seek input on development applications from public environmental agencies where environmentally sensitive lands are concerned.
4. The City will encourage conservation organizations to acquire, for conservation purposes, land within the City that have important value.
5. Support the efforts of local conservation groups in enhancing fish habitat in Penticton and Ellis Creeks and the Okanagan River Channel.
6. Support efforts to naturalize Penticton Creek from Forestbrook Drive to Okanagan Lake.
7. Provide public viewing opportunities and interpretive and educational information at or near environmentally sensitive areas and critical habitat areas such as the Esplanade, the Climbing Bluffs, the oxbows, and Munson Mountain.

8. Continue to discourage new development within leave-strip areas adjacent to creeks and streams, except for works such as necessary public works, public paths and walkways, and creek restoration.
9. Consult with the Regional District of Okanagan Similkameen to address cross-boundary environmental and habitat issues.
10. The Esplanade and natural areas to the east of the yacht club shall be retained in their existing natural condition. Limited development may include soft edge trail enhancement, planting of indigenous species, interpretive signage, public seating and similar compatible features.
11. Protect and preserve known natural features and environmentally sensitive areas by designating them within the Environmental Protection Development Permit Area on Schedule "H" Development Permit Areas Development within the Environmental Protection Development Permit Area shall adhere to the guidelines outlined in Section 6.10 of this plan.
12. When the City of Penticton deems it necessary to determining habit value or identify environmentally sensitive lands within specific areas, the Habitat Atlas For Wildlife at Risk, prepared by the Ministry of Water, Land and Air Protection, and the Important Habitats Within the City of Penticton, prepared by Ophiuchus Consulting, should be used for reference.

3.2 Hazard Lands

Hazard lands within Penticton comprise a variety of lands for a variety of reasons. Hazard Lands include lands that are subject to forest fires, lands and slopes that are unstable and susceptible to sliding or slumping, lands that are within the flood plain, and lands that may be subject to sinking due to the non-structural nature of subsurface material.

3.2.1 Wildfire Interface

In conjunction with the Ministry of Forests, the city has prepared a Wildfire Interface map, which is outlined on Schedule "E" Hazard Lands Map. The map identifies the areas in Penticton that are within a forest fire hazard area.

3.2.2 Unstable Lands / Slopes

Lands within Penticton that have been identified as being unstable, include the silt bluffs on the east side, and slopes with grades in excess of 30%. Generally, these areas are considered to be dangerous for development. The silt bluffs, due to their soil composition, are unstable and susceptible to land slip and land slide.



3.1.7 Ravines / Wildlife Corridors

habitat. The oxbows are also noted on Schedule “H” Development Permit Area Map, as being within the Environmentally Sensitive Development Permit Area.

Within Penticton, there is a number of ravines that carve through the landscape on the east side Penticton that currently contain both permanent and intermittent creeks.

Although the size of the ravines vary, most are important as wildlife corridors,

providing necessary habitat for approximately half of the species at risk in the South Okanagan. The banks of a majority of the ravines can be characterized as having a Grasslands / Shrub-steppe habitat which has been identified as one of the key habitats in the South Okanagan containing species at risk. The bottoms of most ravines are often dominated by riparian vegetation, supporting riparian communities which are at risk.



Significant ravines and wildlife corridors within Penticton are noted on Schedule “D” Natural Features Map. The purpose of this designation is to heighten awareness of the sensitive nature of these areas and to ensure that any human activity and development adjacent to these areas is respectful of the fragile habitat. These ravines are also noted on Schedule “H” Development Permit Area Map, as being within the Environmentally Sensitive Development Permit Area.

3.1.8 Natural Features and Environment - ally Sensitive Areas Goals

The City’s goals with respect to the natural features and environmentally sensitive areas in Penticton are as follows:

1. To recognize the inextricable links between the long-term health of our natural environment, the economy and community livability.

diverse and is characterized by hills, ridges, ravines, silt bluffs, rock cliffs, and flood plains.

Skaha and Okanagan Lakes were created by the depressions left by melting glaciers and the area on which Penticton is situated is composed of glacial deposits and fluvial alluvium deposited by the Shingle and Shatford Creek watersheds located west of Penticton and the Ellis and Penticton Creek watersheds, located east of Penticton. Skaha and Okanagan Lakes are connected by the Okanagan River Channel.

Penticton is characterized by the relatively flat valley bottom and the relatively steep silt bluffs that exist on the east side of the city which rise up to 50 metres in height creating a fairly well defined escarpment separating the valley bottom from the uplands.

At elevations above the deposited glacial and fluvial alluvium, bedrock on the east side of Penticton forms dramatic cliffs which in some areas provide vertical or near vertical cliffs up to 200 metres in height. These rock cliffs have provided the City of Penticton with international status as a cliff climbing destination.

Existing and historic creeks located on the east-side of Penticton have carved dramatic ravines in the landscape which now provide important and valuable wildlife corridors and habitat. Historically, the Okanagan River, which connected the two lakes, meandered through the valley bottom, creating oxbows. Although the river was channelized in 1953, mainly as a flood control effort, many portions of the historic oxbows remain, and currently exist as habitat for fish, wildlife and waterfowl.

Agriculture continues to be an integral part of the income and lifestyle of those who reside on the fertile east bench lands in the direction of the community of Naramata and also on the bench lands south east of the Downtown, commonly referred to as Valley View.

The South Okanagan Valley is a special place in Canada. Its hot, dry summers, mild winters, beautiful lakes shape an ecosystem unique in the nation. The grasslands, wetlands, forests and towering cliffs and rock ridges help define the unique character of Penticton. The combination of these features defines an ecosystem that supports a

tremendous diversity of life with an impressive list of plant, amphibian, reptile, bird and mammal species.

“This area, with some of the greatest concentrations of species at risk in Canada is recognized as one of the Country’s three most endangered natural systems” South Okanagan Similkameen Conservation Program.

The City of Penticton is located in one of the four most endangered ecosystems in Canada. Many wildlife species reach their southern or northern limits in the Okanagan. For example, about 190 species of birds breed in the South Okanagan. Not only is this almost half the Canadian total, but probably the highest total for any area of similar size in Canada.

The City of Penticton contains three biogeoclimatic zones. These units are a system of classifying ecosystems based on climate, soil and dominant plant species. These zones include Bunchgrass, Ponderosa Pine, and Interior Douglas Fir, each of these are further divided into subzones. This classification system is important in forestry and wildlife management.

The physical land features and their relative locations have had an influence on the location, type and form of development in the City. The valley bottom has been the historic focus of development primarily because of its relative ease of development and proximity to transportation links. As demand for land for urban purposes increased, infrastructure extended and development began to emerge on the east benches in areas where agricultural potential was minimal.

Historic Community Development

Although it is believed that the first white settler traveled through the Penticton area in the early 1800s, development of the lands presently known as Penticton did not occur until after the Penticton Indian Reserve was established in 1865. In the 1890s, the town site of what is today Penticton, was surveyed and shortly thereafter, land in the town site was being marketed across the country as a fruit growing area. On December 8, 1908, Penticton was officially proclaimed as a District Municipality, and in May of 1948, Penticton was officially declared a City.

The first ship to travel on Okanagan Lake providing a connection to Okanagan Landing near current day Vernon occurred in 1890 by a ship called the Penticton. Subsequent ships providing passengers and cargo to and from the KVR railway terminal at Okanagan Landing included the S.S. Aberdeen, S.S. Okanagan, and the most famous, the S.S. Sicamous. The first ship to travel on Skaha Lake, connecting Penticton with Okanagan Falls, occurred in 1893.

5.7.2 Tourism Industry



The Okanagan Valley as a region, and certainly Penticton as a City, has developed into one of the premier four-season tourist destinations in Canada. Penticton's hot arid summers, in combination with snow-filled Apex Mountain during the winter months provides the ideal setting for all-season recreation.



In addition to Penticton's traditional summer and winter sports and recreation, Penticton believes that its environment and natural features will allow the City to capitalize on new and innovative forms of tourism to increase visitor attendance to the City and further bolster the tourism economy during the shoulder seasons. The City feels there are opportunities to develop and / or enhance eco-tourism including environmental interpretation and rock climbing at Skaha Bluffs, agri-tourism including the promotion of the wine industry, sport-tourism drawing on the international status of IronMan Canada, and cultural-tourism focusing on the City's abundance of arts and cultural festivals.



Tourism Industry Goal

The City's goal with respect to tourism is as follows:

1. To facilitate the expansion of new sustainable tourism opportunities that will bring more visitors to the City throughout the year.

Tourism Industry Policies

To facilitate or accommodate the above state tourism industry goal, the City of Penticton will adhere to the following policies:

1. The City will promote and encourage sport-tourism, agri-tourism, cultural-tourism, and eco-tourism businesses and opportunities to locate in Penticton, especially those that will increase tourism during shoulder seasons.

5.7.3 High Tech Industry

High Tech Industry Goals

2. The City will review the Zoning Bylaw to identify regulations that hinder or inhibit tourist businesses from developing or expanding to realize their maximum potential.
3. The City will support the Penticton Economic Development Commission, the Tourism Development Services Commission and the Penticton and District Wine Country Chamber of Commerce in their efforts to promote existing tourism and new tourism opportunities in Penticton.
4. The City will continue to upgrade the Convention Centre to provide a quality venue for tourist and business opportunities.
5. The City will make every effort to ensure that the environment is not adversely impacted by the increased human presence.

The climate and lifestyle offered by Penticton continues to be the primary reason that persuades high-tech industries to consider Penticton as a place to locate or relocate. The City of Penticton has recognized the tremendous advantages of possessing a healthy high-tech and telecommunication industry. To support and encourage the development of this industry, the City and School District #67 have entered into a joint venture to develop and make available to private users, a fibre optic network. The “dark fibre” high-tech infrastructure will have an open and unrestricted bandwidth, allowing users tremendous versatility and expandability.

Not only will this infrastructure support high-tech industries, the City is anticipating that the increasing number of affluent retirees and private sector opportunities will recognize the advantage of high speed and reliable global information connectivity, and will consider Penticton as a location for “e-retirement”.

Penticton’s efforts in high-tech infrastructure development is gaining Penticton a reputation as being an aggressive and progressive player in the “silicon vineyard”.

The City’s goals with respect to the high tech industry are as follows:

1. To attract and retain a healthy a high-tech sector that will generate high paying professional employment in clean

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www.wreckbeach.org

February 25, 2015

Penticton Mayor Andrew Jakubeit
and City Council
Penticton, B.C.
(Via e-mail: andrew.jakubeit@penticton.ca
250-809-2397 for Distribution to Council)

Penticton's Corporate Officer, Dana Schmidt -
dana.schmidt@penticton.ca or, 250 490 2405 -

Synopsis of Brief to Mayor and Council re Three-Mile Beach Naturist Use

Thank you for the opportunity to appear before you as part of a delegation with 3-Mile Beach naturists, Kevin Proteau and Richard Giles on March 2, 2015. I plan to leave you a copy of The World's Best Nude Beaches and Resorts along with a sample of the "Welcome" brochure we hand out at Wreck Beach. We print 10,000 at a time and they "fly" into visitor hands. With 400,000- tourists from 150 different countries, we need to communicate about the history, and clothing-optional etiquette of a clothing-optional naturist beach. Using Stats Can, and BC Tourism formulae, we calculated we generate millions of dollars annually not only locally, but provincially and nation wide in goods and services (accommodation, dining, transportation and so forth.)

In the management of a clothing-optional beach, Mr. Mitch Sokalski, Director of all the Parks under Metro Vancouver and Manager of West Area Parks for over twenty-five years responsible for the planning, operation and management of Pacific Spirit Regional Park including Wreck Beach from its inception "is open to anyone calling me to discuss how Metro Vancouver manages Wreck Beach." Inquiries City or Park officials may have, can be directed to Mitch's direct line at Metro Headquarters: (604)-432-6355..

First and foremost, the naturists of 3-Mile Beach wish to build in a compromise situation to avoid user conflict and discord so that naturists and area residents can exist peacefully and non-intrusively. We hope that through proper signage, we can avoid the surprise element of visitors haphazardly stumbling onto a clothing-optional beach. In a world torn by religious strife, we believe that those of us fortunate enough to be stewards of this marvelous gem of a beach can co-exist without body shame, religious groups included. TNS, for example has a Christian special interest group which Penticton religious organizations might wish to explore.

The naturists at 3-Mile Beach began mobilizing after the fencing, surveillance cameras and guards began monitoring Mr. Plinkowski's property. We deeply appreciated the Mayor in 2014 allowing naturist use of the City portion of 3-Mile

Judy Emily Williams, Page 2-Brief Synopsis

Beach for clothing-optional usage. We are only talking a very short distance here and clothing-optional naturist beaches exclude no one except due to their own biases.

After having taught high school special needs youngsters for 40 years, I wear many hats in the Naturist world and sit on many environmental boards having just finished 6 days in the Supreme Court of BC challenging a potentially environmentally-destructive provincial decision made without adequate public input. First and foremost, however, tonight I am here as the National/International Contact for the Three-Mile Naturist Committee (3-MNC). I am the Government Affairs and Public Relations Director for Canada's national naturist organization, the Federation of Canadian Naturists (FCN/FQN), and I am also the only Canadian to sit on the Board of Directors for the Naturist Action Committee (NAC), the political action arm of The Naturist Society and the Naturist Education Foundation (NEF). Finally, I am the long-time founding chair of the Wreck Beach Preservation Society. I have trouble shot at such beaches as Crystal Crescent in Nova Scotia, Beaconia in Manitoba, Brunswick Beach in B.C., Mazo Beach in Wisconsin, and Pirate's Cove in San Louis Obispo, California.

In addition to attached letters of support from Nicky Hoffman of The Naturist Society; Shirley Mason and Seth Paronick of BEACHES and South Florida Free Beaches; Keith Scott, Vice-President of the FCN based in Ontario, and Stephane Deschenes, former President of FCN and Ontario Bare Oaks Naturist Resort owner, I will address several key issues raised by Mr. Fraser and Mr. Pinkowski in their February 2. presentation to Council:

- 1) Interpretation or overbroad interpretation of the Canadian Criminal Code of Canada's Sections 173 (lewd acts) and 174-public nudity. Firstly, one must remember it is up to the Attorney General of each province to decide whether or not public nudity will be prosecuted and in BC, our AG has traditionally not prosecuted for mere nudity even if the "remoteness of the location is misjudged."**
- 2) The assertion that children have no place on a naturist or clothing-optional beach. I appeared before the House of Commons twice as the FCN Government Affairs officer to defend the rights of naturist parents to raise their children as naturists, including taking them to naturist beaches and resorts.**
- 3) The belief that naturists are a detriment to the surrounding area's real estate values. If an astute businessman were to develop a world-class naturist destination resort nestled in the orchards above the beach, what a boon to the entire area it would be with everyone enjoying the world-famous Okanagan sunshine and wines and the gem of a naturist beach below!**
- 4) Management of any beach, textile or naturist, begins with good and clear signage and includes washrooms and parking facilities with waste pick up from the tops of the cliffs because people are encouraged to pack out what they pack in.**

Judy Emily Williams, Page 3 -Brief Synopsis

**Judy Emily Williams,
Naturist Woman and Proud of It!**

Cc:

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B.E.A.C.H.E.S. Foundation Institute

Keeping Our Beaches Bare

Penticton Mayor Andrew Jakubeit
and City Council
Penticton, B.C.
(Via e-mail: andrew.jakubeit@penticton.ca
250-809-2397 for Distribution to Council)

February 25, 2015

As founder and "Mother of Haulover Beach," my husband and I spearheaded the effort with members of South Florida Free Beaches, began the win-win scenario for Miami, Florida by establishing a clothing-optional beach in an area of a beach-park in July 1991. It had few visitors mainly because it was riddled with crime before we established the 1/3-mile designated Naturist section of Haulover Beach Park. The Naturists took charge. It's been recognized internationally as one of the best 5 nude beaches in the world.

Naturists are self-policing and our volunteer Beach Ambassadors work hand-in-hand with law enforcement, Lifeguard Service and Miami-Dade County Parks personnel to keep the beach nearly crime free for 23 years. We have worked with the adjoining cities to Haulover Beach, local businesses and hoteliers to make this billion + dollar industry for our local community and tax revenue for Miami-Dade County and State of Florida.

Penticton 3-Mile Beach naturist activists from the 3-Mile Naturist Beach Committee have reached out to us to be available for consultation on the management of a clothing-optional naturist beach. We are concerned that your city may be contemplating trying to close a traditional clothing-optional beach used by nude sunbathers and skinny-dippers since 1929 under City jurisdiction. Not only that, we understand that two (one non-resident), real estate holders near the beach have asked the City to fine any persons found nude on that beach \$100.

South Florida Free Beaches and B.E.A.C.H.E.S. are dedicated to promoting the right of the public to enjoy beaches as nature intended and to help authorities understand the values and benefits of naturism, especially to tourism. Apparently your lovely Okanagan Valley draws thousands of tourists annually because of your sunny climate but also because of your international reputation as top-of-the line wine makers. It would be a shame to become known worldwide as a city that fined innocent naturists for celebrating the tradition of nude sunbathing and swimming started in the late 1920's.

I'm sure you want your tourist dollars to stay in the Okanagan in the form of wine purchases, accommodations, fine dining, entertainment, festivals and so forth. Naturists raise our children to celebrate their natural bodies and to be tolerant and respectful of others as well as the environment. This means they accept their fellow human beings regardless of age, body shape, or level of mobility. My daughter has gone on to become a neuro-oncologist and researcher. She genuinely believes that she is a better doctor because of being raised as a Naturist with its wholesome values and body acceptance. The saying in naturism is *"Body Acceptance is the Idea, and Nude Recreation is the Way."*

I'm willing to be patched into the March 2nd Council meeting to provide answers to any of your questions if they arise. This is an opportunity gain understanding and not to bow to locals who equate skinny-dipping with sex and therefore think that mere nudity automatically equates to illegal and uncivilized behavior.

BEACH EDUCATION ADVOCATES FOR CULTURE HEALTH ENVIRONMENT & SAFETY FOUNDATION
P.O. Box 530702 * Miami Shores, FL 33153 * 305-620-7090 * www.beachesfoundation.org * ExDirBEACHES@aol.com

B.E.A.C.H.E.S. Foundation's Mission Statement reads as follows:

Beach Education Advocates for Culture, Health, Environment & Safety Foundation Institute, Inc. is a 501 (c) (3) non-profit educational corporation. B.E.A.C.H.E.S.' four goals for our public beaches are explicit in its name: cultural diversity, public health, environmental conservation, and beach safety. While within the context of cultural diversity, B.E.A.C.H.E.S. is a strong advocate for designated public beaches for an equitable shared usage of beach resources by all user groups, insofar as a particular usage is not in conflict with the four goals of the Foundation. To achieve these ends, B.E.A.C.H.E.S. aims at establishing amicable and mutually beneficial working partnerships with government, business, and the public.

On February 11, 2015 B.E.A.C.H.E.S. sponsored a Unity Summit in Miami hosting naturist leaders from both Canada and the United States. Our purpose was to unite as an industry/movement and network with the business and provide management skills to levels of government regarding naturist beaches and other areas. Attached find Unity Summit Program

B.E.A.C.H.E.S. UNITY CONFERENCE CONCEPT

*Bringing the nude recreation industry/movement together for mega media-driven marketing events such as **The Celebrated Nude Art Festival** and actions to attract and educate the public, the tourism industry and lawmakers for creating a safe pro-growth environment for naturists and businesses on public and private lands.*

By continuing the clothing-optional tradition at 3-Mile, you will be creating a win-win scenario. I urge you to watch the attached You-Tube video clip of officials extolling the benefits of having a major naturist beach right in the middle of Miami Beach and top-free equality sunbathing for women. It makes good business sense for local governments to encourage rather than to discourage designated naturist areas. I specifically encourage your government to work with and support the organized naturist "friends of" groups to provide a supporting role in the care and management of these clothing-optional sites. Effective ways of doing so are through clear signage, provision of washrooms within walking distance, and garbage receptacles off the beach.

In Miami, Naturist organizations have a close working relationship with our government, local hoteliers and other businesses including restaurants, where naturists might stay when they visit our major Naturist beach, Haulover. The economic impact to our South Florida community from the tourists that visit Haulover generate over \$1.4 billion dollars annually and 11,000 jobs. These travelers come from around the world primarily from Europe and Canada with the large influx of Canadian winter snowbirds.

Standing willing to advise and consult,

Shirley Mason

Shirley Mason, Executive Director/Secretary

"Keeping our beaches bare"

a 501(C)(3) education and charitable nonprofit, incorporated in 1999
a Programming Partnership with Miami-Dade Parks & Recreation for Haulover Beach Park & Marina
Cell: 305-318-8821 (preferred)

Attachments: Economic Impact; Parks & Recreation letter; Ibis Romero letter; Unity Summit Program;
Joseph Pinon and William Lone video link: <https://www.youtube.com/watch?v=za2sotBZzAM#t=84>

Cc

Max.Picton@penticton.ca;
judy.sentes@penticton.ca;
Campbell.Watt@penticton.ca;
Andre.Martin@penticton.ca

BEACH EDUCATION ADVOCATES FOR CULTURE HEALTH ENVIRONMENT & SAFETY FOUNDATION
P.O. Box 530702 * Miami Shores, FL 33153 * 305-620-7090 * www.beachesfoudation.org * ExDirBEACHES@aol.com



March 24, 2010

To The Honorable Mayor and Commissioners of the City of Key West:

I am in writing in support of the City of Key West establishing a dedicated European-style clothing-optional naturist family beach. The reason we support an additional facility of this type in South Florida is that it would have a synergistic effect on visitations from the market segment that seeks out these style of amenities. We have learned that travelers that come from long distances, such as Europe, are more likely to visit South Florida if there are a variety of places that meet their recreational preferences.

The City of Sunny Isles Beach is contiguous to Haulover Beach Park's now world famous, designated clothing-optional beach, a Miami-Dade County Regional Park, which abuts our ocean side city line and is used by our city residents. This closeness made us sensitive to the possibility of beach user conflicts as well as knowledgeable of the benefits that can be attained from such a tourist attraction.

Based on our experience with Haulover Beach visitors, B.E.A.C.H.E.S. Foundation and its adjunct organization South Florida Free Beaches -- the two groups that mentor the beach -- our community has witnessed nothing but a positive economic impact and no user conflicts.

Our original concerns regarding behavior, crowd control and other issues a facility of this nature conjures, never materialized because of the fine cooperation between Miami-Dade Parks Department, the mentoring organizations' programs and the visitors themselves, to Haulover Beach.

Since the clothing-optional beach has existed, our community, which has a large tourist based economy and is a vacation destination, has been enjoying all the benefits that a million additional beach visitors each year have brought to an area. As a business and tourist-related industry association, we keep a pulse on all the components of the community. Weekly, we answer questions from concerns for safety to facilities available. We also respond to numerous inquiries for a clothing-optional beach and lodging arrangements.

Haulover Beach's naturist visitors have been responsible for increases in sales and resort taxes for the City of Sunny Isles Beach because of the increased business seen in our hotels, restaurants and shops. These increases have also resulted in increased employment for the hospitality industry catering to these tourists.

In essence, the decision by the community of Sunny Isles Beach and Miami-Dade County to continue the support for the designated clothing-optional beach at Haulover Beach is based on all the positive experiences these past years as well as the continued reliability of B.E.A.C.H.E.S Foundation and South Florida Free Beaches in their mentoring programs for this facility. These organizations know the international naturist market, how to reach them and have a stellar reputation. They have a proven track record for knowing how to manage and mentor a naturist beach to achieve the best results.

It is my recommendation that Key West move forward in its efforts to designate a naturist beach and work closely with the expert beach organizations. This added facility will see both communities in South Florida benefit from the increase in tourism, as tour operators and individual tourists take advantage of the both beaches in a single vacation market.

A handwritten signature in black ink, appearing to read "Ibis Romero". The signature is fluid and cursive, with the first name "Ibis" written in a larger, more prominent script than the last name "Romero".

