



Agenda

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

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

1. **Call Regular Council Meeting to Order**
 2. **Introduction of Late Items**
 3. **Adoption of Agenda**
 4. **Adoption of Minutes:**
 - 4.1 Minutes of the March 2, 2015 Public Hearing 1-2 Receive
 - 4.2 Minutes of the March 2, 2015 Regular Council Meeting 3-9 Adopt
 5. **Presentations:**
 6. **Delegations (5 minutes maximum):**
 - 6.1 BC Assessment – Tracy Wall, Deputy Assessor and Local Area Assessor 10
 - 6.2 École Entre-Lacs – Fariba Daragahi 11-15
 7. **Reconsideration of Bylaws and Permits:**
 - 7.1 Zoning Amendment Bylaw No. 2015-12 16-17 Adopt
Re: 115 Kinney Avenue
 - 7.2 Zoning Amendment Bylaw No. 2015-15 18-19 2nd/3rd
Re: 783 Winnipeg Street
 8. **Staff Reports:**
 - 8.1 Development Variance Permit PL2015-006 20-29 Del/Sub
Re: 319 Sudbury Avenue
Staff Recommendation: THAT Council approve "Development Variance Permit PL2015-006", for Parcel A (Being a consolidation of Lots 6 and 7, see CA2967509), District Lot 189, Similkameen Division Yale District, Plan KAP46960, located at 319 Sudbury Avenue, a permit to vary the maximum height for an accessory building from 4.5m to 5m and vary the maximum floor area for an accessory buildings from 75m² to 82m². AND THAT Council direct staff to issue "Development Variance Permit PL2015-006".
- PM

BPM	8.2	Section 57 Notice on Title and Injunctive Action Re: 2365 Barnes Street <i>Staff Recommendation: THAT Council resolve to place a Notice on Title under Section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot B, District Lot 25 SDYD, Plan 31870 located at 2385 Barnes Street, stating the following: "Failure to control of surface water which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45"; AND THAT further injunctive action be commenced by staff within 30 days of Section 57 Notice on Title being registered if construction to repair the retaining wall is not commenced; AND FURTHER THAT the owner(s) be notified of the proposed Notice on Title report and be given an opportunity to speak to the matter at the April 7th, 2015 Council meeting.</i>	30-38
BPM	8.3	Section 57 Notice on Title and Injunctive Action Re: 2360 Government Street <i>Staff Recommendation: THAT Council resolve to place a Notice on Title under Section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot A, District Lot 251 SDYD, Plan 31870 located at 2360 Government St, stating the following: "Failure to complete a building permit which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45"; AND THAT further injunctive action be commenced by staff within 30 days of Section 57 Notice on Title being registered if construction to repair the retaining wall is not commenced; AND FURTHER THAT the owner(s) be notified of the proposed Notice on Title report and be given an opportunity to speak to the matter at the April 7th, 2015 Council meeting.</i>	39-48
BS	8.4	Graffiti Management Strategy Endorsement and Pilot Removal Program Agreement <i>Staff Recommendation: THAT Council endorse the Graffiti Management Policy; AND THAT Council enter into the Partnership Agreement with the Downtown Penticton Association for the pilot graffiti removal program for a one-year term; AND THAT the Mayor and Corporate Officer are authorized to execute the document.</i>	49-67
HRM	8.5	Council Benefits <i>Staff Recommendation: THAT Council chooses to participate in the UBCM Extended Health and Dental benefit program; AND THAT Council approves benefits to be funded through the labour load budget. OR THAT Council approves benefits to be funded from the Elected Officials in-town expense budget. OR THAT Council approves 50% of the benefits to be funded through the labour load budget with the remaining 50% funded by the participating Elected Officials.</i>	68-73
CE	8.6	SILGA and UBCM Resolution Re: Confined Space Entry for Waste Water Treatment Plants <i>Staff Recommendation: THAT Council support and submit the following resolution for consideration at the 2015 SILGA and UBCM Conventions: WHEREAS WorkSafe BC amended its confined space regulation in 2011; AND WHEREAS the current WorkSafe BC regulations and guidelines with respect to confined space within waste water treatment plants are challenging design standards; THEREFORE BE IT RESOLVED that UBCM lobby the Minister of Jobs, Tourism and Skills Training to direct WorkSafeBC to provide an exemption to waste water treatment plants until a confined space regulations rewrite, with input from waste water treatment plant owners and operators, can be completed.</i>	74-76
MEU	8.7	Westminster Substation – Outage Plans <i>Staff Recommendation: THAT Council receive for information the March 16, 2015 report titled "Westminster Substation – Outage Plans".</i>	77-86
MEU	8.8	Disconnect – Reconnect Fees <i>Staff Recommendation: THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 with the following: ADD: "Disconnect/Reconnect Fee for Non-Payment During City Hall Hours for arrears of less than \$100.00": \$34.00; and "Non-Payment: Site Visit without a Disconnect for arrears less than \$100.00": \$17.00; AMEND: "Non-Payment: Site Visit without a Disconnect": \$34.00.</i>	87-90