Ibis Romero, CTC

Executive Director

Sunny Isles Beach Tourism and Marketing Council

ANNUAL ECONOMIC BENEFITS OF HAULOVER'S NATURIST (Clothing-Optional) BEACH - 2013

<u>ITEM</u>	<u>Annual</u>	<u>Average per diem</u>
Haulover Park user visits (1,5)	1,470,000	4,027
Percent naturist beach users (1,5)	88%	
Net naturist user visits	1,293,600	3,544

88% of Haulover Park naturist beach visitors from outside Miami-Dade County say that Haulover's naturist beach is the primary reason for their visit to Miami-Dade County. (2)

**Demographic Breakdown of
Naturist Users by Residence (2)**

	<u>Percent</u>	<u>Net User Visits</u>
Miami-Dade		
(local users)	13.9%	179,810
Broward / Palm Beach (6)		
(local users)	17.2%	222,499
Monroe / Martin / St. Lucie counties		
(7% local; 93% tourist)	8.7%	112,543
Elsewhere in Florida		
(tourists)	11.0%	142,296
USA outside Florida		
(tourists)	26.3%	340,217
Outside USA		
(tourists)	22.9%	296,234
Annual Local Visits		514,853
Annual Tourist Visits		883,412

Naturist Tourist Economic Impact (3)

	<u>Annual Naturist Tourist Visits</u>	<u>Per diem Benefit</u>	<u>Economic Impact Haulover Tourists</u>	<u>Average Nights Stay</u>	<u>Economic Impact Annual Total</u>
Direct Revenue Impact (per person)	883,412	\$273.19	\$241,339,427	5.88	\$1,419,075,831
Hotel Food & Beverage Tax - 2%	883,412	\$5.46	\$4,826,789	5.88	\$28,381,517
Tourist Development Tax - 2%	883,412	\$5.46	\$4,826,789	5.88	\$28,381,517
Convention Development Tax - 3%	883,412	\$8.20	\$7,240,183	5.88	\$42,572,275
State & Cnty Sales Tax - 7%	883,412	\$19.12	\$16,893,760	5.88	\$99,335,308
Employment: Leisure & Hospitality (4) 80 tourist = one job	883,412			<u>Avg. Tourists</u> 80.0	<u>Total Jobs Created</u> 11,043

NOTES:

- 1: Data Source: Miami-Dade Ocean Rescue (Lifeguard) Service and Park & Recreation Dept.
- 2: Data Source: B.E.A.C.H.E.S. Survey July 14-15, 2012 ° Haulover survey visitors: 119
- 3: Data Source: from Greater Miami Convention & Visitors Bureau Visitor Industry Overview (per diem benefit, average nights stay, taxes):
2013 *Tourism Industry in Greater Miami & the Beaches: Hotel Industry Recap by Smith Travel Research*
- 4: Data Source: Florida Department of Economic Opportunity (included in GMCVB Visitor Industry Overview)
- 5: Data Source: Park Dept. user figures derived from daily parking revenue, reflect daily visits, not total individual visitors.
- 6: Economic benefit of Broward & Palm Beach users not included due to lack of data. We are aware that many stay overnight locally, averaging 2.3 nights.

NOTE: Park Dept.'s estimates of Haulover Beach users do not include tourists and visitors who come to the beach using public transportation, private shuttles, handicapped drivers, bikes, or walk from area hotels and residences.

Prepared by Shirley Pickford-Mason 8/12/14

PROGRAM

ISSUE TOPICS, PRESENTATIONS AND DISCUSSIONS

Mission Statement:

Bringing the nude recreation industry/movement together for mega media-driven marketing events such as The Celebrated Nude Art Festival and actions to attract and educate the public, the tourism industry and lawmakers for creating a safe pro-growth environment for naturists and businesses on public and private lands.

<u>TIME</u>	<u>TOPIC</u>	<u>SPEAKER</u>	
9:15 AM	WELCOME & INTRODUCTION	SHIRLEY MASON	
9:45 AM	"THE WHY, THE HOW, THE WHO"	SHIRLEY MASON	10 MIN
10 AM	<u>WAYS & MEANS</u>		
	° GRANTS & GRANT WRITERS	DAVID PICHETTE	10 MIN
	— LOCAL GOVERNMENT	(M-DADE Cultural Arts & Tourist Dev. Councils)	
	° CROWD FUNDING	EARLY SHARES — A WRITTEN REPORT	
	° IN-KIND DONATIONS	MICHAEL ABRAMSON	10 MIN
	° PRIVATE DONATIONS /ANGELS/GIFTING	MICHAEL AND DAVID	5 MIN EA.
11:30 AM	EXPERIENCE NATURISM MIAMI STYLE	HAULOVER BEACH	
2:30 PM	UNITY SUMMIT RESUMES		
	<u>EVENTS & MARKETING</u>		
	° MARKETING RESOURCES	AMY ROSEN & RON SACHS	20 MIN
	& RELATIONSHIPS:	RON SACHS MEDIA (CALL-IN)	
	— MEDIA OUTREACH	"	
	—TARGETED DATA & DATA-BASES	SETH PARANICK	10 MIN
	— SOCIAL MEDIA MARKETING	BILL SCHROER, GEORGE OBERLE	10 MIN EA
	° THE CELEBRATED NUDE	SHIRLEY MASON	5 MIN
	PLAN AND EXECUTE ONE MEGA		
	PUBLIC SPECIAL EVENT EACH YEAR	FRITZ ROMEUS, ARTUNDRESSED	10 MIN
	TO GARNER INTERNATIONAL MEDIA	(ARTISTS, VENUES, PUBLIC'S INTEREST)	
	COVERAGE FOR A BETTER	WENDY METTS: NAT'L SPONSORS,	15 MIN
	UNDERSTANDING OF THE CLOTHES-FREE	CELEBRITIES, SPONSORS & VENDORS	
	INDUSTRY AND PERSONAL SOCIAL NATURISM	(BUDGET & INCOME FOR CELEBRATED NUDE)	
4:00 PM	BREAK		
4:15 PM	<u>TOURISM & LEGISLATION</u>		
	° TOURISM INDUSTRY OUTREACH	KATE CHUNKA, VISIT FLORIDA (CALL-IN) –	15 MIN
	° BUSINESS PARTNERSHIPS	NANCY TIEMANN	10 MIN
		RESORTS WORLD / GENTING GROUP	15 MIN
	° PRO-LEGISLATIVE DRAFTING	GARY MUSSELL (CALL-IN)	10 MIN
		RAMON MAURY (CALL-IN)	10 MIN
	° BUSINESS / GOV'T CONTRACTS	SHIRLEY MASON	5 MIN
5:30 PM	DINNER SERVICE	CATERED BY PEPPERMILL RESTAURANT	

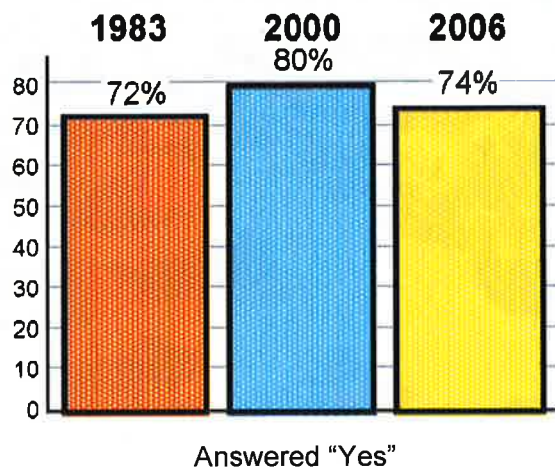
5:45 PM	<u>U.N.I.T.E. STRUCTURE</u>		
	° COUNCILS & COUNCIL LEADERS	BILL SCHROER	15 MIN
	° FINDING NUDE REC. PRO-BONO PROF'L TALENT TO SERVE	SHIRLEY MASON	5 MIN
	° COMMUNITY OUTREACH (INTERNAL)	SETH PARONICK	10 MIN
	° COUNCIL COMMUNICATION (CONF. CALLS, WEBINARS, SKYPE SERVICES)	BILL SCHROER	10 MIN

6:30 PM **BRAINSTORMING & VOTE**

8 PM **COCKTAIL PARTY AT DADDY O HOTEL**

SPONSORED BY:
DADDY O HOTEL ° BARE NECESSITIES
° B.E.A.C.H.E.S. FOUNDATION

Public Acceptance



Question:

“Do you believe that people who enjoy nude sunbathing should be able to do so without interference from local officials as long as they do so at a beach that is accepted for that purpose?”

—NEF national polls

“The citizens of Sunny Isles Beach walk and jog within a few feet of the length of the clothing optional beach and we have received virtually no complaints.”

—Norman Edelcup,
Mayor, City of Sunny Isles Beach

Economic Benefits



“...weekly our association office responds to numerous visitors’ inquiries on the clothing optional beach and requests for lodging...well over one million people visit the clothing optional beach...our local restaurants and retailers also financially benefit...”

—Ibis Romero,
Executive Director, Sunny Isles Beach Resort Association

“Haulover Park’s naturist family beach has been good for tourism...”

—Sally Heyman,
Miami-Dade County Commissioner,
former FL State Representative

Management Model



Apollo Beach
Cape Canaveral



Haulover Beach
Miami-Dade County



Gunnison Beach
New Jersey

Haulover Beach Ambassadors



"The South Florida Free Beaches Naturist Association has always worked cooperatively with park officials for the overall betterment of the park. The group developed...the Beach Ambassador Program *[that]* helps educate visitors with flyers stating park rules and beach etiquette."

—Vivian Donnell Rodriguez,
former director, Miami-Dade Parks & Recreation Department

The Corporation of the City of Penticton

Bylaw No. 2015-10

A bylaw to amend the Fire and Life Safety Bylaw

WHEREAS the City of Penticton has enacted a Fire and Life Safety Bylaw for the purposes of providing fire and life safety to the citizens of Penticton;

AND WHEREAS the *Community Charter* provides that a municipality may provide a service in an area outside the municipality;

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

1. Title

This bylaw may be cited as "Fire and Life Safety Amendment Bylaw No. 2015-10".

2. Purpose

Fire and Life Safety Bylaw No. 2004-57 is hereby amended as follows:

1. Delete 'City' under definitions section Part III and replace with the following:

CITY means the Corporation of the City of Penticton or other areas in which the Council has authorized the provision of services.

2. Delete 4.04(i) and replace with the following:

- (i) 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.

READ A FIRST time this 16 day of February, 2015

READ A SECOND time this 16 day of February, 2015

READ A THIRD time this 16 day of February, 2015

ADOPTED this day of , 2015

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Bylaw No. 2015-12

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 2015-12".

2. Amendment:

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

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).

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

READ A FIRST time this	16	day of	February, 2015
A PUBLIC HEARING was held this	2	day of	March, 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

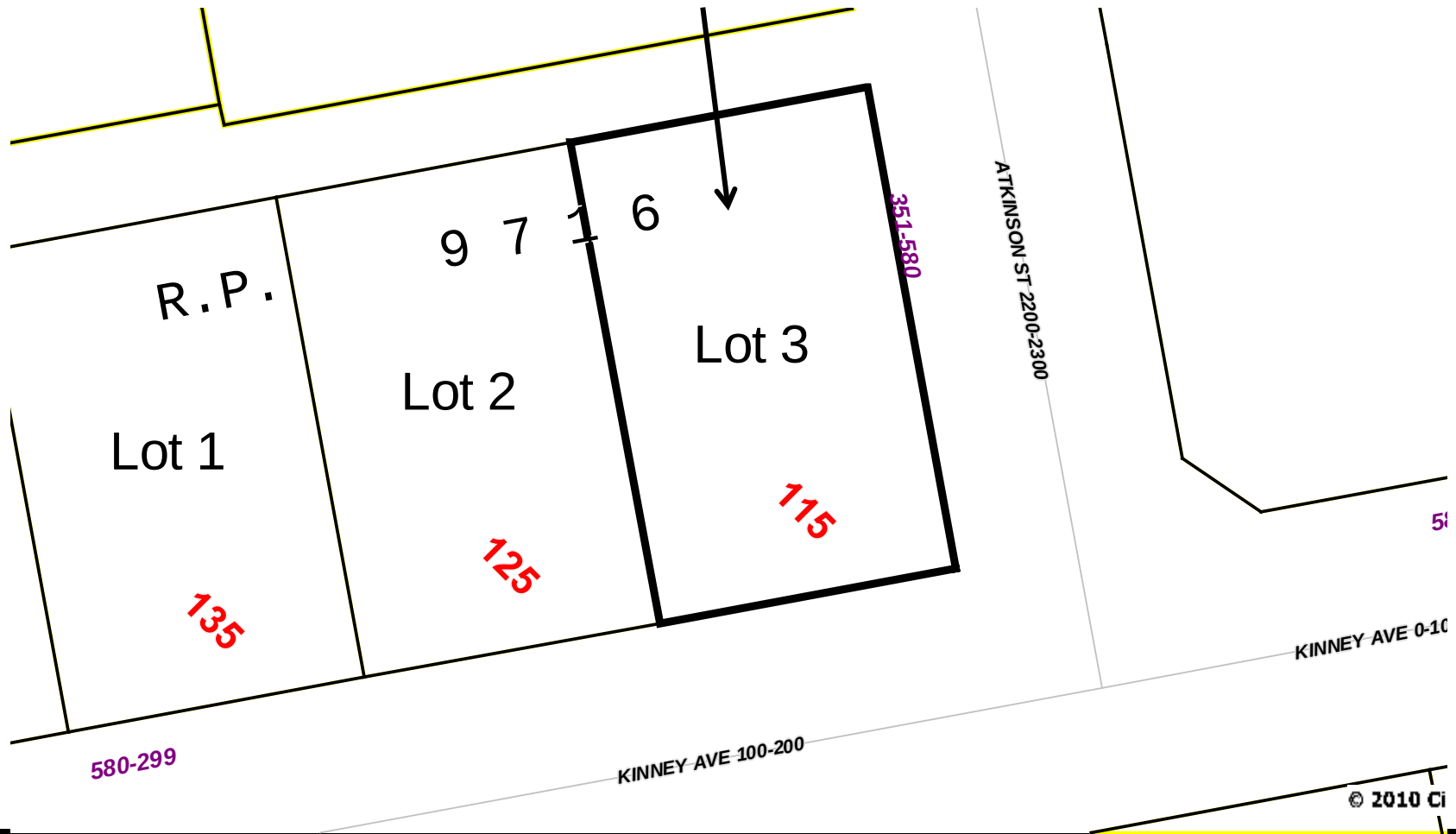
Notice of intention to proceed with this bylaw was published on the 20 day of February, 2015 and the 25 day of February, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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

- 43 -



City of Penticton – Schedule 'A'
Zoning Amendment Bylaw No. 2015-12

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March, 2, 2015
To: Mayor and Council
From: Colin Fisher, Chief Financial Officer
Subject: Three Mile Beach

File No:

Staff Recommendation

THAT Council receive this report and provide staff with direction of their preferences with respect to public uses of the Lake Okanagan beach area otherwise known as Three Mile Beach:

- A. Investigate amendments to the City of Penticton's parks bylaw to include provisions to regulate and levy fines for public nudity such as adopted by the City of Victoria in its parks bylaw,
- B. Investigate amendments to the City of Penticton's parks bylaw to include Penticton-specific provisions that control clothing optional behavior in public spaces,
- C. Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for all of Three Mile Beach,
- D. Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach,
- E. Investigating making provisions by way of special facilities at Three Mile Beach (e.g., berms, landscaping, etc) that would segregate uses such as a clothing optional area,
- F. Encouraging clothing optional behaviour to relocate away from 3 Mile Beach to alternative public space where neighbourhood acceptance exists,
- G. Conducting public surveys within the City of Penticton as a whole on the issue of clothing optional public space and/or the options listed above,
- H. Other solutions as deemed fit by Council,
- I. One or more of the above options/solutions,
- J. None of the above and remain the status quo.

Background

"Clothing optional" sunbathing has ostensibly been practiced at the Three Mile Beach area for many years. The proponents who have been in communication with the City have contended that they are well behaved, discreet, do not partake in behavior that, apart from being without apparel, would be deemed inappropriate in other venues.

In recent years, neighbouring residents have expressed concern about clothing optional uses at Three Mile Beach. In their delegation presentation to Council at its the public meeting of February 2, 2015, the opponents to the clothing optional uses purported that: property values have been reduced; lawful

enjoyment of the beaches is being reduced; the potential for children to be exposed to inappropriate activities; the area has been littered with debris of a sexual nature; and behavior of clothing optional users is inappropriate.

Analysis

In February 2015, the Mayor of the City requested that this matter be investigated by Operations Division staff. The Parks Department confirms this is a "C-level" beach in terms of maintenance resources; when the area is maintained, crews do not find evidence of inappropriate litter or behavior. In general terms, Three Mile Beach does not generate additional maintenance requirements beyond what is considered normal to City beaches, and given the amount of visitors to the area, it is kept in tidy condition by the users.

In a report from the Penticton RCMP, the police outline the challenges faced by them with respect to laying charges under the Criminal Code of Canada and indicates that without an applicable bylaw, law enforcement is left less than optimally equipped to deal with the situation and inappropriate behavior requires offenders to be "caught in the act", which is very difficult to achieve. RCMP have indicated that, with respect to clothing optional uses, the courts are increasingly reluctant to prosecute, and are further occasionally finding in favour of the nudists. Enforcement of this issue could prove to not be a prudent use of scarce police resources, and while clothing optional activities have begun to encroach into the family area of the Three Mile Beach area, it remains to be seen just how big an issue this is to the general public in Penticton.

Regardless of the ultimate decision and action plan undertaken by the City on this issue, any solution, whether policy or bylaw, cannot supersede the Criminal Code.

Attachments

Attachment A –Report by Kevin Hewco, Superintendent Regional RCMP Detachment

Respectfully submitted,

Colin Fisher
Chief Financial Officer

Approvals

City Manager



THREE MILE BEACH POLICING ISSUE

Issue: The area around 3 mile beach in Naramata, BC for years has had a secluded portion of this beach area where nude sunbathing was an acceptable practice and was tolerated as it was away from the family beach / private property portion.

Recently some of the supporters and active nudists have begun to encroach on the family area of the beach which is upsetting some of the local land owners and residents. As a result, the local land owners and residents have asked the local detachment and elected officials to support the arrest of those partaking in these practices. A petition with local resident's names has been generated in support of the land owner's position.

Background: Three (3) Mile Beach is located in the small community of Naramata which forms part of the rural area of Penticton but the actual beach is within City limits. According to many, three (3) mile beach has long been an area where nude sun bathing was an acceptable practice and was tolerated by those living in the area because these activities were done in a secluded portion of the beach area.

During the Summer of 2014 some of the local land owners took exception to these practices and sought support from the local detachment and elected officials to arrest those partaking. This debate and situation created a significant stir within the "nudist" support camp who sought public support via social networks. This has and will potentially attract more supporters to the area.

Calls for Police service in the past have amounted to less than 10 calls a year and some years even less. As of May 2014, calls had increased to 37 calls for service. Many of these calls were from the same people, group or sympathizers as the situation had escalated to the point that two distinct camps had been created. Police have responded to each and every one of these complaints and have dealt with them professionally and appropriately. Both sides of this issue have also since presented their concerns to Mayor and Council at public City Council meetings.

On every occasion where Police attended, anyone found to be nude was cooperative and immediately clothed themselves thus negating the need to affect an actual arrest. The courts are also reluctant to proceed by way of Public Nudity (s. 174 cc) pursuant to the Criminal Code and in fact several recent Supreme Court decisions have found in favor of the accused. Police have discussed the situation with the local Provincial Crown Counsel and they too are reluctant to proceed with a charge of Public Nudity (s. 174 cc) due to recent Supreme Court decisions. However Crown has conceded that should the elements be present to proceed with a charge and a report to Crown Counsel meets their charge approval standard they would entertain proceeding with a Criminal charge.

Police did forward a case for review by Crown Counsel and recently learned on February 22nd, 2015 that the circumstances surrounding this particular case did not meet their charge approval threshold.

Strategic Considerations: This issue is becoming problematic as it has placed demands on local emergency services within the community that may better be deployed elsewhere. With Summer approaching there is little doubt that the situation will once again be cause for concern.

Possible Options:

1. **Bylaw** – Creating a by-law would provide law enforcement a tool to use in order to address these types of situations on any of the beaches in the area. At present this situation has been contained to the 3 mile beach area but there is potential for it to spill over onto other beaches in the area. (The City of Victoria has a by-law to address public nudity on their beaches with a monetary penalty associated to it.)
2. **Criminal Code Enforcement** – Two Sections of the Criminal Code, Indecent Acts (S. 173) and Public Nudity (S. 174) exist that “may” have relevance in this matter however Police Officers must “find the subject(s) committing” in order to arrest. As indicated above, the Supreme Court of Canada has also created some case law with respect to these Sections which may have an impact on subsequent prosecutions.

Clearly, this is not the most prudent use of police resources during the already busy Summer season. It also remains to be seen exactly how significant an issue this is to the general public although some local residents obviously have a legitimate concern over the lawful enjoyment of their property. The Police and/or City By-law Enforcement Officers can only act with the legal “tools” they have at their disposal and ultimately defer to the wisdom of the law makers as to what these tools may be and how effective they ultimately are.

Respectfully submitted,

Superintendent Kevin Hewco
Officer in Charge, Penticton, South Okanagan, Similkameen
Regional RCMP Detachment.

Council Report

penticton.ca

Date: March 02, 2015
To: Acting City Manager
From: Ken Kunka, Building and Permitting Manager
Re: **Brewery Lounge Endorsement – The Cannery Brewing Company Ltd**

File No: 4320-50

Staff Recommendation

THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from The Cannery Brewery Company located at 198 Ellis Street for a Brewery Lounge Endorsement Licence.

Strategic priority objective

NA

Background

On February 16, 2015 Council directed staff (resolution 138/2015) to commence public notification of the proposed Brewery Lounge Endorsement Licence application for The Cannery Brewing Company and that staff report back to Council on the March 02, 2015 with the public consultation for Councils consideration.

Intent of Proposal

The City has received an application from Patt Dyck (Owner/Manager) of The Cannery Brewing Company which will be re-locating their operations from 118-1475 Fairview Road to 198 Ellis Street (Site Location - Attachment A). The new location is currently under construction, which will include interior and exterior lounge areas.

The brewery building will have a maximum occupant load of 150 persons. The proposed lounge occupant load is 110 persons with a 36 person exterior patio. The production area and lounge/retail will be separated from each other. (Floor Plan – Attachment B).

Their target markets will be local as well as tourists. They will also offer education sessions to expand the knowledge of craft breweries. The hours of operation proposed are of 10:00am to 11:00pm Monday to Sunday.

Site Context

The property is zoned C6 (mixed commercial use) with an OCP designation of Comprehensive Development. The property is located within a mix of commercial and residential properties (Site Map – Attachment A) and is surrounded by the following properties:

- East: mixed residential;
- North: mixed commercial;
- South: mixed residential, commercial;
- West: mixed commercial and residential Campus (downtown core).

There are 0 Liquor Primary and 3 Food Primary Licensed premises within a 2block (90 meter) radius of the property.

LCLB Legislation, Policy and Bylaw Review

Lounge endorsement:

Breweries and distilleries may apply for a lounge area. A lounge is an indoor and/or patio area on the licensed manufacturing site where patrons may purchase and consume the manufacturer's liquor. Applications are subject to local government/First Nation comment and public input, including consideration of hours of service and capacity.

Liquor Control and Licencing Act

Section 11 of the Liquor Control and Licencing Act requires the LCLB to consult local government on liquor licence requests of a prescribed class or category prior to issuance of such a licence, giving the local government an opportunity to provide comments and recommendation(s) and to gather views of residents within the area.

To comply with Section 53 of the Liquor Control and Licensing Regulation, the City must review and provide resolution within 90 days of the application. The following criteria are to be considered:

- The location of the Lounge;
- The proximity of the Lounge to other social or recreational facilities and public buildings;
- The person capacity and hours of liquor service of the Lounge;
- The impact of noise on the community in the immediate vicinity of the Lounge;
- The impact of the community if the application is approved.

Financial implication

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

Analysis

Technical Review

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on five specific criteria. In consideration of these criteria, the following information has been provided from the City's Liquor Licencing Technical Review Committee with regards to this application.

The location of the Lounge (Traffic):

- Ellis Street is classified as an Urban Collector Commercial route with maximum speeds of 30 km/hr.
- There is no on-site patron parking; however there is ample street parking along Ellis Street.
- There is a mix of commercial, industrial and single family within the consultation area.

There are no concerns with additional vehicular traffic. The Cannery should advise patrons not to park in the residential areas.

The proximity of the Lounge to other social or recreational facilities and public buildings;

- There are number of social and recreation facilities in the local area including:
 - o [FitKidz Gymnastics Club](#) (across the road);
 - o [The Oonakane Friendship Centre](#) (one block north)

There is no foreseen impact to existing social or recreational facilities based on the Brewery's business model.

The person capacity and hours of liquor service of the Lounge:

- The Lounge will have a limited number of patrons (interior and exterior). The production area will be separated from the Lounge areas with no direct flow between the two.
- The Brewery has obtained the necessary building permits and will be inspected by the Fire Department on a regular basis once occupancy is granted.

There are no concerns.

The impact of noise on the community in the immediate vicinity of the Lounge:

- The proposed hours will be 10:00 am to 11:00 pm.
- There are residential properties in close proximity to this location.

There should be no significant impact with the proposed operations of the Brewery. The Cannery should take pre-cautions to limit the potential noise impact in the evenings from the exterior patio.

The impact on the community if the application is approved:

- The proposal will complement the existing business model adding value to the existing community, downtown redevelopment and tourism within the City.
- Any potential impact to the surrounding neighborhood will be governed by the City's existing Bylaw regulations.

Public Consultation

As per Section 11 of the Liquor Control and Licensing Act, the City is required to gather comments or concerns of the residents within the area of the proposal. A notice of application and request for comment was mailed out to the business owners and residents within 90m of the subject property (Attachment A). Public Notice Signage placed along Ellis Street and two public notices were placed in the local newspapers.

As a result, there have been no letters or comments received at the time of this reports completion. Citizens are also provided the opportunity to comment on the application the day of the regular Council meeting held March 02, 2015.

LLTRC Recommendation:

Based upon the comments received by the Liquor Licensing Technical Review Committee and consultation with staff and public, it is recommended that the proposed application be supported.

Council can choose to support the application as is or modify the request with further restrictions such as use or hours. Should Council deny the application then the applicant will be informed of Council's decision and a Council resolution outlining the reason for denial is forwarded to the LCLB.

Alternate recommendations

1. THAT Council deny support of The Cannery Brewing Company Lounge Endorsement application.
2. Refer back to staff for further review.

Attachments

Attachment A – Location – Public Consultation map

Attachment B – Floor Plan

Respectfully submitted,

Ken Kunka
Building and Permitting Manager

City Manager

CL

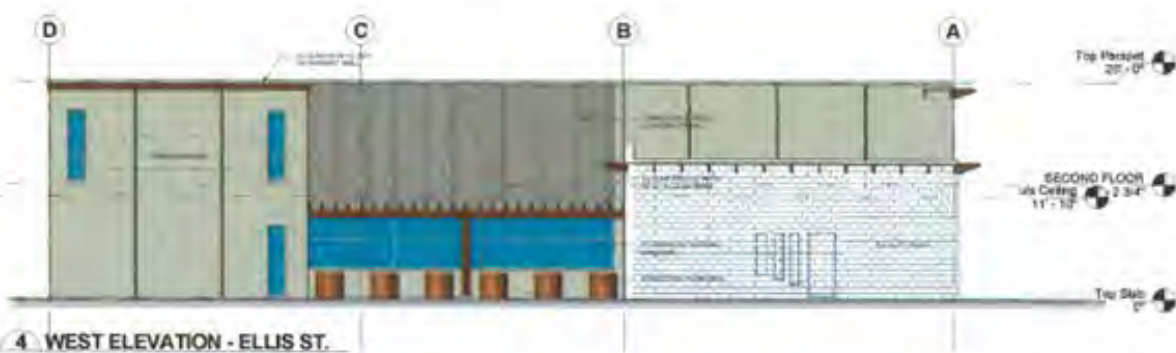
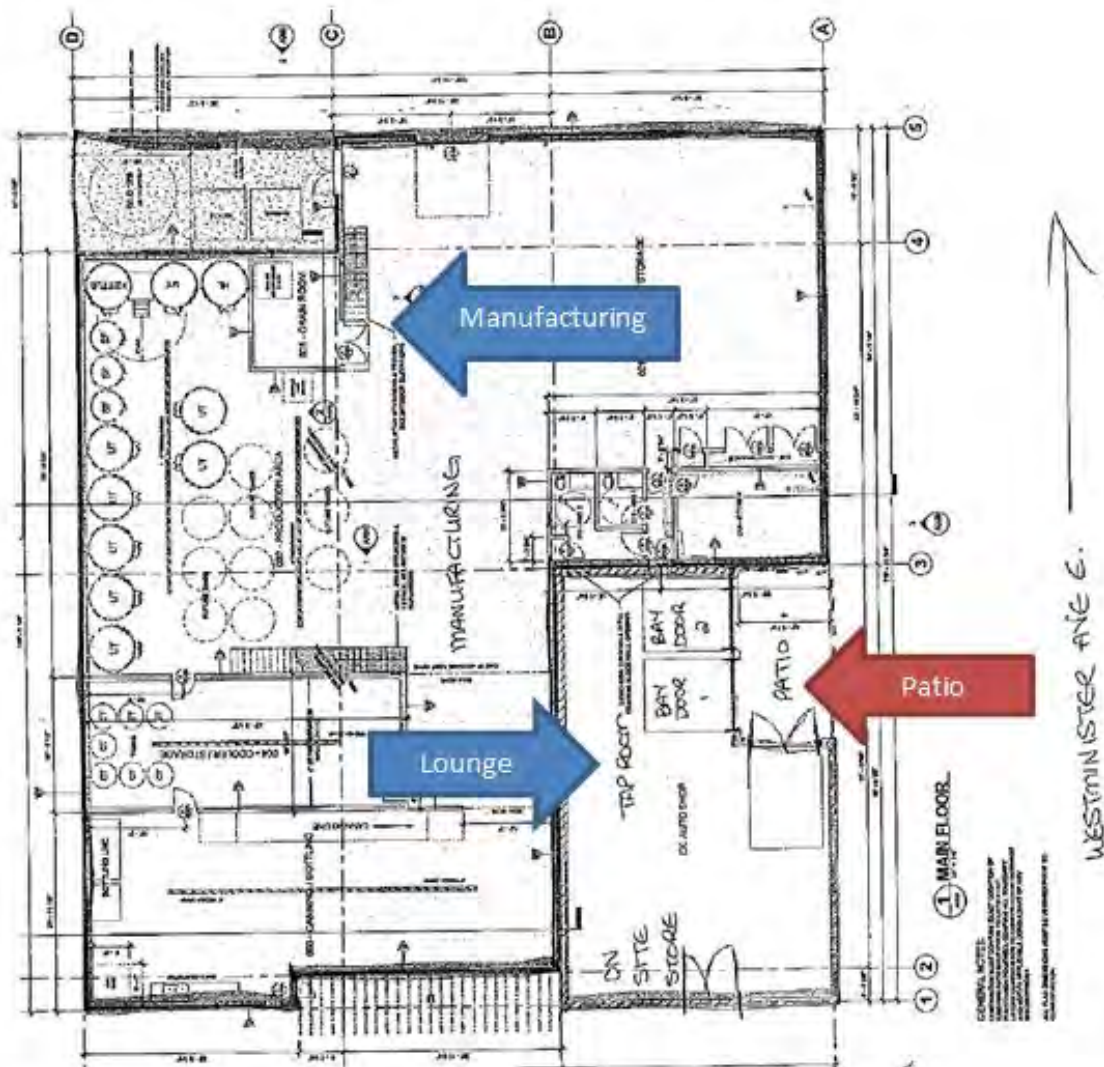
Attachment A

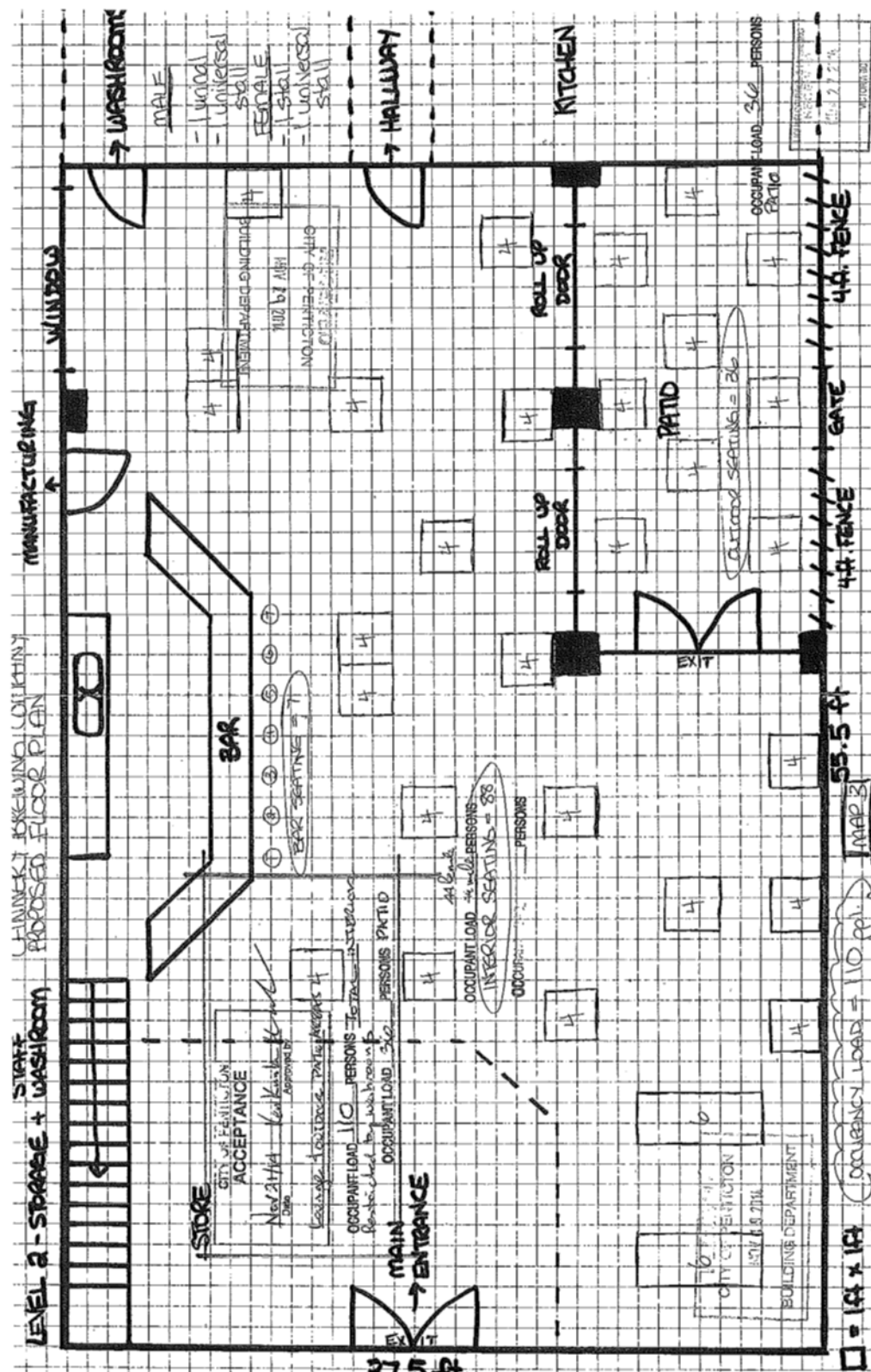
Location and Public Consultation Map

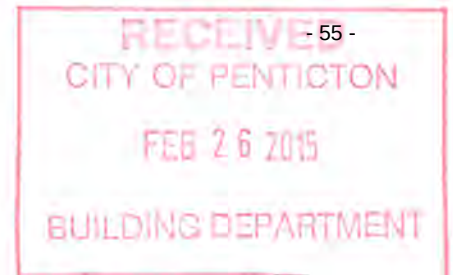


90m Radius Consultation

Attachment B Floor Plans







February 20th 2015

217, van Horne Street
Penticton BC
V2A 4K3

Penticton City Council
Building and Permitting Manager
171, Main Street
Penticton B.C.,
V2A 5A9

Dear Mr. Kunka,

**RE – Application for Cannery Brewing Company
Lounge Endorsement.**

I have owned my house at 217 van Horne Street for over 10 years and I chose it for its quiet location and lack of through traffic.

My concern re the lounge endorsement for the new Cannery Brewing Company is chiefly about the increase in traffic and the implication it has for parking on van Horne Street.

Already during the tourist season and when the Farmers' Market is operating, the traffic in the area becomes an issue for local residents. It is difficult to turn onto Ellis Street at Westminster Avenue, and traffic often travels above the speed limit especially heading north on Ellis, making it hazardous, as the vehicles appear quickly over the bump over the bridge. It is made worse when there are a lot of parked vehicles along Ellis Street.

I can only see this getting much worse with the addition of the Cannery Brewing Company. I believe there is no onsite parking for customers, meaning they will spill over into the side streets around the facility.

I have mobility issues and it will be a major problem if I am forced to park blocks from my house. I think it is imperative to create Resident Parking Only in the immediate vicinity of the Cannery, on van Horne Street and Westminster Avenue East. I also believe the intersection at Ellis and Westminster Avenue East would need to be upgraded, and pedestrian safety addressed.

Thank you for listening to these concerns and I trust they will be addressed in a satisfactory manner

Sincerely

Anne Reinders

Council Report

penticton.ca

Date: March 2, 2015
To: Acting City Manager
From: Ken Kunka, Building and Permitting Manager

File No: 4320-50

Subject: 2015 Special Occasion (Beer/Wine Garden) Licence Applications

Staff Recommendation

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

Organization	Event Location & est. attendance	Beer Garden or Whole Site License	Event Dates Requested	Event Operating Hours	Number of Event Days
Okanagan Fest of Ale (19th Annual) (re-occurring event)	Penticton Trade and Convention Center (7500) (500 outdoor)	Indoor and outdoor vendors	April 10 April 11	1:00pm to 3pm (industry) 3:00pm to 9pm (public) 12:00pm to 6:00pm	02
- Initial approval granted Jan 12, 2015 Resolution 87/2015. Amendment requested to add exterior vendor area. Layout and community impact statement - Attachment B. - Final security layout and occupant load to be confirmed with City Penticton Fire Dept, RCMP and Local Liquor Inspector prior to event opening.					
South Okanagan Little League (2nd year event)	Lions Park (500)	Beer Garden	May 16 May 17 May 18	10:00am to 10:00pm 10:00am to 10:00pm 10:00 to 10:00pm	03
Penticton Harlequins RFA Re: Rugby Tournament (reoccurring event)	McNicoll Park (200)	Beer Garden	June 13 June 14	10:00am to 6:00pm 10:00am to 6:00pm	02
Lions Club of Penticton Re: Elvis Festival (reoccurring event)	Okanagan Lake Park (500+)	Beer Garden	June 26 June 27	5:00pm to 10:00pm 11:00am to 8:00pm	02
Peach City Beach Cruise (reoccurring event)	Okanagan Lake (4000)	Beer Garden	June 26 June 27 June 28	11:00am to 11:00pm* 11:00am to 11:00pm* 11:00am to 11:00pm*	03
Canada Day Downtown Penticton Association (2nd yr. liquor event – Cue's catering license)	Gyro Park (3000)	Beer Garden	July 01	12:00pm to 10:00pm	01

Penticton Scottish Festival Society	Kings Park (2000)	Beer Garden	July 4	10:00am to 10:00pm	01
Prospera Granfondo Axel Merckx Events (reoccurring event)	Gyro Park (3000)	Whole Site (see map attachment C)	July 12	11:00am to 4:30pm	01
Rotary Club of Penticton Car Show (new SOL to event)	Rotary Park (2500)	Whole Site (see map attachment D)	Aug 1	11:00am to 4:00pm	01
Challenge Penticton (reoccurring with new location)	Okanagan Park (3000)	Whole Site (see map attachment E)	Aug 28 Aug 30 Aug 31 Aug 30	5:00pm to 9:00pm 12:00pm to 12:00am* 12:00pm to 7:00pm 12:00pm to 9:00pm	03
Penticton Harlequins RFA Rugby Tournament (reoccurring event)	McNicoll Park (200)	Beer Garden	Sept 12 Sept 13	10:00am to 6:00pm 10:00am to 6:00pm	02
Total Days					21

***Afterhours: (typical closure for outdoor is 10:00pm) – Special Exemption application will be required with LCLB. This resolution will provide City support of late hour's event requests.**

Background

Pursuant to the Role of Local Government and First Nations in the provincial Liquor Licensing Process (updated March 2012), all public special occasions require the approval of both the responsible local government or First Nations and the local police authority.

In June of 2014, amendments were introduced for “whole site” licensing allowing patrons to move through the secured event area instead of being restricted to a fenced beer garden area (Ministry Policy directive No. 14-14 – Attachment A). The policy also defined the term “major events” for events with over 500 persons, which would require additional regulations to operate. There three major events requesting whole site licences.

Approval of policy exemptions

LCLB Policy exemption requests to extend hours or have spirits at a public event must be approved by the local government or First Nation and police authority before the branch will process these requests. SOL applicants may request policy exemptions from LCLB to do the following at their event:

- extend the hours of a special occasion beyond 10 p.m. for outdoor events or 2:00 a.m. for indoor events
- sell hard liquor (spirits) at a public special occasion
- charge more for drinks than specified in the price schedule to raise funds for charity
- hold more than two SOLs per month or 24 per year

Individual notices, inclusive of the City's regulations and application for public occasion liquor licenses, were forwarded to all of last year's licensees. Notices were also placed in the Penticton Western News Advertiser inviting all community organizations to apply for their liquor licenses prior to the deadline of Friday, Feb 20, 2015.

The City's Liquor Licensing Review Technical Committee (LLRTC) was provided with an opportunity to comment on the applications received. The Fire Department has brought forward one concern related to the Fest of Ale outdoor vendor area. Their concerns will be finalized prior to the opening of the event.

LLRTC terms of reference

- (a) Role of Local Government and First Nations in the Provincial Liquor Licensing Process
- (b) Liquor Control and Licensing Branch Guidelines
- (c) City of Penticton Beer/Wine Garden Licensing Application

Staff has also been working on redeveloping the City's SOL policy to transfer reviews to the Recreation department in order to streamline review processing while still ensuring the needs of the community are met. The revised process will not require involvement of the LLRTC and council for standard re-occurring events. Larger new events, particularly with whole site licensing, will be vetted through a liability matrix and may be brought before Council for resolution.

Financial implication

Sporting and Social events provide positive gain to the City and social groups through tourism and charitable donations to many non-profit organizations. In 2014 over \$100,000 was raised for charitable organizations.

Alternate recommendations

Deny the 2015 beer-wine garden license applications.

Attachments

Attachment A – Ministry Policy Directive No.14-14 – Temporary licence extensions
Attachment B – Fest of Ale – exterior layout
Attachment C – Granfondo – whole site layout
Attachment D - Rotary car show – whole site layout
Attachment E – Penticton Challenge – whole site layout

Respectfully submitted,

Ken Kunka ASCT, RBO
Building and Permitting Manager
LLRTC Chairperson

Approvals

Acting City Manager

CL

Attachment A
LCLB Policy Directive No.14-14



Liquor Control and Licensing Branch
POLICY DIRECTIVE
No: 14 - 14

Date: June 25, 2014

To: All LCLB Staff
All Industry Associations
All Local Government, First Nations, and Police Agencies

Re: **Temporary licence extensions**

Introduction

On April 28, 2014, a policy directive was announced to implement new policy regarding whole-site licensing of special occasion licenses (SOL). The new policy generally allows whole-site licensing, but allows the Branch discretion to impose beverage gardens if it is in the public interest to do so. New policy was also announced to allow spirits, but not shooters at these SOL events.

A temporary licence extension (TLE) involves similar considerations to those of SOL events. This policy directive harmonizes TLE policy with new policy regarding SOLs to allow whole-site TLEs except where it is in the public interest to impose beverage gardens. This directive also outlines the service and sale of spirits, and restricts shooters from service or consumption in the TLE area.

Present policy

Existing Branch policy regarding TLEs does not specifically define the circumstances in which a beverage garden may be imposed. Applicants for TLEs are asked to describe the perimeter of the TLE area and how they intend to constrain it. However, the Branch generally does not request details that may necessitate a beverage garden and there is no specific policy requirement for inspector involvement.

Existing Branch policy allows for alterations to the terms and conditions of a TLE on a case-by-case basis, although generally spirit drinks are permitted in extended areas. Shooters are generally not expressly prohibited from extended areas.

New policy

- Whole site licensing is generally permitted for TLEs. For TLE events of 499 people or less (defined as "routine events"), licences will be granted without liquor inspector involvement and beverage gardens will generally not be required.
- Whole site TLE licensing is permitted for events of 500 persons or more (defined as "major events"). Beverage gardens may be imposed if deemed necessary from a public safety perspective.
- TLEs will be allowed on property which is owned or leased by a third party, with permission from that party and, for liquor primary applications, comment from the local government/First Nations as to the public safety of the event.

- Unlicensed physical separations between the primary licensed area and the TLE will be allowed, but patrons will not be allowed to carry liquor between licensed areas across unlicensed areas. There is an expectation that any separation between licensed areas be limited to a short walking distance, as determined to be reasonable by licensing staff.
- Only one TLE will be allowed if there are multiple licensees seeking a TLE over common areas. Priority will be granted on a first-come-first-served basis. Multiple kiosks for food and liquor service may be permitted under that TLE.
- Changes to terms and conditions for the purposes of the TLE will be made on a case-by-case basis.
- For routine and major events local government/First Nations may impose restrictions on a TLE.
- The licensed area must be appropriately bounded during an event.
- TLE events may sell all liquor products within the same serving size limitations as under the existing primary licence. The one exception is that licensees will not be permitted to serve shooters in TLE areas, as these are designed for rapid consumption and tend to promote over-consumption and intoxication.

Approval process for Major TLE events

- For routine events, the applicant should identify the proposed area for the TLE on a site map and/or floor plan submitted with the Temporary Change to a Liquor Licence application.
- For major events of 500 or more persons, in addition to the site/floor plan, the licensee must include a security plan, and:
 - Whole site licensing is the default position.
 - Liquor inspectors will evaluate overall TLE risk by reference to a risk analysis tool (RAT) and Excel interactive worksheet, publicly accessible for review: <http://www.pssg.gov.bc.ca/lclb/docs-forms/sol-risk-assessment.xls>.
 - Application of the RAT may result in the requirement for a fenced or cordoned-off service area.
 - The liquor inspector applies the RAT and makes a recommendation based on the outcome and other considerations as appropriate.
 - If the liquor inspector concludes that it is necessary in the public interest to disallow whole-site licensing and to impose a beverage garden, the inspector will write a recommendation to the Regional Manager for approval.
 - Where a fenced service area (beverage garden) is required the liquor inspector should engage with the licensee to
 - demonstrate the tool,
 - discuss the values entered,
 - print out a copy for the licensee's records, anddiscuss with the licensee what may be changed to reduce risk to an acceptable level so a fenced service area may not be necessary.
 - A licensee is free to have a beverage garden on its own regardless of the RAT outcome.
 - Compliance and Enforcement staff will provide the decision to the Licensing Division who will be responsible for issuing the temporary change approval

letter, incorporating the necessary terms and conditions including whether the TLE requires a beverage garden .

- The application process for routine events and for major events will be: licensee obtains land owner/lessee permission first; licensee submits application to Branch with proof of permission to use; licensees must obtain comment from local government on the public safety of the event (comment required only for LPs), which, in order to expedite Branch approval, should be obtained before licensees submit their application to the Branch; inspectors review and obtain RM approval.
- The difference in process between routine events and major events is in the degree of inspector involvement: for routine events, approval will be granted without directly involving liquor inspectors, and beverage gardens will generally not be required.
- For routine events, inspectors will continue to provide comments to Licensing staff and may impose specific security measures if it is in the public interest to do so. Upon receipt of a TLE application, licensing staff notate POSSE to notify appropriate inspectors for comment. Generally, licensing staff will add the requirement as a term and condition of the TLE without the needed approval of the DGM, Licensing. If the recommended requirement is unique or extraordinary, the DGM must approve the term and condition.
- For major events, inspectors are required to make a recommendation based on a review of the licensee's security plan.

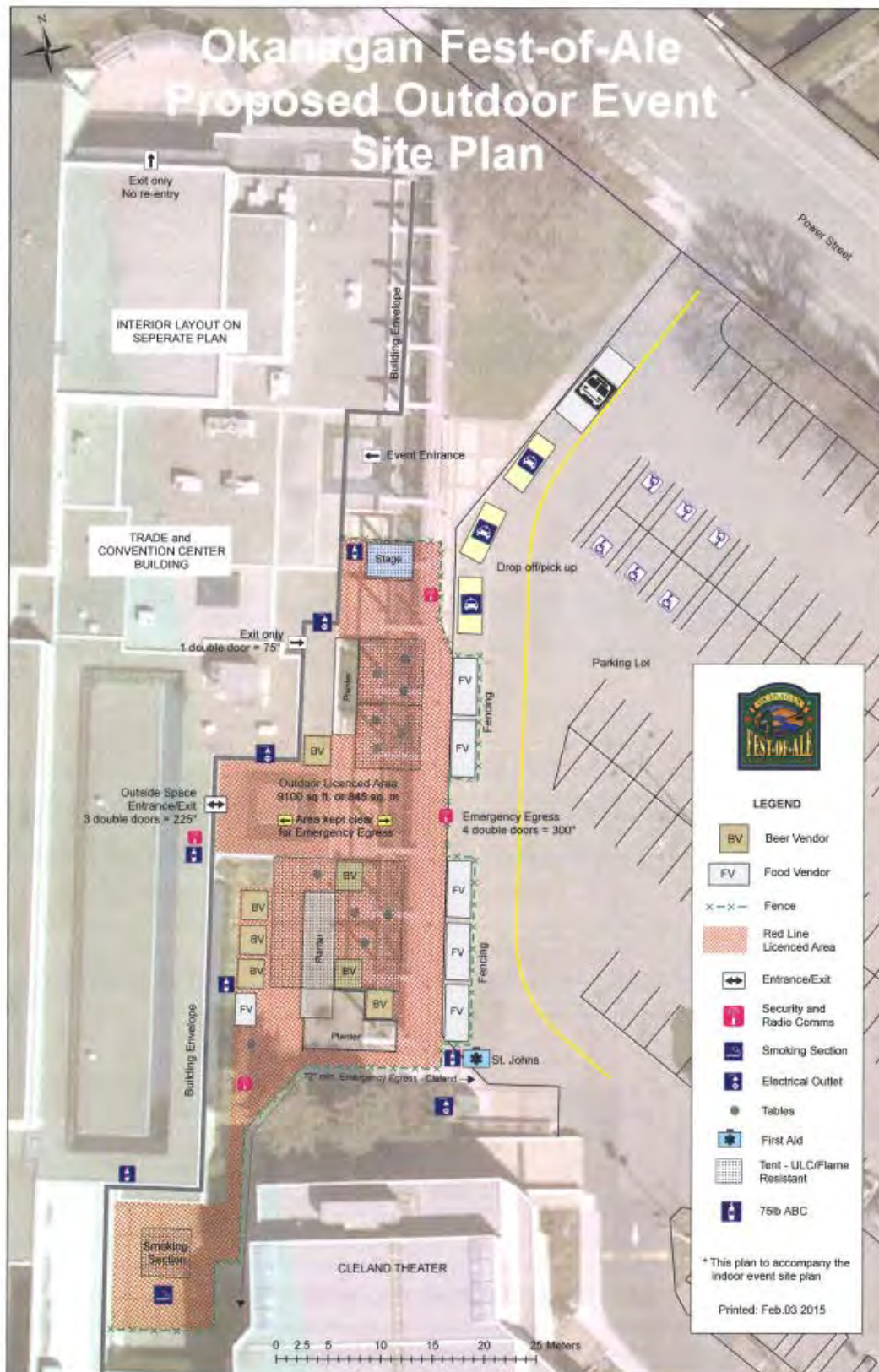
Further Information

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at <http://www.pssg.gov.bc.ca/lclb/>. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Original signed by:

Douglas Scott
Assistant Deputy Minister and General Manager

Attachment B Fest of Ale – new exterior vendor location



Attachment C
Granfondo – Major event - whole site licence



Attachment D Rotary Car Show – major event - whole site licence



Attachment E
Penticton Challenge – major event - whole site licence

CHALLENGE PENTICTON – 2015 – ATHLETE VILLAGE – OKANAGAN LAKE PARK.



— Security Fencing
 — Park Access

— Expo Area
 Barricade fencing on both sides of run course

Alcohol available at the beverage bar inside the marquee tent, between 5 and 9pm on Friday night, **August 28th**, for the Challenge Welcome Night Dinner.

Alcohol served in the VIP area from 12pm to 12am, on Sunday **August 30th**.

Alcohol available for purchase at the Beverage Bar, adjacent to the VIP area from 12pm to 12am on Sunday **August 30th**.

Alcohol available at the beverage bar inside the marquee tent, between 12 and 7pm on Monday, **August 31st**, for the Challenge Awards Ceremony and Volunteer Appreciation Party.

Council Report

penticton.ca

Date: March 2, 2015
To: Chuck Loewen, Acting City Manager
From: Shawn Filice, Manager – Electric Utility
Subject: Disconnect – Reconnect Fees and Options

File No:

Staff Recommendation

THAT Council receive the report entitled “Disconnect-Reconnect Fees and Options” dated March 2, 2015.

Strategic priority objective

N/A

Background

During 2015 Budget deliberations council raised questions regarding the \$68 fee found on Line # 17 “Electric disconnect/re-connect fee (for non-payment during City hall hours) of Appendix 7 of the Fees and Charges Bylaw No. 2014-07 along with the underlying volume of activity related to this fee.

On January 12, 2015 Council adopted the “Fees and Charges Amendment Bylaw No. 2015-01” (See Attachment A).

Fees

Staff conducted a detailed review of the fees contained in Bylaw No. 2015-01 (Appendix 7- Electric Utility Fees). As can be seen in Table 1 the fees charged by the CoP are in-line with other electric utilities:

Electrical Utility	Connection Fee for Move-in	Disconnect / Reconnect Fee	Disconnect / Reconnect at Pole or Transformer
Penticton	\$30 for next day (Proposed \$40) \$42 for same day (electric only) (Proposed \$52)	\$68 during regular hours \$97 for after hours without callout	\$204 for non-payment disconnect \$319 reconnect after hours with call-out (Proposed \$405)
FortisBC	\$100	\$200	At Cost, Approx. \$600
BCHydro	\$12.40 + Deposit	\$125 during regular hours \$355 for after hours	No Data
Summerland	\$72	\$72	\$180, At Cost for After Hours
Nelson	No Data	\$35 in City	No Data

		\$55 for Rural	
Grand Forks	\$50	\$100	No Data
Ontario	\$30	\$65 for reconnect during regular hours \$180 for reconnect after hours	No Data

Table 1: Comparison of Connection, Disconnection and Reconnection Fees

Volume

As can be seen in Table 2 the CoP averages 8,000 meter interactions per year (or 660 per month).

Year	Non Pay Disconnect	Move Out Disconnect	Move In Connect	Total
2012	1,166	3,221	3,310	7,597
2013	1,371	3,124	3,350	7,845
2014	1,399	3,388	3,607	8,394

Table 2: 3-yr historical volume of Connection, Disconnection and Reconnections

In addition to the above noted internal and external fee comparisons, staff reviewed its current practices against alternate methods to achieve the same results while mitigating the volume of manual disconnects/reconnects.

Administrative Options

1. Status Quo

Continue to charge the \$68 administrative fee for dealing with delinquent accounts. This fee is calculated using 1 hour of labour and trucking plus the standard 18% administrative fee to disconnect and reconnect a customer for non-payment. From Table 1 above it can be shown this \$68 fee is just and reasonable with respect to other jurisdictions.

2. Do not disconnect for move ins/outs

Currently the CoP automatically disconnects power to residences when customers move out. Consideration was given to the concept of allowing customers a pre-defined grace period (i.e. 1 week) to come in and set up a new account before dispatching crews to disconnect power.

Comments – This proposal does not save the City money it just transfers to costs from the field to the office. This option is not being recommended.

3. Collect Deposits

Consideration was given to collecting deposits from customers opening new accounts. These collected funds would be used to address unpaid accounts and related disconnection fees. These deposits could be refunded to customers after they had proven a pre-determined good payment history, i.e. 6 months, and the need for a deposit could be waived with reference letter, i.e. experience history, from a previous utility.

Comments - The administration that goes into managing a deposit system is vast and it adds a great deal of workload. This practice was discontinued by Council in 1982 for several reasons (See Attachment B) and is not being recommended.

4. Transfer Arrears

Other utilities have policies allowing them to transfer unpaid balances from one account in a customer's name to any other account in the same customer's name, irrespective of the rate classification or whether or not other names appear on the account

Comment – The CoP does not allow a customer to apply for service if they have existing debt (even if the landlord has paid it, the customer must pay the CoP and the landlord is refunded). If a customer moves from one property to another and does not pay, the CoP will either transfer the amount directly to the customer's new account or the CoP will disconnect the customer off at his/her new residence until any arrears are paid.

5. Continuous Service Agreements

Landlords sign a letter allowing the automatic transfer of the account into their name when tenants leave. This would avoid the disconnect/reconnects, related connection fees and no loss of energy

Comment - This is offered as an optional service to CoP landlords, it is called a "leave on authorization" and has limited up-take.

Technological Options

1. Remote Disconnects/Reconnects

Technology is under development to provide the ability to remotely disconnect/reconnect meters. In the future, it will be possible for the customer service representatives located in the downtown office to remotely disconnect and reconnect customers without having to deploy field resources.

Comment – Preliminary investigation has found the total capital cost associated with deploying this option ranges from \$60,000-\$80,000 with an ROI of 5-7 years. As this technology is not yet available and as the feasibility for the 2015 fixed meter reading infrastructure project has not yet been completed it is premature to pursue this option. Staff will report back to council when this study has been completed.

2. Pay As You Go

Meter technology exists that allow for the use of pre-paid swipe cards and/or internet access whereby the customer purchases energy credits on their account and when the account is depleted the meter automatically disconnects. Use of this technology eliminates all bad debts, disconnection/reconnection processes, fees, etc.

Comment – These meters do exist and are used in other parts of the world, however, they are currently not approved for use in Canada by Measurement Canada. The fixed fees associated with deploying this technology are not yet known and staff will continue to work with vendors to explore their deployment in Penticton.

Financial implication

The 2015 budget includes approximately \$89,000 in recoveries related to disconnections for non-payments. This is based upon a 3-yr historical average disconnection for non-payment volume of 1,312 per year @ \$68 per occurrence. Any change in either the volume or the rate will impact the 2015 Budget.

The current \$30 next day reconnect fee is underfunded by approximately \$10 per instance, or \$40,000 per annum.

The 2015 budget does not include the \$60,000-\$80,000 required to implement any of the Technological Options.

Analysis

N/A

Alternate recommendations

N/A

Attachments

Attachment "A" – January 12, 2015 Council resolution (82/2015)

Attachment "B" – November 9, 2009 Council resolution (1187/2009)

Respectfully submitted,

Shawn Filice, MBA, P. Eng.
Manager – Electric Utility

Approvals

Director	Acting City Manager
	

Attachment A – January 12, 2015 Council Resolution (82/2015)
Fees and Charges Amendment Bylaw No.2015-01 (Appendix 7 - Electricity Fees)

82/2015 **It was MOVED and SECONDED**

THAT Council adopt “Fees and Charges Amendment Bylaw No. 2015-01”.

**CARRIED,
Councilor Konanz, Opposed**

Attachment B – November 9, 2009 (1187/2009)
Notice of Motion – Electrical Utility Billing

1187/2009 **It was MOVED and SECONDED**

THAT the Council Report dated November 9, 2009 regarding Residential Tenant Utility Accounts be received;

AND THAT the City remain operating residential tenant utility accounts on a status quo basis;

AND FURTHER THAT a duplicate notification system be implemented to notify the land owner of delinquent utilities effective March 31, 2010.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: March 2, 2015
To: Chuck Loewen, Acting City Manager
From: Len Robson, Public Works Manager
Subject: **BMX Track – Expansion / Relocation**

File No: 6120-20

Staff Recommendations

#1)

THAT Council support the relocation of the BMX track from Lions Park to 630 Munson Mountain Road;

#2)

OCP Amendment

THAT "OCP Amendment Bylaw 2015-13," a bylaw to amend Schedule B of Official Community Plan 2002-20 to change the future land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to PR (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission;

AND THAT Council consider whether early and ongoing 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 consultation only with the Agricultural Land Commission is required.

#3)

Rezone

THAT "Zoning Amendment Bylaw 2015-14," a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to P2 (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission.

#4)

Value in Kind

THAT the OCP Amendment and Rezoning Amendment Application fees of \$2,130 be charged to the Community Grants budget as value in kind.

#5)

License to Use

THAT Subject to adoption of "Zoning Amendment Bylaw 2015-14", Council authorize the termination of the existing BMX Club lease at 198 Warren Ave;

AND THAT a new License to Use be authorized for a portion of City property not to exceed 1.12 hectares (2.5 acres) in area, located at 630 Munson Mountain Road, for the development of a BMX Track with the terms and conditions as noted in Attachment "C",

AND THAT the new License to Use be executed by the Mayor and Corporate Officer.

#6)

Budget

THAT subject to the adoption of "Zoning Amendment Bylaw 2015-14, the Five Year Financial Plan Bylaw No. 2015-08 be amended to include a provision of \$10,000 for the provision of water and electricity to service the site and an additional \$1,500 to pay for the annual water and power consumption.

Strategic priority objective

N/A

Background

In 1989 the BMX Club signed a year to year lease agreement with the City for the use of a piece of land in the Lions Park area. The legal description is South East Part of Lot 2, Plan 25981, Lions Park. Since that time the club has operated at this site.



Currently the lease area is approximately 0.34 hectares (0.83 acres) with dimensions of approximately 60 meters (197 feet) east to west and 55 meters (180 feet) north to south.

The current lease with the BMX Club was granted for One Dollar (\$1) and the duration of the license was granted on a year to year basis. Presently, water and electricity are provided by the City at no charge to the club. All maintenance work within the BMX track area is addressed by the club members as required.

Since 1989 the area to the east of the track has seen significant multifamily development with increased density. This increased density and change in use over the years has resulted in complaints of noise and dust from the BMX track affecting the use and enjoyment of property owners to the east. The BMX Club has been diligent in their efforts to minimize the impacts to the neighbors, however due to the nature of the BMX activities the potential for conflict remains.

According to the club the short length of the track is limiting the potential of the club to attract and retain members, train for competitive racing, and host a National Level Event. At 870 feet in length with a maximum straightaway section of 90 feet the Penticton BMX track is the shortest ABA Sanctioned track in BC. A "national" standard track requires a total length of 1000 feet and a minimum of 2 – 200 feet straightaways.

In 2010 the BMX Club in consultation with City Staff completed a Track Expansion and Relocation Study. The study reviewed numerous City owned and School District properties that could be considered for a BMX track location. The study considered 12 sites which included the following:

- | | |
|---|-----------------------------|
| 1. Lions Park – existing site | 7. Three Blind Mice |
| 2. Riverside Drive Park | 8. Munson Mtn. |
| 3. Skaha Lake Park – Elm Ave Area | 9. City Yards |
| 4. Uplands School – undeveloped portion of lot | 10. 1398 Commercial Way |
| 5. Camrose and Warren Ave – Old Skate Park location | 11. Skaha Park - Main North |
| 6. 1700 Carmi Ave – Superior Peat operation | 12. Duncan Ave Reservoir |

November 15, 2010 this proposal was viewed by council at an in-camera meeting. As no action on the resolution occurred, the outcome was not reported out through the regular council meeting.

On January 19, 2015 at the Council Committee of the Whole meeting the BMX Club gave Council a presentation of the BMX Club – Track Expansion / Relocation Study. The cover letter dated December 9th, 2014 (Attachment "A" – BMX Club – Letter to Council) was included in the submission to council.

This proposal focused on 3 of the sites that were previously considered in 2010:

1. Existing Site – Expansion
2. Riverside Park – Relocation
3. Munson Mountain Area – Relocation

Council considered the presentation and by consensus requested that staff review the proposal and report out on the potential opportunities that may be available to assist the club with their expansion or relocation request.

On February 5th by way of telephone call with Dan Colbeck, representing the BMX Club, staff discussed their proposal and clarified a few items. A summary of the conversation is as follows:

1. The BMX Club is specifically asking Council for the following:
 - a) A no-cost License to Use over City owned lands for the construction and operation of a BMX track;
 - b) The provision of water and electrical utilities at no cost;
 - c) If Riverside Park is selected for use the Club is requesting that the City contribute to the cutting of grass and tree maintenance to the amount that is currently allocated to the present site;
 - d) Insurance agreement similar to what exists today. The club carries insurance for the training and events they sanction, otherwise the City's insurance prevails;
 - e) If Munson Mountain area is selected for use the Club would like to be granted additional surrounding land use for dry camping, parking, and staging for major sanctioned club events;
 - f) Land Use and Construction permits at no cost to the club.
2. The following possible locations were discussed and the BMX Club indicated that their preferred options would be:
 - a) Munson Mountain area
 - b) Riverside Park area
 - c) Lions Park – Existing Site

Note a & b are somewhat interchangeable as each offers different pros and cons that are of interest to the BMX Club.

Parks Recreation Master Plan Reference to the BMX Facility

The 1994 Parks, Recreation and Cultural Master Plan had the following comments regarding the BMX Facility:

- BMX Club requires additional parking space to meet their needs.
- Consideration should be given to relocating the BMX Track to a less well developed area of the City.
- The current BMX track is in a highly developed park and next to a large track of land zoned for a multi-family development. Eventually the track will be boxed in and will undoubtedly be in conflict with the neighboring development. An alternate site should be researched and the eventual move of the BMX track planned. In this regard, the Leisure Services Department should assist the BMX Club with their search for a new location for the BMX track, and the parties should discuss the accessibility of the track to non-competitive BMX users.
- BMX Track Improvements be made and track expanded.

In 2010 an update to SECTION 7 - PENTICTON PARKS AND RECREATION MASTER PLAN - 'PARKS, OPEN SPACE, AND THE ENVIRONMENT' was written. This document was reviewed by the Parks and Recreation Advisory Committee however it was never endorsed by Council. The update suggested that the City should continue to work with the BMX Club regarding their track. Additionally there was a reference to reviewing potential uses for the Munson Mtn. property with consideration given to passive areas, picnic facilities and interpretive amenities, dog off-leash facilities, BMX and bike trial courses, a playground and possible cemetery expansion.

Financial implication

The financial implications to the City are estimated as follows:

- Track expansion or relocation – club will pay all associated costs
- Provision of water estimated at \$2,500 for Riverside Park or Munson Mountain area installation and annual usage estimated at \$500. No additional costs for expansion at Lion's Park.
- Provision of electrical service estimated at \$10,000 for Riverside Park. Estimated at \$7,500 at Munson Mountain Park. Annual usage estimated at \$1,000. No additional costs for expansion at Lion's Park.
- Future budget will be required to address the landscaping or redesign of the existing BMX track area. Budget will be dependent on future plans.

Analysis

The BMX Club has identified the following criteria to use for evaluating a new site for the BMX Track:

- 2 – 3 acres for a full scale BMX track located in an existing serviced park or complex;
- 3 – 4 acres for a facility that has no existing infrastructure (the additional space would be required to accommodate parking and washroom facilities);
- Perimeter dimensions
 - o Track minimum 150 feet by 350 feet
 - o Total including spectator area 400 feet by 500 feet;
- Restrooms;
- Water for track maintenance;
- Electricity;
- Accessibility (centrally located, easy to find for tourists and locals).

With the BMX Club criteria in mind the sites identified in 2010 were reviewed. Attachment "B" – Review of previously identified sites provides details of exact locations and findings. Of the 12 potential sites 3 are deemed as potential for either expansion or relocation.

Potential Site Summaries:

Lions Park Site – Expansion



As this is the current location of the BMX Club track, expanding the site to the north would likely be the most cost efficient location for the club to develop their track within the time frame they desire. The existing infrastructure could be utilized, the site is centrally located, established, has full washroom facilities, electrical power, and is currently irrigated for dust control. The property is zoned for this use.

The challenges with this site include the ongoing conflict of the BMX activities and high density development. With a potential development directly to the south of the existing BMX track we anticipate the conflicts may escalate in the future.

Expansion of the track to the north would require authorization from the M.O.E. for a Section 9 approval under the Water Act for an Application or Notification for Changes In and About a Stream. In order to accommodate an expansion the drainage ditch / stream would require the installation of a culvert and some landscape changes around the riparian area. This approval process can take up to 140 days to process. Whether or not the application would be successful is difficult to determine at this time.

With 3 ball fields and children's playground located at this site the small parking lot and on street parking is inadequate especially during ball season. Expansion of the track which may result in increased BMX membership will only exacerbate the parking challenges that currently exist.

Expansion to the north would reduce the amount of passive park space presently available in this area of the City. Given the increase in residential density over the last 15- 20 years in this area an argument for additional passive park space should be considered. If the BMX site was relocated Council could consider increasing the passive park space to better meet the needs of the high density residential developments in this area.

Riverside Drive Park – Track Relocation



Proposed site dimensions are approximately 133 meters (436 feet) by 50 meters (164 feet) for a total area of 0.46 hectares (1.13 acres). Although this is not a large site, the shape will accommodate a regulation BMX track. The site is a high profile location, has nearby washroom facilities, is easily accessed, can be serviced with water and power. Developing this site with a BMX track will complement the activities currently available in this area such as Coyote Cruises, Youth Park, and Loco Landing. The conflict with neighboring residential and accommodation properties is expected to be minimal as they are located approximately 82 meters (270 feet) from the potential track location as opposed to the present proximity of residential to the track of approximately 6 meters (20 feet).

Although the BMX facility will generally complement the activities that occurs in this area there is a risk that the dirt and dust generated from this site could have a negative impact on the safety conditions within the youth park. Dirt and dust from the BMX facility may decrease traction required for safe skate boarding and BMX park riding. The site is also adjacent to the Penticton Channel and subject to environmental considerations, such as the riparian area regulations that may add additional costs to the installation of any infrastructure.

Presently the space is passive park use enjoyed by dog walkers, family picnics etc. The development of a BMX facility will reduce the passive park space in this area.

During the summer months Riverside Drive is subject to traffic congestion and inadequate parking due to the interest in the activities that are presently available in this area. Development of a BMX track will result in another draw to the area resulting in increased traffic congestion and parking demands.

Given the high profile of this location, track design, landscaping and fencing requirements are likely to increase the capital and operational costs for the club. The club is asking for the City to allocate the same amount of budget that is currently required to maintain the site to the BMX track to maintain the trees and turf that will exist at the site. The club is not asking for financial assistance to maintain the facility, however,

inevitably if the site falls in to a state of unsightly disrepair given the location of the site it will be incumbent upon the City to address.

Munson Mountain Property – 630 Munson Mountain Road



This property was originally purchased as 1 of 3 properties that were to be assembled to facilitate the construction of sports fields. An alternate solution was found and 2 of the 3 properties have since been sold.

The current OCP and zoning designation for this property is Agriculture. If Council were to follow staff's recommendation, an OCP and Zoning amendment would be required to change the designation and zoning of this property to Parks and Recreation. This process involves public notification and a Public Open House.

The total site area is 4.20 hectares (10.4 acres) with a usable area of approximately 2.7 hectares (6.67 acres) and currently has 3 rental residences located within the property. The site is undeveloped, areas of the site do contain fill, and portions of the site are not suitable for development. Untreated irrigation and domestic water as well as electricity are available at the site.

The majority of the site is flat and there is ample space to develop a BMX track and parking area. Placing a track near the entrance to the lot would put the track a minimum of 90 meters (300 feet) from the nearest private residential property. This distance could be increased if required.

Given the rural proximity of this site the standard of landscaping, fencing and maintenance for the club would be significantly less than the other 2 sites that have been short listed. Although no washroom facilities are currently available at this site the club could elect to construct a pit type washroom facility or utilize a portable washroom facility. Ultimately this will reduce capital and operational costs for the club and reduce the financial exposure to the City.

In 2014 the Penticton and Area Cycling Association (PACA) expressed interest in seeking the City's approval to develop a Mountain Bike Skills Park on this site. Based on recent conversations the group is still

considering this concept and has yet to formally address Council. With this potential in mind this property has ample space to meet the needs of both groups and the uses would complement and promote each other.

This site is not as accessible or central within the community as the other short listed opportunities, however, it is not considered a remote site. It's close proximity to the KVR Trail and the 3 Blind Mice Mountain Biking area may increase the cycling interest in the area.

As this site was originally purchased with the intent of constructing sports fields the application for non-agricultural use of the land was submitted to the Agricultural Land Commission (ALC) in 2004 and received concurrence. To proceed with the BMX Park and other recreational uses a revised site development plan identifying the location of "amenities" vehicle access, parking, buffering, fencing, etc. is required to be submitted to the ALC for final approval. This process is more of a formality and Staff has been advised that the approval process should be completed within a few weeks of receipt of the revised usage plan.

Although Council has not passed any resolutions on the future use of this land the Cemetery Master Plan has identified this land as a potential future cemetery site beyond the year 2040.

Staff feel that this location is the most desirable location as the size of the lot and fewer conflicting land uses provide a greater amount of expansion possibility and less land use conflict than the other two sites contemplated. As such, staff recommend that Council follow staff's recommendation and support the OCP and zoning amendments as well as amend the 2015 budget for the servicing work.

Alternate recommendations

1. Continue with the status quo and deny support for the expansion or relocation of the BMX Facility at Lions Park.
2. Authorize the License to Use of any one of the other sites contemplated within this report.
3. Advise the BMX Club and/or staff to investigate other private properties or public properties such as the School District properties that may be suitable for BMX track development.

Attachments

Attachment "A" – BMX Club – Letter to Council

Attachment "B" - Review of previously identified sites

Attachment "C" – License to Use Terms

Respectfully submitted,



Len Robson, ASCT
Public Works Manager

Director	Chief Financial Officer	Planning Manager	Acting City Manager
	CF		CL

Attachment "A" – BMX Club – Letter to Council



December 9, 2014

Dear Council Members:

The Penticton BMX Club is an inclusive club for all ages (current membership age range: 2 - 66 years), girls, boys, women and men. BMX is the youngest organized and coached cycling sport and affords kids the opportunity to develop biking skills that can be used for life long cycling in BMX or other forms of cycling. BMX is affordable, fun and we have been operating for 34 years in Penticton as a non-profit volunteer run organization. The City of Penticton currently provides the club with land, utilities, and park insurance when the club is not using the track.

The Penticton BMX Club is requesting the support of City Council in exploring options for relocation to other suitable city land or expansion at our current site. The Club would like to relocate in order to:

- further grow the sport in Penticton and surrounding area
- increase the visibility of our club
- establish a non-temporary track
- build a longer *national* length track that will allow for the hosting of *national level* races (as per and sanctioned by BMX Canada)
 - our current site does not provide enough space
 - hosting *national level* races will add to sport tourism in Penticton
- provide opportunity for the development of high level riders in Penticton
 - current track is short and Penticton riders are ill equipped to race on longer tracks outside of Penticton
 - this will facilitate retention of teen athletes

The Penticton BMX Club has the majority of the resources required to relocate the track in place at this time and would require the following from the City of Penticton:

- approval to relocate to other suitable City land or expand the current track
- provision of necessary permits for construction
- continued provision of water and electricity at existing or new site
- continued provision of park insurance when the track is not being used by the club
- contribution towards Park maintenance of a new track (grass mowing, tree care etc.)

Thank you for the consideration of this request. The Penticton BMX Club looks forward to working with the City of Penticton to provide our city with a first class BMX facility.

Sincerely,

Penticton BMX Club

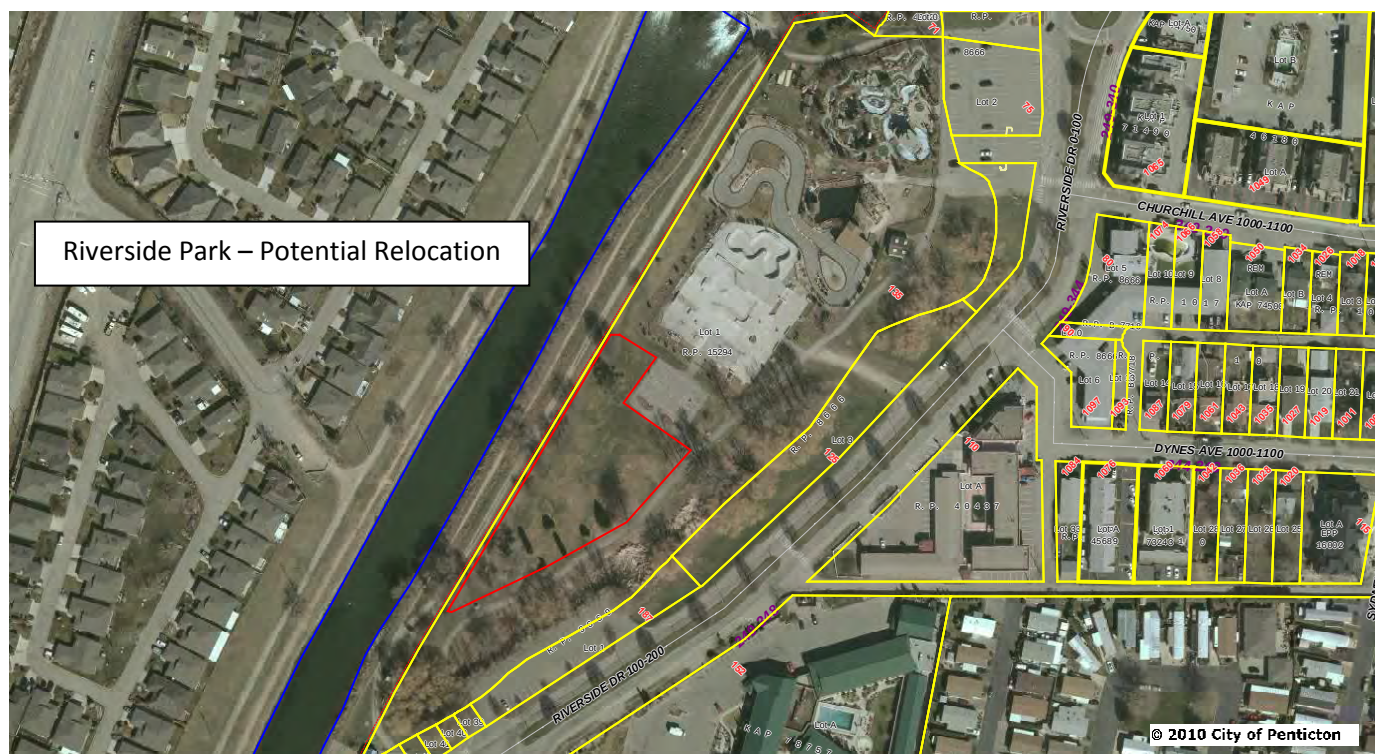
Attachment "B" - Review of previously identified sites:

Lions Park



Pros	- Existing infrastructure can be utilized – irrigation, start gate, moto-shed, etc - Expansion to the north is possible with some disruption to the usable passive park space - Washrooms exist - Easily accessible central location - Least expensive option for club to expand within the time frame they desire
Cons	- Conflict with neighbours remains unsolved – noise, dust, etc - MOE permits would be required to cross the drainage ditch (leads to a fish bearing stream – natural habitat) - Loss of passive park space to accommodate a single user group - Tree and shrub removal would be required to accommodate track expansion - Limited parking during ball field use
Outcome	Consider as a potential for track expansion

Riverside Drive Park



Pros	• Washrooms exist • Water & power is available • Easily accessible central location – good access for tourists • High profile location • Parking is adequate in the spring and fall months • Use is consistent with surrounding use – Youth Park, Basket Ball Courts, Loco Landing • Resolves current conflict with residential properties at Lion's Park
Cons	• Potential conflict with Hotels and Redwing development – noise, dust, dirt in skate park, etc • Limited parking and traffic congestion during summer months • High profile location – dirt BMX track may lack visual appeal to some • Loss of passive park space to accommodate a single user group – potential of developing existing BMX track at Lion's Park into passive park space
Outcome	Consider as a potential for track relocation

Munson Mountain Property



Pros	• Ample space for parking and track • Current site is undeveloped and unused • Construction of the track would have very little impact on general public • Treated and Untreated water is available • A partnership with PACA Mountain Bike Skills Park is possible • Bike / Cycle connection to KVR & 3 Blind Mice opportunity • Standard of landscape maintenance would be less than if the track was to be located in a developed park area with a higher profile • Resolves current conflict with residential properties at Lion's Park
Cons	• City must apply to ALC with a revised development plan identifying the location of "amenities" vehicle access, parking, buffering, fencing, etc. for final approval • Marginal accessibility and location profile • Alternate uses of this property may be considered – ie campground, future cemetery location (2040 and beyond)
Outcome	Consider as a potential for track expansion

Skaha Lake Park – City Owned



This option was being considered prior to the recent park improvements. This option is not considered as a potential relocation area.

Uplands School Property – SD67



This property is owned by the School District, parking and access may create complaints from residents along Mac Donald St, this site is not easily located or accessible. This option is not considered as a potential relocation area.

With respect to the notes above the BMX Club could approach the School District to determine if there are any school properties that would be suitable to develop a BMX track.

Camrose St & Warren Ave Skate Park - City Owned



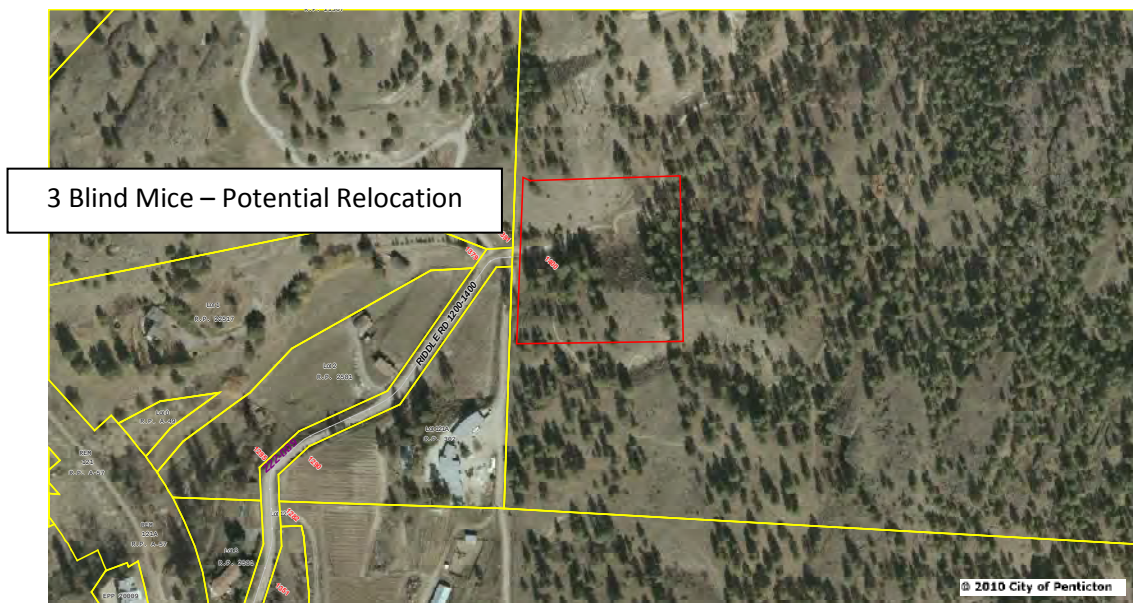
This option was considered prior to the expansion of the Fire Department Training Grounds being established. The 2015 Budget includes a Training Officer Position that will continue to utilize this area. This option is not considered as a potential relocation area.

1700 Carmi Ave – City Owned



This site is limited in size, is rocky sloped terrain, poor access, located adjacent a busy road, does not have access to water. This option is not considered as a potential relocation area.

3 Blind Mice - City Owned



Steep terrain with limited parking, no suitable flat space to develop a BMX Track. This option is not considered as a potential relocation area.

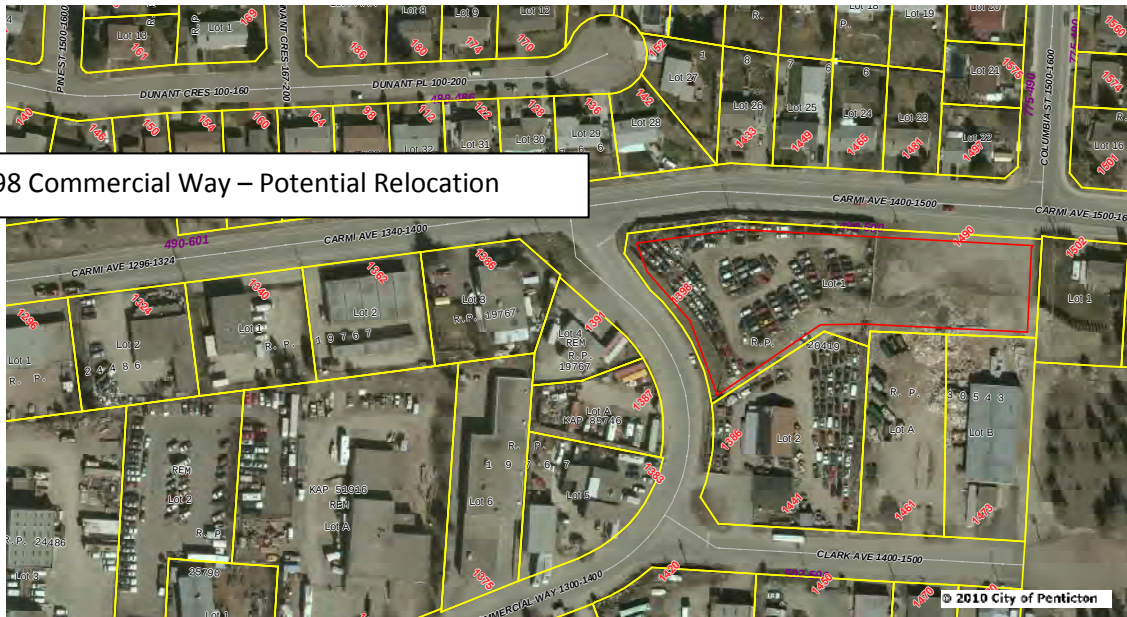
City Yards – 616 Okanagan Ave E - City Owned



This area has since been developed into an off leash area. This option is not considered as a potential relocation area.

1398 Commercial Way - City Owned

1398 Commercial Way – Potential Relocation



Area is leased to a business. This option is not considered as a potential relocation area.

Skaha Main – North - City Owned

Skaha Main North – Potential Relocation



Skaha Park is a high profile area not suitable for this use. This option is not considered as a potential relocation area.

Duncan Ave Reservoir - City Owned



Usable space is limited. This option is not considered as a potential relocation area.

Attachment "C" – License to Use Terms

The following will be included in the terms of the license:

- BMX Club will be licensed to use for \$1 per year, up to 1.12 hectares (2.5 acres) of land located at 630 Munson Mountain Road for the purposes of constructing a BMX track c/w moto-shed and related amenities. The physical site location of the License to Use will be determined by the City Staff.
- The duration of the license is a 5 year term with an option to renew for an additional two (2), five (5) year terms.
- Following the initial 5 year license term in the event that that City requires the land for its own use or in its sole discretion, considers that it is in the public interest to cancel the rights of the License to Use the City may on 12 months written notice cancel the License to Use in whole or in part and that the City will assist the BMX Club in finding an alternate site.
- The BMX Club shall provide insurance as required by the City and indemnify the City harmless against all losses, damages, costs, and liabilities including fees of solicitors and professional advisors arising out of any events, sanctioned by the Club. The level of insurance required will be set by the City in consultation with their advisors.
- The City of Penticton will supply a water and electrical connection to the location of the track at no cost to the BMX Club. On site electrical and plumbing costs will be the responsibility of the BMX Club.
- The City of Penticton will pay the annual cost of the water and electrical utilities up to a maximum of \$1,500 per year.
- At their cost the BMX Club shall provide portable washroom facilities and maintain to a sanitary standard.
- At their cost the BMX Club shall fence the site to a standard suitable to the City of Penticton. The fencing shall be such that a defined entrance and egress is secured.
- At their cost the BMX Club shall post adequate signage to alert users to any potential hazards that users may be subjected to while using the course.
- The BMX Club shall be required to keep the land in a safe, clean, and sanitary condition satisfactory to the City and to make clean and sanitary any portion of the land or any improvement that the City may direct by notice in writing to the BMX Club. The BMX Club shall be responsible for all landscape maintenance within the site.
- Track must constructed to recognized BMX Association Standards and all plans for construction shall be approved by the City prior to commencing construction.

- The BMX Club will not have exclusive use of the license to use property. During non-sanctioned event times the track will be available for the general public to use.
- The BMX Club work cooperatively with any other parties licensed to use the surrounding property to avoid potential conflicts.
- The use of the site shall conform to all City bylaws.

A Bylaw to Amend Official Community Plan 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:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2015 -13."

2.1 “Official Community Plan Bylaw No. 2002-20” Schedule ‘B’ Future Land Use is hereby amended as follows:

Change the land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to PR (Parks and Recreation).

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

READ A FIRST time this _____ day of _____, 2015

A PUBLIC HEARING was held this day of , 2015

READ A SECOND time this _____ day of _____, 2015

READ A THIRD time this _____ day of _____, 2015

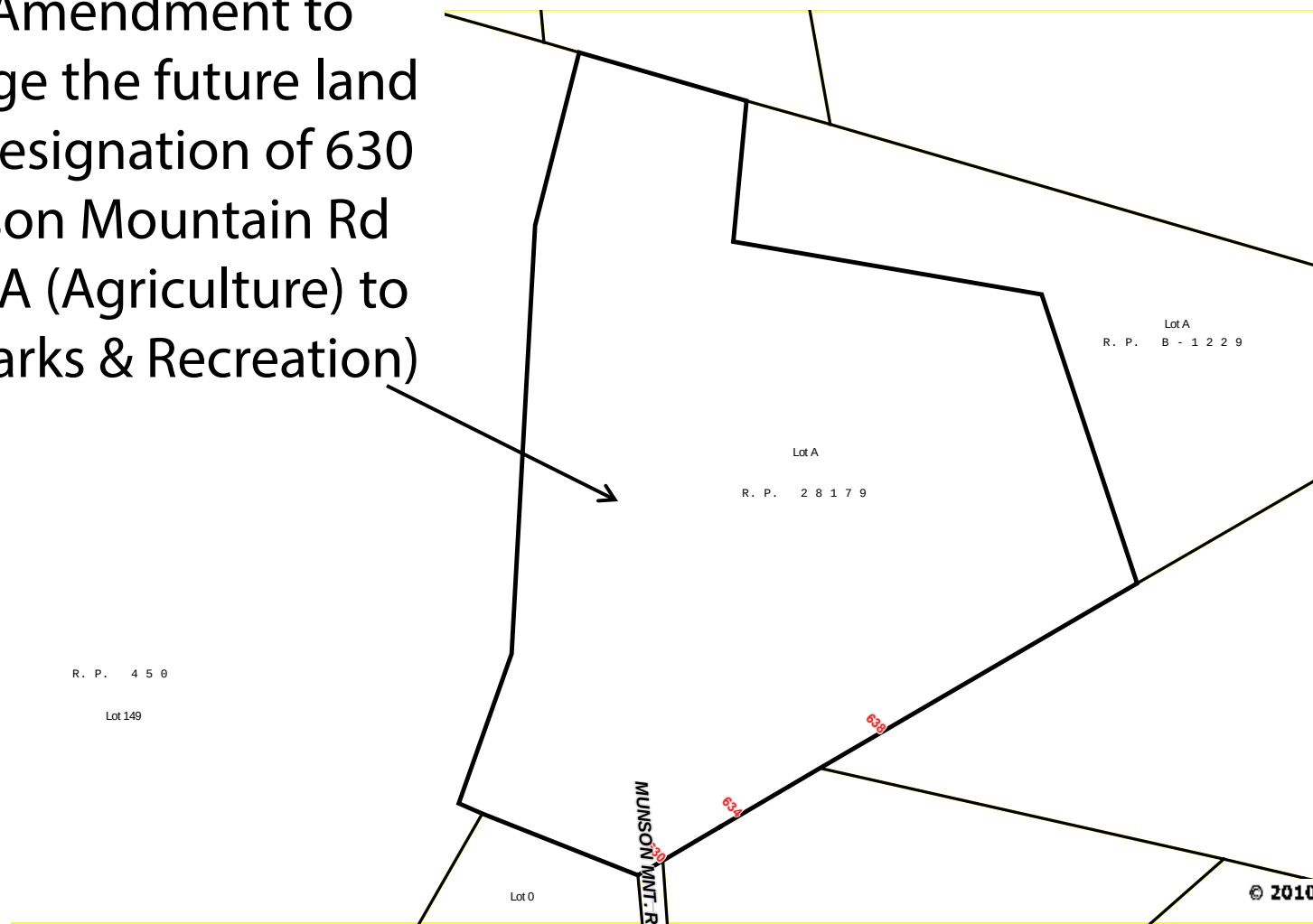
ADOPTED this _____ day of _____, 2015

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

OCP Amendment to
change the future land
use designation of 630
Munson Mountain Rd
from A (Agriculture) to
PR (Parks & Recreation)



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2015-13

Date: _____

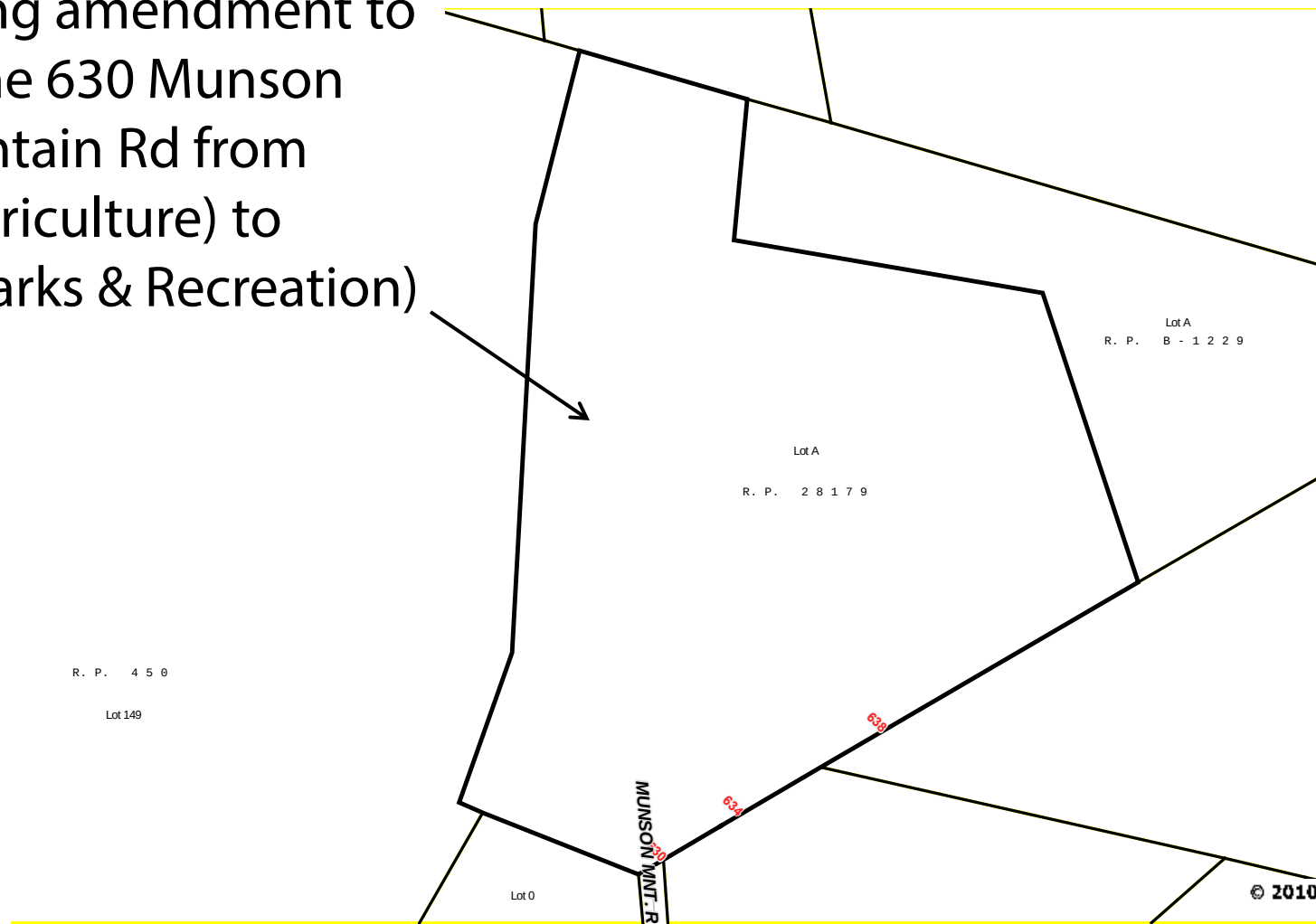
Corporate Officer: _____

A Bylaw 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:

Zoning amendment to
rezone 630 Munson
Mountain Rd from
A (Agriculture) to
P2 (Parks & Recreation)

- 94 -



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-14

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March 2, 2015
To: Acting City Manager
From: Dave Polvere –IT Manager, Ian Chapman - City Engineer
Subject: Asset Management Infrastructure Planning Grant Application

File No:

Staff Recommendation

THAT Council support an application for \$10,000 for grant funding to the Ministry of Community and Rural Development under the Infrastructure Planning Grant Program to complete an Asset Management Assessment.

Strategic priority objective

Penticton's vision:

"Penticton – a vibrant, adventurous waterfront City focused on sustainability, community and economic opportunity."

Sustainable service delivery, supported by an integrated Asset management Program, is an ongoing priority at the City of Penticton.

Background

The City of Penticton is committed to sustainable service delivery by providing services to the community in a socially, economically and environmentally responsible manner supported through the development of an asset management program, consistent with the requirements of the 2014 Gas Tax Agreement between the Province of British Columbia and the Federal Government.

Completion of an Asset Management Assessment is the first step in this program.

The Infrastructure Planning Grant Program offers grants to support local government in projects related to the development of sustainable community infrastructure. Matching grants up to \$10,000 are available to help improve or develop long-term comprehensive plans.

The application for grant funding to the Ministry of Community and Rural Development under the Infrastructure Planning Grant Program for requires a resolution from Council expressing support for the development of an Asset Management program and for the submission of the application for up to \$10,000 in grant funding.

Financial implication

The City's financial contribution to this project is already in the 2015-2019 Financial Plan.

Alternate recommendations

That Council declines to support an application for grant funding for an Asset Management Assessment.

Respectfully submitted,

Dave Polvere
IT Manager

Ian Chapman, P.Eng.,
City Engineer

Approvals

CFO 	Acting City Manager CL
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Council Report

penticton.ca

Date: March 2nd, 2015 **File No:** RZ PL2015-004; DVP PL2015-010
To: Chuck Loewen, Interim City Manager
From: Lindsey Fraser, Planner I
Address: 783 Winnipeg Street
Subject: Zoning Amendment Bylaw No. 2015-15 and DVP PL2015-010

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No.2015-15", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 16th, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw that a 0.9m road dedication along the Winnipeg Street road frontage be registered with the Land Title Office;

Development Variance Permit

AND THAT Council support "Development Variance Permit PL2015-010" for Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, a permit to reduce the front yard setback from 3.0m to 2.0m;

AND THAT staff are directed to issue DVP PL2015-010, subject to adoption of "Zoning Amendment Bylaw No. 2015 -15".

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 MR (Medium Density Residential). The property owner intends to rezone the property in-line with the OCP designation and construct a 3 storey, 13 unit apartment building. Currently, the lot is vacant with the exception of a parking area that services the neighbouring property of 797 Winnipeg Street. The property is located in a neighborhood that is characterized primarily by three and four storey apartment buildings, with

some single family housing and multiplexes intermixed. The apartments in the area are of an older variety; many are rented but some are stratified properties. The apartment buildings located on either side of the subject property are both 3 storeys tall and are rental units.

It is important to note that there is no legal arrangement between 797 and 783 Winnipeg Street that requires 797 Winnipeg Street to use this space as parking. Through a complex history of ownership and sales this lot has become non-official parking space for 797 Winnipeg Street. 797 and 783 Winnipeg Street have the same ownership.

The subject property is an irregular shape, presenting a unique set of challenges in the design of the proposed building. Further constraining the design is a 0.9m road dedication identified along Winnipeg Street. In order to design a building that best fits the lot, the owner is asking for a small reduction in the front yard setback from 3.0m to 2.0m. Because the road dedication is back from the sidewalk (Attachment 'D', Figure 4), the physical separation between the sidewalk and the building will be 3.0m (2.0m from the new property line after road dedication).

The 3 storey, 13 unit apartment building features parking at-grade, but located behind a façade that includes one ground-level apartment, a lobby, garage entrance and utility room.

Financial implication

N/A

Proposal

The applicant is requesting that the subject property be rezoned from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing). The applicant is also requesting a development variance permit to vary the following sections of Zoning Bylaw 2011-23:

- ☐ Section 10.9.2.6: reduce the minimum front yard setback from 3.0m to 2.0m

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by various departments within the City. Through this process, it was identified that a road dedication of 0.9m on the east side of the property, along Winnipeg Street, would be requested. Due to this, the applicant was asked to refine the design in a way that reflected this new parameter or apply for a variance. The applicant elected to keep the original design and seek variance.

Engineering also pointed out a deficiency with respect to the spacing of fire hydrants on Winnipeg Street. This discovery will not affect the property owner, however, and he will not incur any off-site charges related to fire hydrant installation. Public Works stated that the deficiency will be corrected in their long-term planning process and costs are expected to be absorbed by the City for installation.

The Electrical Department noted in the meeting that the electrical pole in front of the building may present challenges with respect to separation distances between balconies and wires, but that this issue can be resolved at later stages of the application process and can be corrected.

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 RM3 Zone	Provided on Plans
Minimum Lot Width:	25 m	39m (Winnipeg St)
Minimum Lot Area:	1400 m ²	1156 m ² * (variance NOT required, please see note below)*
Maximum Lot Coverage:	50 %	49.6%
Maximum Density:	1.2 FAR	1.1 FAR
Vehicle Parking:	1.0 /unit + .25/unit for visitor parking	13 spaces (visitor parking will be varied through the development permitting process)
Required Setbacks Front yard (Winnipeg St): Side yard (north): Side yard (south): Rear yard:	3.0m 4.5m 4.5m 6.0m	2.0m variance required 4.5m 4.5m 6.0m
Maximum Building Height:	18.0m	10.0m
Other Information:	➤ *Minimum lot area (denoted with an asterisk) does not require to be varied even though the lot does not meet the minimum lot area of an RM3 zone. The reason for this is that, legally, the minimum lot area is only required when the creation of a new lot (through subdivision) occurs. If the lot is pre-existing, and the applicant can prove an appropriate design given the lot dimensions, then approval can be granted without the need for a variance to lot area. ➤ Property is in the 'General Multiple' Development Permit Area and a Development Permit (DP) will be required. At DP stage, the City may require some minor changes to the design of the building.	

Analysis – Zoning Amendment

Support Zoning Amendment

Staff feel that rezoning the lot from Duplex to Medium Density Multiple Housing is creating the highest and best use for the lot for the following reasons:

- As per the Official Community Plan, 783 Winnipeg is designated for Multiple Family Residential development. Apartments are encouraged in areas with this designation.

- The property has a lot area large enough to accommodate higher density than a duplex. Duplex housing usually occurs on lots in the 390 m² to 750 m² range. At close to 1200 m², this property can support higher densities.
- According to Penticton's OCP, residential development should be accommodated through infill development. Set between two pre-existing apartment buildings on an under-utilized lot, this application is a strong example of creative infill.
- Intensification, or higher densities, should be encouraged along transit routes. Winnipeg Street is on the West Side/Duncan East transit route.
- The neighbourhood is characterized by 3 and 4 storey apartment buildings. This development will not be out of place/character in the area.
- The proximity to downtown and a wealth of nearby services encourage more walking and active forms of transportation.

Design

As shown in Attachment A, the shape of this lot creates serious design challenges. The applicant has been working with an architect and met with Planning several times to discuss opportunities and challenges associated with the site. The owner has worked with an architect to design a building that creates street-interest and utilizes the shape of the lot to the building's advantage, creating unique internal and external spaces. Additionally, the design incorporates internal bicycle parking; storage lockers for tenants as well as other utility spaces, and integrates one unit on the street front to contribute further to an 'active' street edge.

Landscaping

Several mature trees are currently on the subject lot and most, if not all, will have to be removed should this apartment building be constructed. Although this is not an ideal scenario for the owner or residents of neighbouring buildings, the applicant will be required to provide a comprehensive landscaping plan at later stages of permitting and the planting of new trees, satisfactory to Zoning Bylaw 2011-23 will be required.

Proximity to 769 Winnipeg St

To the north of the subject property is 769 Winnipeg Street. This building lies almost directly on the shared property line between 769 Winnipeg Street and 783 Winnipeg Street, as show in Attachment 'D', Figure 4. Although the siting of this building does not conform to existing bylaws, it is considered "legal non-conforming". Balconies attached to 769 Winnipeg Street are setback from the property line approximately one meter, mitigating some of the impact that balconies attached to 783 Winnipeg Street will have. The design of the building is such that only two balconies on the proposed building would be situated in a way that they are directly across from balconies of the neighbouring building.

As the current application is only for rezone and variance, some design changes may be made to the building at later stages in the process. The Building Department, for example, has not reviewed any building application plans at this time and may require certain changes based on the proximity between buildings. Planning staff feel that the design is sensitive to the neighbouring building, given the design parameters and pre-existing conditions.

Affordability

Currently, the area is well known to be a hub for affordable housing. Older apartment buildings with smaller sized units create opportunities for low and middle income people to afford suitable rental housing. Due to restrictive design factors on this property (i.e. semi-enclosed parking, asymmetrical layouts), the location, and the physical proximity to neighbouring buildings, development on this property is likely to carry this trend of affordability. The Planning Department realizes that the term 'affordable' can be a subjective one. In this context, the owner intends to sell units, creating purchasing opportunities for middle-income people in Penticton. Middle-income real estate is an important element within the scope of 'affordable housing'.

Conclusion

Given the above, staff feel that the rezoning of this property would be an asset to Penticton's housing stock and not have a negative effect on the surrounding areas. As such, staff recommend that Council support Zoning Amendment Bylaw 2015-15 and forward the application to the March 16th, 2015 public hearing for comment from the public.

Deny/Refer

Council may feel that the lot is too small or irregular to support an apartment building. Council may also feel that neighbouring residents will be negatively impacted by the proposal; if this is the case, Council should deny first reading of the amendment bylaw.

Alternatively, Council may wish to refer the document back to Planning staff with certain recommendations.

Analysis – Development Variance Permit

Support Development Variance Permit

Council may support the zoning amendment but feel that the variance being requested is not reasonable. Staff, however, feel the variance being requested is reasonable and in keeping with the intent of the City's OCP.

The variance being requested is a reduction in the front yard setback from 3.0m to 2.0m. This variance was not originally anticipated by the applicant, thus the plans in Attachment 'E' do not reflect the variance. It was discovered during the review process that this road dedication would be required. In most circumstances, the small difference (1.0m) could be adjusted through small design changes, or perhaps by moving the building back one meter and seeking a rear-yard variance. However, in this case, the irregular shape of the lot makes it particularly challenging to make these adjustments without having a significant impact on the overall design.

The variance being requested is from the property line *after* the road dedication is taken. It is not from where the property line is currently located (along the sidewalk). Thus, the building will be 2.0 meters from the new property line, but still 3.0m from the sidewalk.

Staff feel that the variance will complement the rezoning of the property and will facilitate the construction of an apartment which staff feel represents good planning practice. As such, staff recommend that Council support the application for variance and direct staff to issue the permit upon adoption of the associated zoning amendment bylaw.

Deny/Refer

Council may feel that the variance being requested is not reasonable and that the variance is the result of an attempt to build too many units on the lot. If this is the case, Council should deny the variance request.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw 2015-15" and deny support to "DVP PL2015-010".
2. THAT Council support "Zoning Amendment Bylaw 2015-15" but deny support to "DVP PL2015-010".
3. THAT Council support "Zoning Amendment Bylaw 2015-04" and "DVP PL2015-15" with conditions that Council feels are appropriate.

Attachments

Attachment A: Subject property location map
Attachment B: Zoning map of neighbourhood
Attachment C: OCP map of neighbourhood
Attachment D: Images of subject property
Attachment E: Letter of intent
Attachment F: Proposed site plan and renderings
Attachment G: Draft DVP

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Planning Manager	Acting City Manager
	CL

Attachment A – Subject Property Location Map

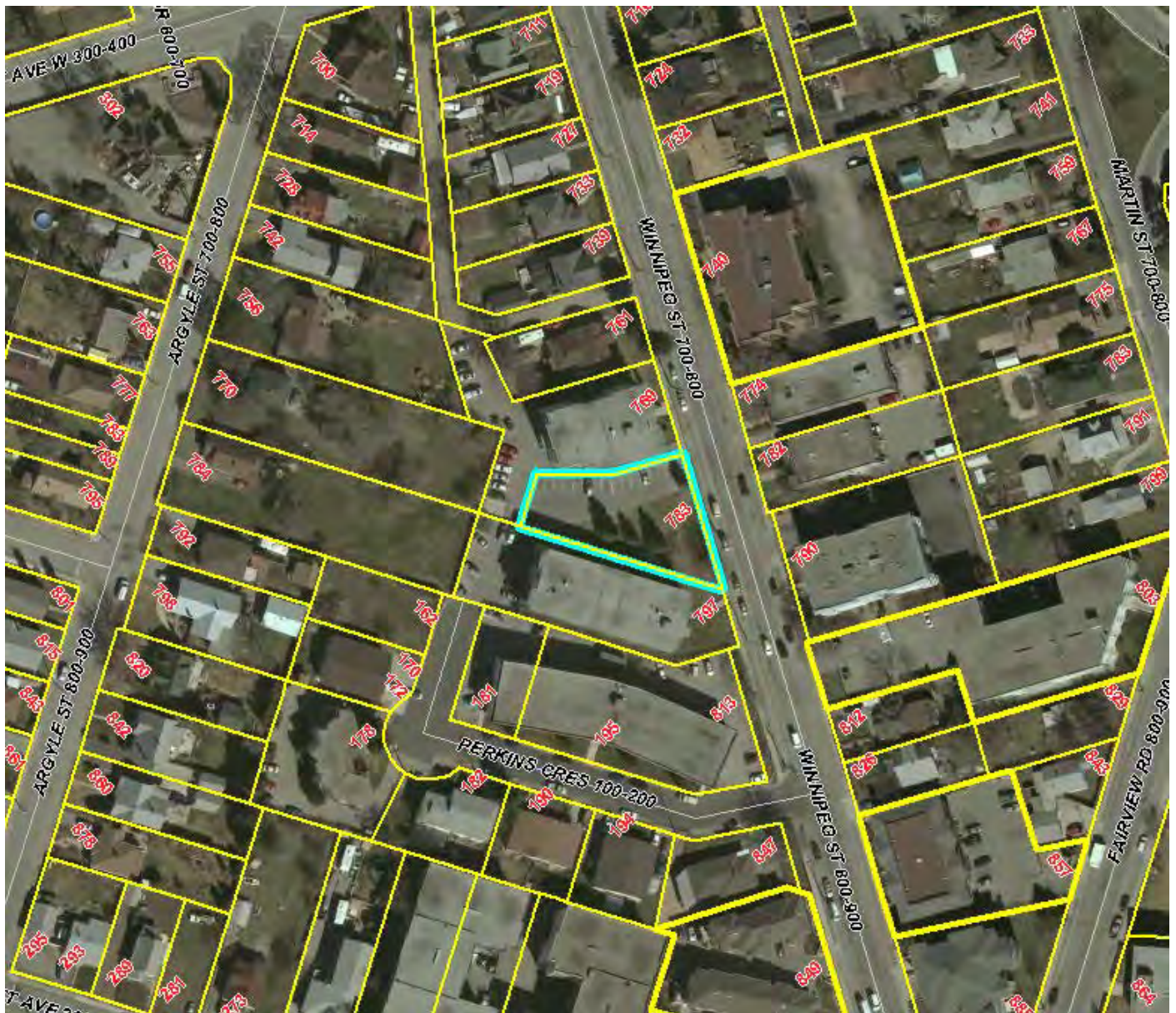


Figure 1: 783 Winnipeg Street highlighted in blue

Attachment B – Zoning Map of Neighbourhood



Figure 2: Zoning map of neighbourhood showing 783 Winnipeg St. as zoned RD1

Attachment C – Official Community Plan (OCP) Designation

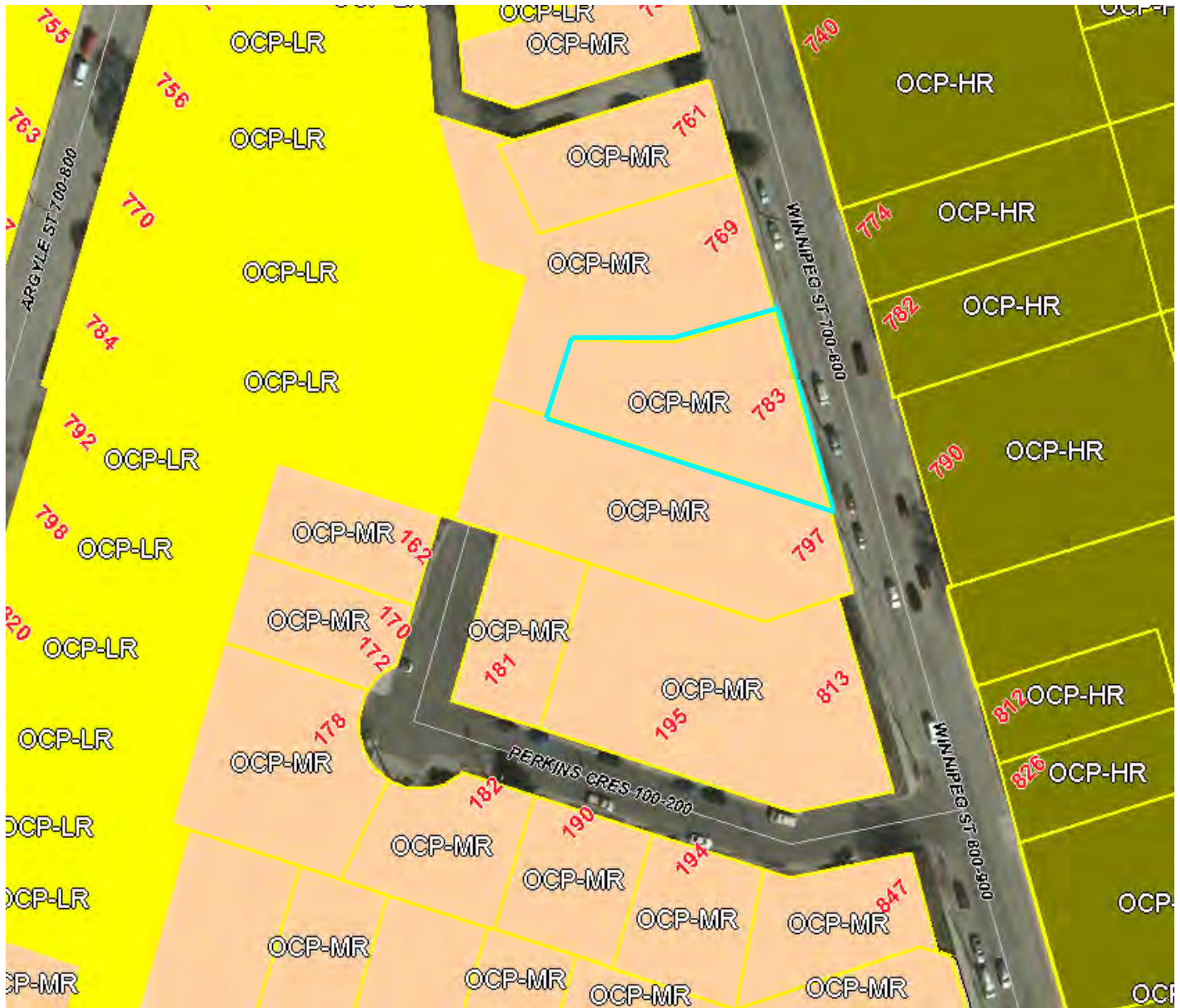


Figure 3: OCP map showing 789 Winnipeg Avenue as having a Medium Density Residential designation for future development

Attachment D – Images of Subject Property

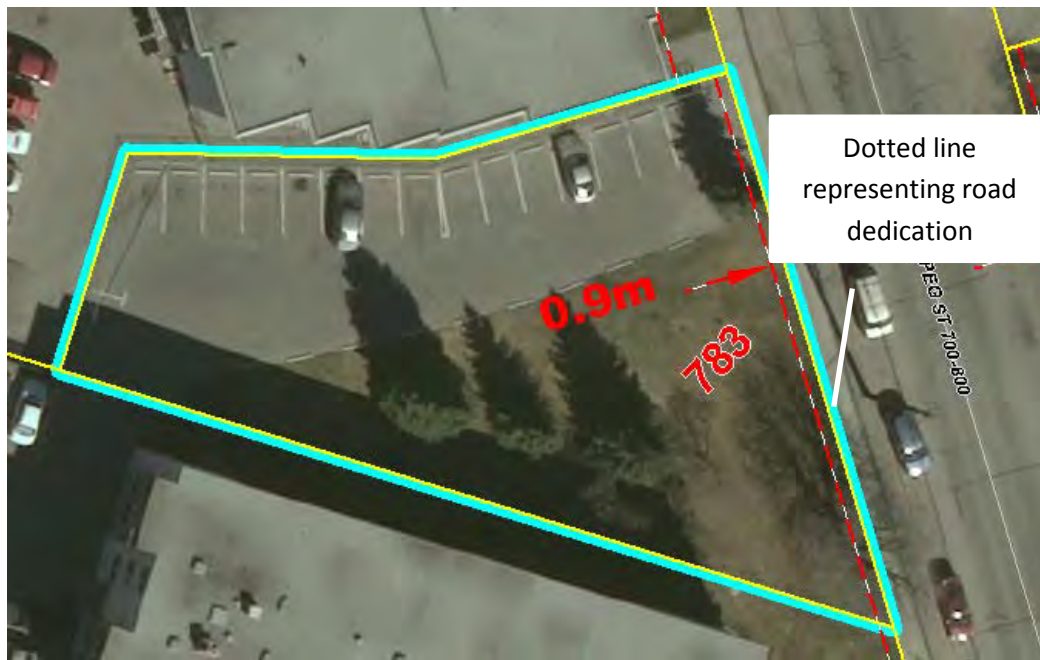


Figure 4: Aerial photo of 783 Winnipeg St., with 769 Winnipeg St. building to the north and 797 Winnipeg St. building to the south



Figure 5: Looking west at 783 Winnipeg St. from across Winnipeg St.



Figure 6: Looking west at space between 797 Winnipeg St. and 783 Winnipeg St.



Figure 7: Looking east at 783 Winnipeg Street from the back of the property



Figure 8: Looking northeast at 769 Winnipeg St.



Figure 9: Looking west from back of property, fence approximate to property line

Attachment E – Letter of Intent from Owner's Agent



January 16, 2015

Dear Mr. Lindsey Fraser
Planner I
City of Penticton
171 Main St
Penticton BC

Dear Mr. Fraser,

Re: Rezoning application for 783 Winnipeg St.

On behalf of the owners of the above-listed property, we are submitting the following rationale for rezoning 783 Winnipeg from RD1 to RM3:

Multi-storey apartment buildings are located on both adjacent lots and across Winnipeg St. Developing a multi-storey building, rather than a duplex, will reinforce the existing urban fabric.

The OCP recommendation for this property is medium density residential (MR). The proposed apartment building would conform to the OCP guidelines by providing medium-income housing within walking distance of the downtown core.

Currently the property is used as a parking lot. The proposed development would fill in a gap in the Winnipeg St. streetscape and provide additional street-life opportunity.

If you have any questions or require additional information, please do not hesitate to contact our office.

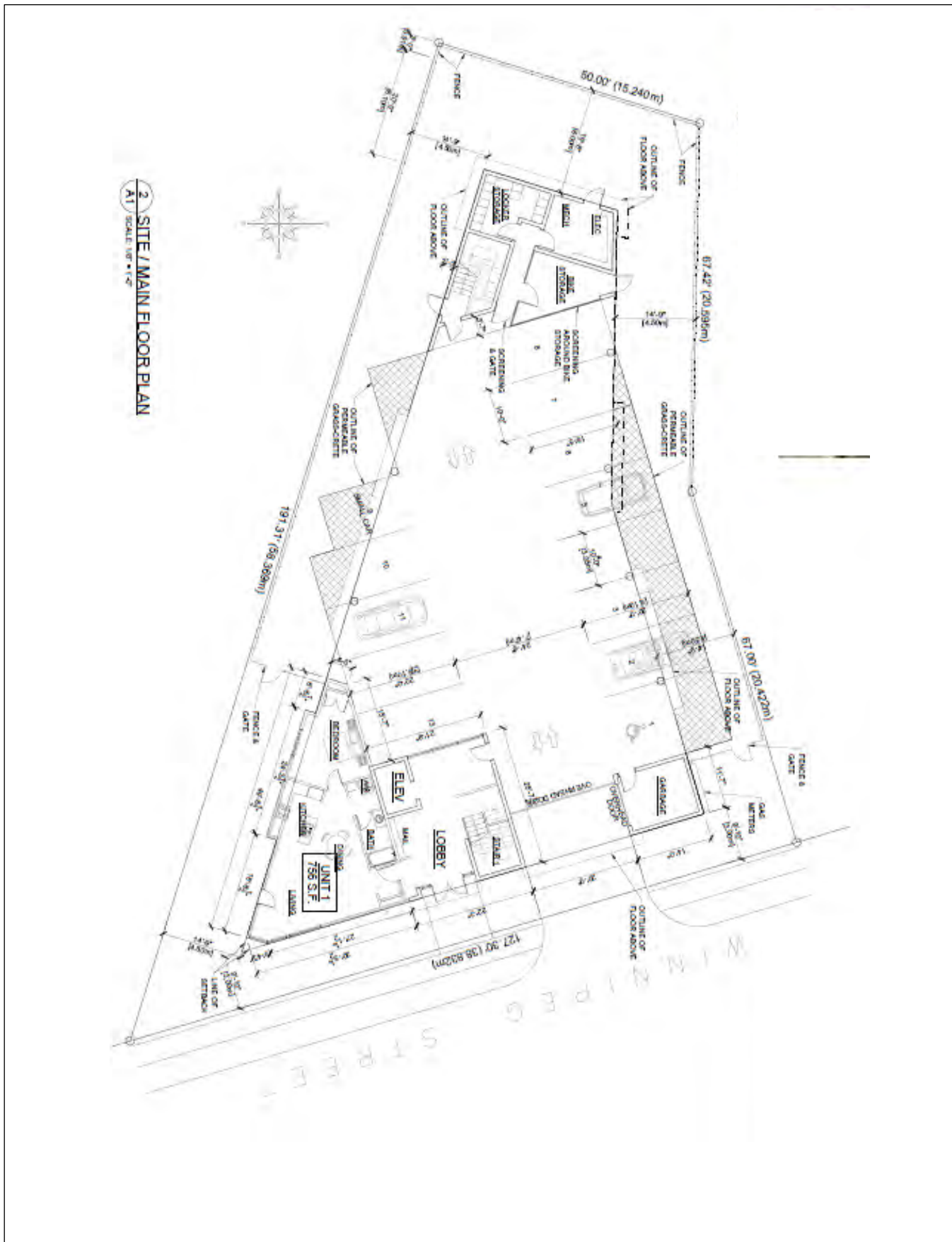
Yours truly,

Norman Goddard
Architect AIBC



411 R - 214 Main Street Penticton, BC V2A 5B1 n.goddard@goddardarchitects.com T: 250-770-1104 C: 250-488-0530 F: 250-770-8291

Attachment F – Proposed Site and Elevation Plans





Attachment G – Draft DVP



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2015-010

Name

Address |

Conditions of Permit

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

Legal: Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale District (Formerly Yale Lytton), District Plan 23635
Civic: 783 Winnipeg Street
PID: 003-411-150
3. This permit has been issued in accordance with Section 922 of the *Local Government Act* to vary Section 10.9.2.6 of Zoning Bylaw 2011-23 to allow for a reduction of the minimum front yard setback from 3.0m to 2.0m, as shown in the plans attached in Schedule A.

General Conditions

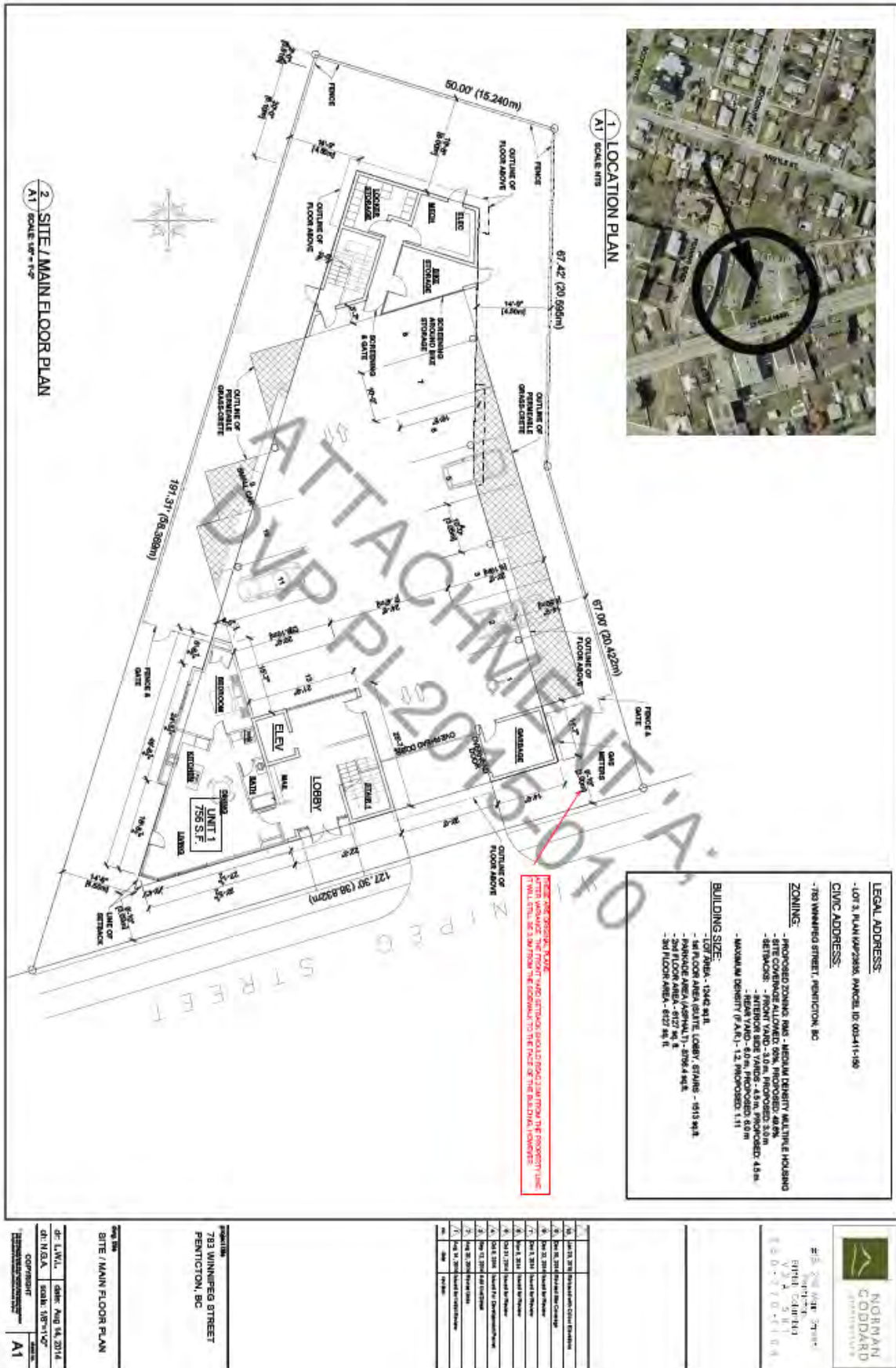
4. In accordance with Section 928(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 926 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the _____ day of _____, 2014

Issued this _____ day of _____, 2014

Dana Schmidt,
Corporate Officer

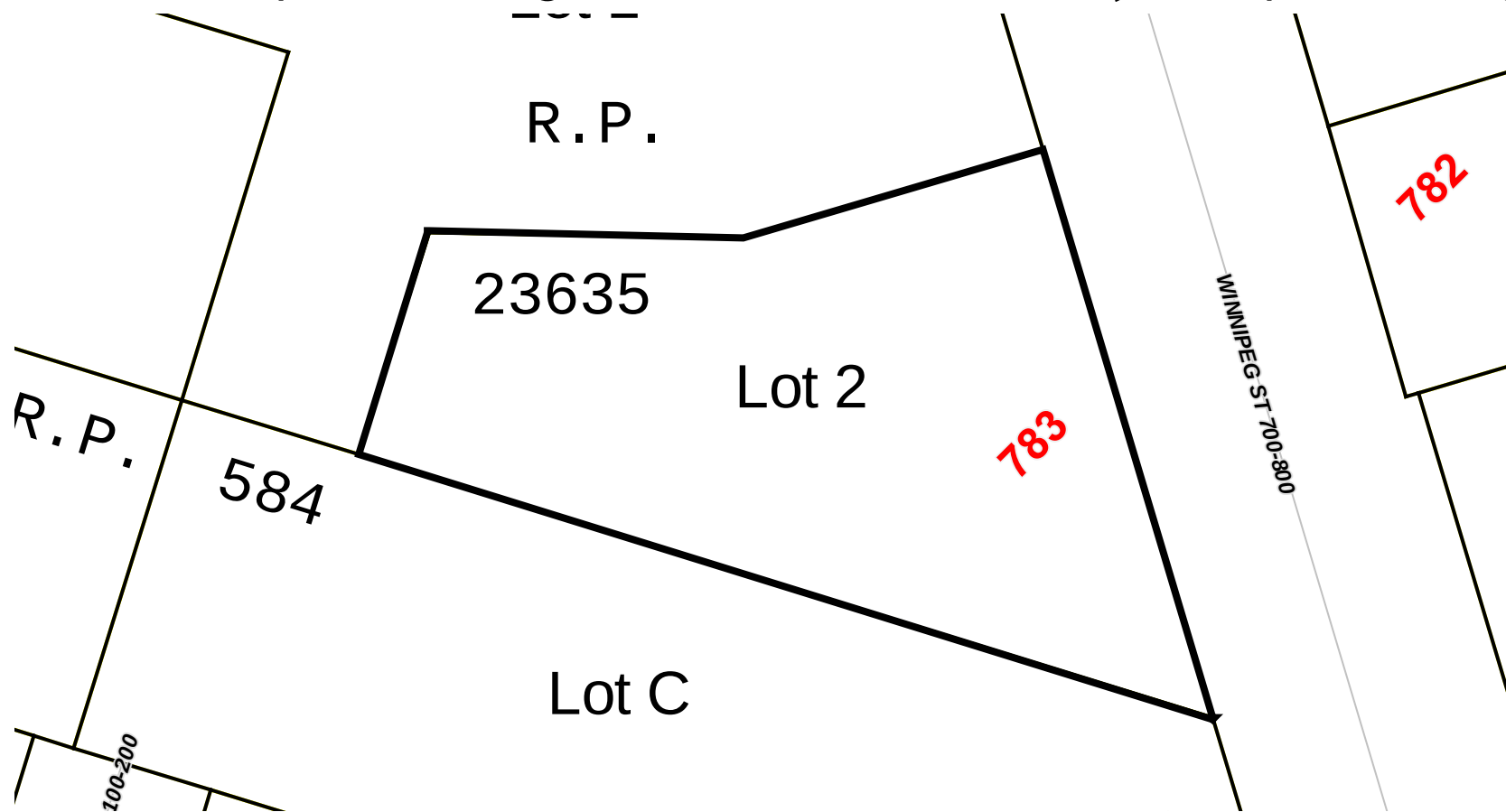
Page 2 of 2



A Bylaw 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:

Rezone 783 Winnipeg Street From RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-15

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: March 2, 2015
To: Chuck Loewen, Acting City Manager
From: Dana Schmidt, Corporate Officer
Subject: Fees and Charges Amendment Bylaw No. 2015-11

File No:

Staff Recommendation

THAT Council give three readings to Fees and Charges Amendment Bylaw No. 2015-11.

Background

All changes to the attached fee schedules have been highlighted. There is a wording change (in red), changes as per the Disconnect – Reconnect Fees and Options (Agenda Item # 8.4) are highlighted in yellow, and all other fee changes are highlighted in blue.

Aside from the Electrical Disconnect – Reconnect Fees and the reduction in plumbing permit fees, these changes are primarily housekeeping.

Financial implication No impact for the City.

Alternate recommendations

THAT Council deny first reading to Fees and Charges Amendment Bylaw No. 2015-11.

THAT Council remove fee changes as directed and read Fees and Charges Amendment Bylaw No. 2015-11 three times.

Respectfully submitted,
Dana Schmidt
Corporate Officer

Approvals

Acting City Manager

A handwritten signature in cursive script, appearing to be "CL", is located within a rectangular box.

The Corporation of the City of Penticton

Bylaw No. 2015-11

A bylaw to amend the Fees and Charges Bylaw No. 2014-07

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Fees and Charges Bylaw No. 2014-07";

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

1. Title:

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2015-11".

2. Amendment:

i. Amend "Fees and Charges Bylaw No. 2014-07" by deleting and replacing the following appendices in their entirety:

- Appendix 4 – Building Department
- Appendix 7 –Electric
- Appendix 20 – Planning and Development
- Appendix 24 – Recreation - Miscellaneous
- Appendix 26 – Theatre

ii. Appendices 4, 7, 20, 24, 26 attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2015

READ A SECOND time this day of , 2015

READ A THIRD time this day of , 2015

ADOPTED this day of , 2015

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Appendix 4

BUILDING DEPARTMENT FEES

2015

Building Application Fees

1	A non-refundable deposit is required at time of building permit application (credited towards end of Building Permit Fee)	\$130.00
2	\$1.00 - \$25,000	\$130.00 Flat Fee
3	\$25,000.01 - \$500,000	\$130.00 + \$12.00 per \$1,000 of Construction Value
4	\$500,001 and above	\$5,830 + \$10.00 per \$1,000 of Construction Value

Plumbing Fees

5	Minimum application (up to 10 Fixtures)	\$100 \$65.00
6	Per Fixture thereafter	\$8.00
7	For Alteration to an existing system where there are no fixture count changes	\$100.00
8	Per Fixture for connection for existing plumbing fixtures to City Sewer System	\$1.21
9	Per Fixture for connection for existing plumbing fixtures to City Water System	\$1.21

Sprinkler Permits (Plumbing)

10	For first ten (10) sprinkler heads	\$130.00
11	For each additional sprinkler head	\$2.00
12	For each Siamese connection, standpipe, hose cabinet, hose outlet	\$20.00

Mechanical Permits (Building)

13	New or Replacement of Mechanical System in a Single or Two Family Dwelling	\$130.00
14	New installation or replacement of a spray booth or commercial cooking ventilation system	\$130.00

Demolition Fees

15	Removal of Building(s) on a property	\$130.00
16	Security Deposit - refunded upon completion of works and confirmation of hazardous material assessment and appropriate disposal of waste	\$500.00

Appendix 4	
BUILDING DEPARTMENT FEES	2015

Locating/Relocating a Building or Structure

17	Minimum Fee for relocating an existing building or structure, modular home or manufactured home, plus	\$250.00
18	Additional Building Permit Fee for new work on site for foundations, cribbing, etc.	Calculated as per Section 01

Permit Reductions and Additional Charges

Reductions

19	Building & Plumbing Permits - Registered Professionals (Complex Buildings)	5% for Registered Coordinating Professional 5% per Registered Professional discipline up to a maximum of 25% (including RPC if used as well as RP)
20	Building Permits - Registered Professionals (Standard Buildings)	5% for every Registered Professional Discipline up to 10% maximum 5% for HPO Registered Builders for Single Family Construction
21	Plumbing Permit Homeowner Surcharge	\$50 or 25% (whichever is greater) surcharge for Single Family new construction and renovation projects completed by home owners

Additional Fees

22	Plan Check Fee - For review of revised drawings where more than two plan checks have been submitted or substantial changes to the approved design during construction that requires additional Building Code or Zoning Reviews	\$130.00 for first hour and \$65.00 for every subsequent hour
23	Re-Inspection Penalty	\$130.00 where more than two inspections have been called for. Fee must be paid in full prior to any additional inspections or completion certificate granted.
24	Alternative Building Code Solutions Review	\$130.00 per alternate solution or substantial revision to approved alternate solution

Appendix 4		
BUILDING DEPARTMENT FEES		2015
25	After hours inspections (minimum one hour)	\$130.00 for first hour and \$65.00 for every subsequent hour

Other Miscellaneous Building Permit Fees

26	Permit to install a fireplace/stove or chimney	\$130.00
27	Swimming Pool Permit (Private)	\$130.00
28	Re-Roofing Permit (Other than single and two family buildings)	\$130.00
29	Foundation Permit - Additional Application to above grade Building Permit, plus	\$130.00
30	Additonal Fee shall be charged based on the estimated cost of construction	Calculated as per Section 1
31	Secondary Suite	\$500.00
32	Crane Permits	\$130.00
33	Change of Use or Occupancy when a Building Permit is not required	\$130.00
34	Permit Extension Fee - when existing Building Permit has expired	\$130 or 10% of original permit fee(s), whichever is greater
35	Permit Transfer Fee	\$130.00

Development Application Refunds

Refunds with respect to development application are to be addressed in the following manner:

Building and Plumbing Permit Fee Refund:

Building and or Plumbing Permit application submitted, permit not issued – Upon cancellation of the Building and or Plumbing Permit application, refund Building Permit and or Plumbing Permit fees less an administrative fee of:

36	For Single Family, Duplex and smaller developments	\$440.00 plus \$100.00 for each Alternative Solution requested
37	For all other larger developments	\$690.00 plus \$100.00 for each Alternative Solution Requested

Building and or Plumbing Permit issued, no construction started as determined by the Director of Development Services – Upon cancellation of the Building and or Plumbing Permit, refund Building Permit and or Plumbing Permit fees less an administrative fee of:

38	For Single Family, Duplex and smaller developments	\$540.00 plus \$100.00 for each Alternative Solution Requested
39	For all other larger developments	\$970.00 plus \$100.00 for each Alternative Solution

Appendix 4

BUILDING DEPARTMENT FEES

2015

Building and or Plumbing Permit issued, construction started as determined by the Director of Development Services – No refund.

City infrastructure¹ requirements as part of Building Permit:

Building permit and/or plumbing permit application submitted, permit not issued – Upon cancellation of the building permit and/or plumbing permit application refund City infrastructure costs paid by the developer less an administrative fee of:

40	For Single Family, Duplex and smaller developments	\$470.00
41	For all other larger developments	\$990.00

Building permit and/or plumbing permit issued, construction not started as determined by the Director of Development Services and the City infrastructure has not been installed – Upon cancellation of the building permit and or plumbing permit refund City infrastructure costs paid by the developer less an administrative fee of:

42	For Single Family, Duplex Triplex and smaller developments	\$470.00
43	For all other larger developments	\$990.00

44	Building permit and/or plumbing permit issued, construction not started as determined by the Director of Development Services and the City infrastructure has been installed – No refund.	No Refund
45	Building permit and/or plumbing permit issued, construction started as determined by the Director of Development Services and the City infrastructure has not been installed – The person seeking a refund must make a submission for a refund in the prescribed form to the Director of Development Services or the designate who will prepare a report for Council's consideration.	Council consideration
	Council will consider the matter and may by resolution:	
	a. authorize the density bonus refund subject to conditions as; or	
	b. refuse the request for a density bonus refund;	
	c. refer the matter to staff or a future Council meeting; or	
	d. such other determination as Council may direct.	
	As a requirement of any density bonus refund the development permit and building permit must be cancelled and the development Permit must be discharged from the title of the lands.	
46	Admin. Fee for Single Family, Duplex, Triplex and small Development	\$470.00
47	For all larger Developments will be held	\$990.00

Appendix 4		
BUILDING DEPARTMENT FEES		2015
48	Building permit and/or plumbing permit issued, construction started as determined by the Director of Development Services and the City infrastructure has been installed.	No Refund

Notes:

1. City Infrastructure is defined as:

- a. Any items related to the City of Penticton water, sanitary, storm system including main line pipe, appurtenances, services etc.
- b. Any items related to roads, sidewalks, curb, gutter, signs etc.

Sidewalk Uses

49	Type 1 Sidewalk Café- Annual Fee	\$300.00
50	Type 2 Sidewalk Café - Annual Fee	\$300.00
51	For each parking space or portion thereof occupied by a temporary sidewalk café – Annual Fee	\$105.00
52	Sidewalk Sales Area or sidewalk seating area - (maximum of 2 tables and 8 seats)	\$100.00
53	Martin Street and Westminster Avenue Revitalization Project Area	n/c

VACANT BUILDING REGISTRATION FEES		
54	Fee for special safety inspection prior to registration permit	\$500.00
55	Fee for subsequent inspections not related to Vacant Building Registration Permit	\$130.00 per inspection
56	Fee for Vacant Building Registration Permit (12 months maximum) for each building or structure located on a single and two family zoned properties	\$1,500.00
57	Fee for Vacant Building Registration Permit (24 months maximum) for each building or structure located on all other zoned properties.	\$3,500.00
58	Fee for additional Vacant Building Registration (12 month maximum)	\$1,500.00
59	Attendance by City of Penticton Fire Services	Actual costs incurred by the City for related labour, materials and equipment
60	Refund	75% of Vacant Building Permit Fee may be refunded if it is remediated or demolished within first six (6) months of registration.

Appendix 7

ELECTRIC	2014	Effective February 1, 2015
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Utility Administration Rates

1	Utility credit references (current or recent account)	\$15.75	\$15.75
2	Archived account	\$26.25	\$26.25
3	Utility account history	\$15.75	\$15.75
4	Interest rate on delinquent utility accounts	10% per annum	10% per annum
5	Special electric meter reading	\$26.25	\$26.25
6	Special electric meter inspection fee	\$26.25	\$26.25

AMR OPT OUT

7	AMR Opt Out manual water electric meter reading for an individual meter	\$11.00 per meter read	\$11.00 per meter read
8	AMR Opt Out manual combined electric and water meter reading for an individual for an individual meter read	\$13.00 per combined meter read	\$13.00 per combined meter read
9	AMR Opt Out manual electric meter reading for a meter bank installation	\$11.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter	\$11.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter
10	AMR Opt Out combined electric and water meter reading for a combined electric and water meter bank installation	\$13.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.	\$13.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.
11	City padlocks	\$20.00	\$20.00
12	City lock boxes (installed by City)	\$63.00	\$63.00
13	City lock boxes (installed by customer)	\$47.25	\$47.25
14	Utility application fee – next day service	\$30.00	\$40.00
15	Utility application fee – same day service (accounts with combined electric and water)	\$90.00	\$90.00
16	Utility application fee (electric only) same day service (accounts that only have electric services)	\$42.00	\$52.00
17	Electric disconnect / re-connect fee (for non payment during City hall hours)	\$68.00	\$68.00

Appendix 7

ELECTRIC		2014	Effective February 1, 2015
18	Electric disconnect / re-connect fee (for non payment after hours without call-out)	\$97.00	\$97.00
19	Electric disconnect / re-connect fee (for non payment after hours with call-out)	\$319.00	\$405.00
20	Electrical disconnect (customer / agent request during City hall hours)	\$34.00	\$34.00
21	Electrical disconnect (customer / agent request after hours without call-out)	\$63.00	\$63.00
22	Electrical disconnect (customer / agent request after hours with call-out)	\$285.00	\$405.00
23	Electrical re-connect (customer / agent request during City hall hours)	\$34.00	\$34.00
24	Electrical re-connect (customer / agent request after hours without call-out)	\$63.00	\$63.00
25	Electrical re-connect (customer / agent request after hours with call-out)	\$285.00	\$405.00
26	Illegal reconnection administration charge	\$255.00	\$255.00
27	Utility fee - Leave on Authorized	\$10.20	\$10.20
28	Disconnection from pole (for non-payment)	\$204.00	\$405.00
29	Special Administration charge per service	\$25.50	\$25.50

Electric Rates

Rate Code 10 - Residential

30	Basic Charge	\$16.17 per billing plus	\$16.88 per billing plus
31	Energy Charge	\$0.1111 per kwh for all consumption during the billing period	\$0.1160 per kwh for all consumption during the billing period

Rate Code 15 - Residential/Special Service

32	Basic Charge	\$16.17 per billing plus	\$16.88 per billing plus
33	Energy Charge	\$0.1278 per kwh for all consumption during the billing period	\$0.1334 per kwh for all consumption during the billing period

Rate Code 20 - General - Secondary metered and City owned Transformation

34	Basic Charge	\$16.17 per billing plus	\$16.88 per billing plus
35	Energy Charge: First 10,000 kwh per billing	\$0.1304 per kwh	\$0.1362 per kwh
36	Next 90,000 kwh per billing	\$0.1027 per kwh	\$0.1072 per kwh
37	Additional kwh per billing	\$0.0720 per kwh	\$0.0751 per kwh

Appendix 7

ELECTRIC		2014	Effective February 1,2015
38	Demand Charge	\$9.20 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.60 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

Rate Code - 25, 30 and 35

Are subject to the same base rates for consumption and demand as set out in Rate Code 20 with the following discounts:

39	Primary Metering	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only
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Rate Code 25 - General - Primary metered and City owned Transformation

40	Basic Charge	\$16.17 per billing plus	\$16.88 per billing plus
Energy Charge			
41	First 10,000 kwh per billing	\$0.1285 per kwh	\$0.1342 per kwh
42	Next 90,000 kwh per billing	\$0.1011 per kwh	\$0.1055 per kwh
43	Additional kwh per billing	\$0.0711 per kwh	\$0.0742 per kwh
44	Demand Charge	\$9.05 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.45 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

Rate Code 30 - General - Secondary metered and customer owned Transformation

45	Basic Charge	\$16.17 per billing plus	\$16.88 per billing plus
Energy Charge			
46	First 10,000 kwh per billing	\$0.1304 per kwh	\$0.1362 per kwh
47	Next 90,000 kwh per billing	\$0.1027 per kwh	\$0.1072 per kwh
48	Additional kwh per billing	\$0.0720 per kwh	\$0.0751 per kwh

Appendix 7			
ELECTRIC		2014	Effective February 1,2015
49	Demand Charge	\$8.36 per KVA of billing demand which is the greater of: a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$8.73 per KVA of billing demand which is the greater of: a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months
Rate Code 35 - General - Primary metered and customer owned Transformation			
50	Basic Charge	\$16.17 per billing plus	\$16.88 per billing plus
Energy Charge			
51	First 10,000 kwh per billing	\$0.1285 per kwh	\$0.1342 per kwh
52	Next 90,000 kwh per billing	\$0.1011 per kwh	\$0.1056 per kwh
53	Additional kwh per billing	\$0.0710 per kwh	\$0.0742per kwh
54	Demand Charge	\$8.23 per KVA of billing demand which is the greater of: a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$8.59 per KVA of billing demand which is the greater of: a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months
Rate Code 45 - General - City Accounts			
55	Energy Charge	\$0.0758 per kwh for all consumption	\$0.0792 per kwh for all consumption
Rate Code 55 - Street Lighting & Other Un-metered Loads			
56	Per fixture watt or volt ampere per billing subject to Section 3.b of Bylaw 2000-36 (Electrical Regulations)	\$0.0846 per fixture watt or volt ampere per billing	\$0.0883 per fixture watt or volt ampere per billing
57	Per watt or volt ampere per billing based on equipment name plate data or customer information, or where data is insufficient, the City will determine by appropriate measurement and calculation what equipment watt or volt ampere loading shall be used for billing purposes.	\$0.1598 per watt	\$0.1668 per watt
58	Monthly minimum charge per fixture or service connection	\$16.17 per billing plus	\$16.88 per billing plus

Appendix 7

ELECTRIC	2014	Effective February 1,2015
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Note: Any applicable Federal or Provincial taxes are in addition to the above charges. A discount forfeit equal to 10% of the "current charges" (excluding Goods and Services Tax) will result if full payment of current charges is not received. a) on "residential and residential/special services" (rate codes 10 and 15), on or before the expiration of fifteen (15) days after the date of the mailing of the invoices therefore. b) on all other services not included in the definition of "residential or residential/special services" on or before the expiration of twenty-two (22) days after the date of the mailing of the invoices therefore, provided that when the said day falls on Saturday, Sunday, or holiday, the discount shall apply if payment is received on the next succeeding day which is not a holiday. In the event of a partial payment of the current charges on or before the discount date, a proportionate discount shall be allowed.

Basic charges will be applicable to accounts that are disconnected from electric for seasonal or temporary purposes when the electric is being turned off at the account holders request but the account holder(s) is not altering.

Electrical Service Calls

59	Service Call – 1 stop (1 hr. max)	\$200.00	\$205.00
60	Service Call – 2 stops (1.5 hr. max)	\$300.00	\$305.00

Net Metering

Energy Credit – The City will apply a credit for the purchase of power from all City customers generating and transmitting power into the City electrical grid at the appropriate rate code that the City charges for power for the class of the said customer. Furthermore no additional City Fees related to electrical will be applied for participating in the Net Metering program. Customers will be responsible for all on-site costs of their Distribution Generation system including, but not limited to, design, permits, installation, repairs and maintenance.

City Electrical Infrastructure²:

Due to the nature and timing of the various process's involved with the installation of electrical infrastructure a request for refund will be entertained at any time and will require evaluation as to the customer's and/or the Electric Utility's involvement, investment to date and further investment required to complete the works to a stage where they are deemed, by the Operations Manager of the Electrical Utility, to be safe for the public and the customer and have no negative effect on the electrical systems integrity or configuration. Calculation or determination of refund amounts will be completed by the General Manager of the Electrical Utility.

Notes:

2. City Electrical Infrastructure is defined as:

- a. Any items related to the City of Penticton Electrical Utility distribution system including but not limited to primary and secondary duct, street lighting and power cables, transformers and associated appurtenances.

Electrical Service Connections

Temporary Service Connection

61	1 Phase up to 200 amps	\$190.00	\$190.00
62	all except 1 phase up to 200 amps	Actual Cost	Actual Cost

Service Relocate

63	1 phase up to 200 amps	\$288.75	\$288.75
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Service Upgrade

64	1 phase up to 200 amps	\$288.75	\$288.75
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Appendix 7

ELECTRIC		2014	Effective February 1, 2015
65	1 phase over 200 amps	Actual Cost	Actual Cost
66	3 phase overhead (all)	Actual Cost	Actual Cost

Service Connection

67	1 phase per unit (200 amps max -includes 1 meter) overhead and underground	\$315.00	\$315.00
68	Additional meters	Actual Cost	Actual Cost
69	1 phase overhead over 200 amps	Actual Cost	Actual Cost
70	3 phase overhead (all)	Actual Cost	Actual Cost
71	1 phase underground over 200 amps	Actual Cost	Actual Cost
72	3 phase underground (all)	Actual Cost	Actual Cost
73	Electrical Utility Ext. Agreement	Actual Cost	Actual Cost
74	Primary Underground Cable	Actual Cost	Actual Cost
75	Terminate and Energize underground - Per lot	Actual Cost	Actual Cost
76	Installation of electrical poles, vaults, road-crossings, etc	Actual Cost	Actual Cost
77	Replace Broken Meter Glass	\$85.00	\$85.00
78	Reseal Electric Meter	\$45.00	\$45.00
79	Electrical Call Out Rate	\$330.00	\$330.00
80	Service Call – 1 stop (1 hr. max)	\$200.00	\$200.00
81	Service Call – 2 stops (1.5 hr. max)	\$300.00	\$300.00
82	AMR Opt Out electric meter use of a digital non radio frequency electric meter	\$105.00 per meter	\$105.00 per meter

Electrical Pole Contacts

83	Telus	\$22.86	\$22.81
84	Shaw Cable	\$19.25	\$22.81
85	Recoverable Sign Installations	Actual Cost	Actual Cost
86	Shaw Cabel per Power Point Contact + Energy as Per Rate Code 55		\$27.07/contact plus energy

Appendix 20

PLANNING AND DEVELOPMENT

2014

**Effective March
1, 2015**

Subdivision and Development Costs

1	Every applicant for a subdivision approval shall submit with their application, a non-refundable fee equal to \$330.00 for the first parcel to be created and the fees as prescribed in section 8 of this appendix (Subdivision) (Fee Simple & Bareland Strata) for each additional parcel to be created by the proposed subdivision.
	Every person who obtains:
2	a) approval of the subdivision of a parcel of land under the "Land Registry Act" or the "Strata Titles Act" for any purpose other than the creation of three (3) or less lots to provide sites for a total of three (3) or less self-contained dwelling units; or
3	b) a Building Permit authorizing the construction or alteration of buildings or structures for any purpose other than the construction of three (3) or less self-contained dwelling units; or
4	c) a building Permit authorizing construction, alteration or extension of a building or structure, other than a building or portion of it used for residential purposes, where the value of the work exceeds Twenty-five Thousand Dollars (25,000);
5	d) prior to commencement of the construction or installation of any works or services required under the Subdivision and Development Bylaw 2004-81, the owner shall pay to the City an administration fee of 1% of all works and services to be provided;
6	e) prior to commencement of the construction or installation of any works or services required under the Subdivision and Development Bylaw 2004-81, as amended from time, the owner shall pay to the City a Rectification and Repair Contingency fee of 2% of the estimated cost of construction. This fee shall be used to repair or replace existing City infrastructure that has been altered or damaged by activity related to the installation of the works and services for the development. The remainder of the fee will be returned to the owner upon issuance of the Total Performance Certificate.
7	shall pay, prior to the approval of the subdivision or the issue of the Building Permit, as the case may be, to the Municipality, the applicable development cost charges.

OCP Amendments

8	a) Stand alone OCP Amendments in Country Residential, Low Density Residential and Agricultural designated areas	\$1,312.50	\$1,400.00
9	b) All other stand alone OCP Amendments	\$1,575.00	\$1,680.00
10	c) OCP Amendments in Country Residential, Low Density Residential and Agricultural designated areas (where in conjunction with a Rezoning Application)	\$881.25	\$940.00
11	d) All other stand alone OCP Amendments (where in conjunction with a Rezoning Application)	\$1,068.75	\$1,140.00
12	e) OCP Text Amendments	\$1,256.25	\$1,340.00

Rezoning

13	a) Stand alone Rezoning applications in Country Residential, Low Density Residential and Agricultural designated areas.	\$1,012.50	\$1,080.00
14	b) All other stand alone Rezoning applications.	\$1,387.50	\$1,480.00
15	c) Zoning Bylaw Text Amendments	\$937.50	\$1,000.00

Appendix 20

PLANNING AND DEVELOPMENT		2014	Effective March 1, 2015
16	d) Comprehensive Development Zone	\$1,875.00	\$2,000.00

Public Notice Signs (OCP and Zoning Amendments)

17	a) Initial OCP or Zoning Bylaw Sign	\$225.00	\$225.00
18	b) Repair of Damaged Signs	\$80.00	\$80.00
19	c) Replacement of damaged signs	\$120.00	\$120.00
20	d) Additional Public Hearing Fee	\$550.00	\$550.00

Development Permit Application

21	a) Major Development Permit (Council Decision)	\$937.50	\$1,000.00
22	b) Minor Development Permit (Staff issuable)	\$562.50	\$600.00
23	c) Major Amendments to Development Permits (Council Decision)	\$468.75	\$500.00
24	d) Minor Amendments to Development Permits (Staff issuable)	\$281.25	\$300.00
25	e) Appeal to Council of a Staff Decision on a Development Permit	\$562.50	\$600.00
26	f) Reissuance of an expired Development Permit	\$375.00	\$400.00
27	g) Riparian / Environmental Assessment Development Permit	\$225.00	\$225.00

Development Variance Permit Application or Board of Variance Application

28	a) Major Variance (3+ Variances per development)	\$937.50	\$1,000.00
29	b) Major Variance (3+ Variances per development) if in conjunction with a Development Permit Application	\$562.50	\$600.00
30	c) Minor Variance (1 or 2 Variances per development)	\$562.50	\$600.00
31	d) Minor Variance (1 or 2 Variances per development) if in conjunction with a Development Permit Application	\$375.00	\$400.00
32	e) Reissuance of expired Development Variance Permit	\$375.00	\$400.00
33	f) Note: No additional fee is required for a Variance where it is issued under Section 920 (2) of the <i>Local Government Act</i> .		

Temporary Use Permit

34	a) Temporary Use Permit	\$787.00	\$800.00
35	b) Temporary Use Permit Renewal	\$393.75	\$400.00

Subdivision (Fee Simple & Bareland Strata)

a) Preliminary Layout Approval Review

36	1-2 Lots	\$330.00	\$330.00
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Appendix 20

PLANNING AND DEVELOPMENT		2014	Effective March 1, 2015
37	3-10 Lots	\$330.00 + \$300.00 per lot in excess of 2 lots	\$330.00 + \$300.00 per lot in excess of 2 lots
38	11-20 Lots	\$2,885.00 + \$220.00 per lot in excess of 10 lots	\$2,885.00 + \$220.00 per lot in excess of 10 lots
39	21-30 Lots	\$5,085.00 + \$190.00 per lot in excess of 20 lots	\$5,085.00 + \$190.00 per lot in excess of 20 lots
40	31-40 Lots	\$7,010.00 + \$165.00 per lot in excess of 31 lots	\$7,010.00 + \$165.00 per lot in excess of 31 lots
41	41 Lots or Greater	\$8,660.00 + \$110.00 per lot in excess of 40 lots	\$8,660.00 + \$110.00 per lot in excess of 40 lots
42	b) Preliminary Layout Approval Renewal or Amendment	\$110.00	\$110.00
43	c) Legal Plan Approval Fee	\$60.00	\$60.00
44	d) Early Registration Agreement (Applicable to Fee Simple Subdivisions)	\$750.00	\$750.00

Strata Conversion

45	a) First lot	\$300.00	\$300.00
46	b) Each Additional Lot	\$150 per conversion to a max. of \$2,000.	\$150 per conversion to a max. of \$2,000.
	c) Report Inspection Fees		
47	Third Party Review of Professional Reports submitted with an Application	Actual Cost	Actual Cost
48	d) Legal Plan Approval Fee	\$60.00	\$60.00

Phased Strata

49	a) Phasing Approval Fee	\$105.00	\$400.00
50	b) Legal Plan Approval Fee	\$60.00	\$60.00
51	c) Form P Approval	\$75.00	\$100.00

ALR

52	ALR Exclusion/Inclusion/Subdivision/Non Farm Use	\$600.00	\$600.00
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Other Administrative Fees

53	a) Earthworks Permit	\$250.00	\$250.00
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Appendix 20

PLANNING AND DEVELOPMENT		2014	Effective March 1, 2015
54	b) Boulevard Trees	\$472.50	\$472.50
55	c) Ministry of Environment-Site Profile Referral	\$100.00	\$100.00
56	d) Address Number Change Request (owner initiated)	\$150.00	\$150.00
57	e) Road Name Change Fee (owner initiated)	\$500.00	\$500.00
58	f) Land Title Search (when not provided at time of application)	\$20.00	\$20.00
59	g) File Search or comfort letter initial fee for first hour	\$160.00	\$160.00
60	File search hourly rate	\$60.00	\$60.00
60.1	Removal of Section 57 Notice on Title		\$250.00

Map and Bylaw Rates

61	a) Plotter Printing Fees for all documents over 11" X 17"/sq.-ft. per page	\$4.50 /sq ft	\$5.00
62	b) Bylaws (OCP, Zoning, Subdivision and Development)/page (note: large bylaw maps shall be charges separately as above (documents over 11" x 17"/sq.ft.)	As outlined in Appendix 1 Administrative Rates	As outlined in Appendix 1 Administrative Rates

Land Administration Services

63	a) Prepare document and register with Land Titles Office	\$850.00	\$850.00
64	b) Prepare amended document and register with LTO	\$420.00	\$420.00
65	c) Prepare discharge document and register with LTO	\$420.00	\$420.00
66	d) Prepare document (lease, licence, sub-licence) not registered with LTO	\$290.00	\$290.00
67	e) Amend or renew document (lease, licence, sub-licence)	\$150.00	\$150.00
68	f) Location Certificate (Licenced BC Land Surveyor prepared)	Actual cost	Actual cost
69	g) Use of City Owned Lands	Market Value	Market Value
70	h) Appraisals	Actual cost	Actual cost
71	i) To raise title on Park for Road for the purposes of Disposition	\$850.00	\$850.00
72	j) Road Closure Permit	\$96.60	\$96.60
73	k) Amended Road Closure Permit	\$25.20	\$25.20
74	l) Legal Fees and City Survey Costs	Actual cost	Actual cost

Any additional city legal and/or survey costs which are required in the processing of any of the applications listed in this Application Fee Schedule will be borne by the applicant including but not limited to the preparation and registration of restrictive covenants, land use Contract Amendments, Statutory Rights-of-Way, Road Closure and Disposition, etc.

Development Applications Refunds

Development Cost Charges, DCC, Refund:

75	Refunds for development cost charges are to be addressed as per City of Penticton Development Cost Charges Bylaw No. 2007-79 as amended or superceded.
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Appendix 20

PLANNING AND DEVELOPMENT

2014

**Effective March
1, 2015**

Density Bonus Refund:

76	Density bonus paid as part of building permit issuance, construction beyond the footings not started, as determined by the Director of Development Services – Upon cancellation of the building permit or building permit application refund all density bonus paid less an administrative fee of \$250.
77	Density bonus paid as part of building permit issuance, construction beyond the footings started as determined by the Director of Development Services – The person seeking a refund must make a submission for a refund in the prescribed form to the Director of Development Services or the designate who will prepare a report for Council's consideration.

Council will consider the matter and may by resolution:

78	a. authorize the density bonus refund subject to conditions as; or		
79	b. refuse the request for a density bonus refund;		
80	c. refer the matter to staff or a future Council meeting; or		
81	d. such other determination as Council may direct.		
82	As a requirement of any density bonus refund the development permit and/or building permits must be cancelled and the development permit must be discharged from the title of the land – all density bonus paid shall be refunded less an administration fee of:	\$250.00 and a discharge notice of fee of \$250.00	\$250.00 and a discharge notice of fee of \$250.01

City infrastructure¹ requirements as part of Subdivision:

Subdivision not approved and infrastructure not installed – Upon cancellation of the preliminary layout approval, refund infrastructure charges less an administrative fee of:

83	a. For Single Family, Duplex and smaller developments	\$470.00	\$470.00
84	b. For all other larger developments	\$990.00	\$990.00
85	Subdivision not approved and infrastructure installed	No Refund	No Refund
86	Subdivision approved	No Refund	No Refund

City infrastructure¹ requirements as part of Zoning:

Zoning Bylaw amendment not adopted and infrastructure not installed – Upon rescinding all readings of the Zoning Bylaw amendment refund infrastructure charges less an administrative fee of:

87	a. For Single Family, Duplex and smaller developments	\$470.00	\$470.00
88	b. For all other larger development	\$990.00	\$990.00
89	Zoning Bylaw amendment not adopted and infrastructure installed	No Refund	No Refund
90	Zoning Bylaw Amendment adopted	No Refund	No Refund

Development Variance Permit Application Fee:

91	a. Development variance permit application has not been scheduled for a Technical Planning Committee meeting – Upon cancellation of the application refund the application fee less an administrative fee of \$500.
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Appendix 20

PLANNING AND DEVELOPMENT		2014	Effective March 1, 2015
92	b. Development variance permit application has been scheduled for a Technical Planning Committee meeting but has not been to delegations and submissions at Council – Upon cancellation of the application refund \$250		
93	c. Development variance permit application has been to Council - No refund.		

Development Permit Application Fee:

94	a. Development permit application has not been scheduled for a Technical Planning Committee meeting – Upon cancellation of the application refund the application fee less an administrative fee of \$500
95	b. Development permit application has been scheduled for a Technical Planning Committee meeting but has not been to delegations and submissions at Council – Upon cancellation of the application refund \$250.
96	c. Development permit application has been to Council - No refund.

Rezoning Application Fee:

97	a. Rezoning application has not been scheduled for a Technical Planning Committee meeting – Upon cancellation of the application refund the application fee less an administrative fee of \$500
98	b. Rezoning application has been scheduled for a Technical Planning Committee meeting but has not been to Council – Upon cancellation of the application refund \$250.
99	c. Rezoning application has been to Council - No refund.

Official Community Plan, (OCP) Amendment Application Fee:

100	a. OCP amendment application has not been scheduled for a Technical Planning Committee meeting – Upon cancellation of the application refund the application fee less an administrative fee of \$500.
101	b. OCP amendment application has been scheduled for a Technical Planning Committee meeting but has not been to Council – Upon cancellation of the application refund \$250.
102	c. OCP amendment application has been to Council - No refund.

Landscaping Security Refund:

103	a. Development permit has lapsed in accordance with Section 926(1) of the <i>Local Government Act</i> , no building permit has been issued and no substantial construction has begun as determined by the Director of Development Services - Upon cancellation of the development permit and discharging the notice of the development permit from title of the lands, refund of the landscaping security deposit plus interest less an administrative fee of \$350.

Appendix 20

PLANNING AND DEVELOPMENT

2014

Effective March
1, 2015

Agriculture Land Reserve (ALR) Application Fee:

112	a. An ALR application that has not been scheduled for a Technical Planning Committee meeting – Upon cancellation of the application, refund of the application fee less an administrative fee of \$250.
113	b. An ALR application that has been presented at a Technical Planning Committee meeting but has not been forwarded to the Agricultural Land Commission – Upon cancellation of the application, refund \$300.

Notes:

1. City Infrastructure is defined as:

- a. Any items related to the City of Penticton water, sanitary, storm system including main line pipe, appurtenances, services etc.
- b. Any items related to roads, sidewalks, curb, gutter, signs etc.

Sign Permit Fees:

For the purpose of calculating the fee for a sign permit, the value of construction shall be the total contract price for the work, including all subcontractors, or the value of construction as determined by the Building Inspector on the basis of the plans, specifications and information available, whichever value shall be the greater.

114	for enlargement, conversion, alteration or relocation of a sign for which a permit has been issued	\$30.00	\$30.00
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Appendix 20

PLANNING AND DEVELOPMENT		2014	Effective March 1, 2015
115	signs with a value of \$1,000 or less (per sign)	\$40.00	\$40.00
116	for each \$1,000 of part thereof, by which the value exceeds the sum of \$1,000 (per sign)	\$8.00	\$8.00
117	Variance to the Sign Bylaw	\$525.00	\$600.00
118	Where any sign has been erected without a permit having previously been obtained, the fee for obtaining such permit shall be double the amount of the regular permit fee	minimum \$100 fine	minimum \$100 fine

Appendix 24

Recreation - Miscellaneous	Effective April 1,2014	Effective April 1,2015
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Shower Only

1	Single Visit	\$2.86	\$3.10
2	10 Pass	\$25.71	\$27.86

Gymnasium Drop -In

3	Single Visit	\$3.81	\$4.05
4	Family	\$9.53	\$10.00

Service Fees

5	Membership Card Replacement	\$1.91	\$2.14
6	*Non-Profit Sport/Recreation Groups	\$1.91	\$2.14
7	*Non-Profit Theatre Tickets	\$1.91	\$2.14
8	*Commercial Theatre Tickets	\$2.38	\$2.62

* Subject to applicable taxes and card service (Visa/Master/Amex) fees for credit card use.

9	Agency Activity Pass - Annual	\$570.47	\$599.05
10	Access Passes	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room

Recreation Program Fees

Program fees set at a level sufficient at minimum to cover all instructor, expendable and consumable materials and extraordinary costs plus an additional 20%

Storage Rental (Community Centre Gym)

11	4x7x10 compartment (per month)	\$23.95	\$24.43
12	Misc. Storage Rentals/sq feet/month (minimum \$10/month)	\$0.58	\$0.59

Piano Rental

13	The Licensee shall be responsible for and shall pay for the tuning of the Piano if required	Actual Cost	Actual Cost
14	Grand/Upright Piano (1/3 of a day)	\$11.21	\$11.43

Concert Steinway Piano

16	Commercial - 1 day of First day	\$172.83	\$176.29
17	Commercial - Subsequent Days	\$86.41	\$88.14
18	Non-Profit 1 day or first day	\$86.41	\$88.14
19	Non-profit - Subsequent days	\$43.21	\$44.07

Specialty Items

20	Community Centre Equipment Rentals	market value	market value
21	Community Centre Retail Merchandise	mark up at Retail Price to reflect 25%-50%	mark up at Retail Price to reflect 25%-50%
22	RV Overnight Parking Permit (a window permit is issued to those user groups requiring an RV on site for special event security - pending approval by the PRC Director of designate. Permit is issued through the RCMP.	\$27.97	\$28.53

Appendix 26

THEATRE		Effective April 1,2014	Effective April 1,2015
1	Theatre Technician Rate Rate of \$33.00/hr effective April 1, 2014 is included. To be increased by CPI in non-review years.		
2	Theatre may be rented for a minimum of 4 hours. First half hour and last half hour of rental is for staff to ensure safety requirements and is not available to licensee.		
3	Theatre rental comes with the Basic House Wash Lighting. Any additions or changes and the reversal back to the Basic House Wash will be charged at actual hours required X Theatre Technician rate per hour.		

Non-Profit/Local Public/Rehearsal/Set up/Take down

4	Child/Youth	\$45.73	\$46.64
5	Adult	\$71.38	\$72.81

Non-Profit/ Local Public/ Performance

6	Child/Youth	\$58.56	\$59.73
7	Adult	\$84.20	\$85.89
8	Local Private/Commercial/ Rehearsal/Set up/Take Down	\$84.20	\$85.89
9	Convention Rate	\$84.20	\$85.89
10	Local Private/ Commercial/ Performance	\$147.36	\$150.31
11	Non-Resident/Private/Commercial: Rehearsal Set Up/Take Down	\$168.41	\$171.78
12	Non-Resident/Private/Commercial: Performance	\$210.52	\$214.73
13	Non-Resident/Non Profit: Rehearsal Set Up/Take Down	\$84.20	\$85.89
14	Non-Resident/Non Profit: Performance	\$147.37	\$150.32
15	Non-Resident Commercial Day Rate*	\$1430/day	\$1460/day
16	Non-Resident Non Profit Day Rate*	\$799/day	\$ 815 / day

*Additional rental hours past 8 hours on Day Rate will be charged Technician Rate for each additional hour

Dark Days

17	Non-profit Child/Youth	\$12.82	\$13.08
18	Adult/Private/ Commercial/Non-Resident	\$25.65	\$26.17
19	Set Shop Only	\$6.33	\$6.46

20	*Non-Profit Theatre Tickets	\$1.91	\$2.14
21	*Commercial Theatre Tickets	\$2.38	\$2.62

* Subject to applicable taxes and card service (Visa/Master/Amex) fees for credit card use.

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February 24, 2015

Our File: 3191-001

Andrew.Jakubeit@penticton.ca

City of Penticton
171 Main Street
Penticton, B.C. V2A 5A9

Attention: Andrew Jakubeit, Mayor
 And Fellow City Councilors

Gentlemen/Mesdames:

Re: 3 Mile Beach Hearing – March 2, 2015

We have been consulted by certain property owners of residences, vineyards and wineries whose properties are located on 3 Mile Road, Fleet Road or Naramata Road, in the City of Penticton. They have made certain representations to the Mayor and have spoken to, I believe, all city councilors in regards to the Hearing that is presently set for March 2, 2015. This we understand is to deal with issues that part of it have arisen over the June 2014 incursion by nudists onto Penticton City public beach.

What has in the past been utilized by the nudists was on the private property adjacent to the City of Penticton public beach.

The area the nudists was using was illegal as they were trespassing on private lands.

The neighbours and most Pentictonites would not, in any submission, take their younger children or grandchildren to a nudist beach. For many, exposing oneself in public to young people is morally reprehensible.

Recognizing that the property that is the City of Penticton public beach at 3 Mile Beach, approximately 500 feet is owned and under the jurisdiction of the City of Penticton thus imposing certain obligations on the City of Penticton, and the present city council insofar as how this property is to be used.

MESSNER KENNEY LLP

February 25, 2015

According to one of my clients who has had two appraisals done on his property, the fact that his property is close to a nudist beach in which the city is not dealing with it has greatly diminished the value of his property. That, I would submit, is a fact that few could dispute. Thus, the economic consequences for these property owners if the present use of that property is allowed to continue is very serious.

It is also clear, in my opinion, given the location of this portion of the beach is generally observable and useable by the general public and this could be an offence pursuant to Sections 173 and 174 of the Criminal Code. Thus, in one sense of the word the City of Penticton would in fact be aiding and abetting the commission of a crime by allowing the present utilization of this beach as a nudist beach to continue.

When reaching your decision about what to do in regards to the City of Penticton 3 Mile public beach we would submit that you must bear in mind this property is owned by all Pentictonites. Those most affected are the neighbours, homeowners with families and the multiple wineries in the area.

What my clients want is quite simple that a by-law be passed allowing signed postings on The 3 Mile Beach to reflect that nudity is prohibited and any and all offenders would be subject to a minimum of a \$100 fine per occurrence or some other amount that is reasonable.

I would ask that my brief outline of what I understand the situation to be, be borne in mind by the City Council on March 2, 2015.

Yours truly,

MESSNER KENNEY LLP

Larry D. Halbauer

lhalbauer@messnerkenney.ca

LDH/rew