MEU	8.9	Electrical Service Payment Plan	91-96
		<u>Staff Recommendation:</u> THAT Council approve the establishment of an Electrical Service Payment Plan for new electrical services and/or service upgrades as described in Attachment "A"; AND FURTHER THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 by adding the following Note: 4. All customers are eligible to access the "Electrical Service Payment Plan" for the installation of City Electrical Infrastructure that supplies power to their properties. The details of this program are summarized as follows: • Payment Plan range: A customer can put a minimum amount of \$5,000 up to a maximum amount of \$50,000 on a Payment Plan; • Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calculated at the Prime Interest Rate +0.5%. (Prime rate at the time of signing the Payment Plan agreement); • The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty; • Eligibility Requirements: ○ Must be for a new or an upgrade to an Electrical Service; ○ Must be a City of Penticton Electric Utility customer; ○ Must have a minimum credit score of 650; ○ Must have a maximum of 19 City of Penticton Utility Credit Point; ○ The customer must own both the land and building where the service is required; and • Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.	
FO	8.10	Sport and Event Tourism Service Agreement	97-103
		<u>Staff Recommendation:</u> THAT Council approve the Fee for Service Agreement with Tourism Penticton Society to provide Sport and Event Tourism services; AND THAT Council approve the transfer of funds of up to \$80,000 from the 2015 Economic Development budget to the Tourism Penticton Society; AND THAT the 2015 Financial Plan be amended to reflect the transfer of funds to the Tourism Penticton Society; AND FURTHER THAT Council authorize the Mayor and Corporate Officer to execute the Sports and Events Tourism Agreement on behalf of the City.	
PM	8.11	OCP Amendment Bylaw No. 2015-16 and Zoning Amendment Bylaw No. 2015-17 Re: South Beach Drive and Sudbury Avenue	104-117
		<u>Staff Recommendation:</u> THAT "OCP Amendment Bylaw No. 2014-16", being a bylaw to amend OCP Bylaw 2002-20, changing the land use designation of the following properties: • Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive) • Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive) • Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive) • Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive) • Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive) • Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Drive) • Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive) • Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive) • Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue) from PR (Parks and Recreation) to MR (Medium Density Residential), be given first reading and forwarded to the April 7th, 2015, Public Hearing; AND THAT Schedule H of the OCP be amended to include the subject lands in the General Multiple Family Development Permit Area. AND THAT prior to consideration of the bylaw and in accordance with section 879 of the Local Government Act, 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 the Okanagan Similkameen,
 3. Local First Nations,
 4. School District #. 67, and,
 5. The provincial or federal government and their agencies
- AND THAT it is determined that the Public Hearing is sufficient consultation.

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2015-17", being a bylaw to amend Zoning Bylaw 2011-23, rezoning Lot1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 7th, 2015, Public Hearing.

- | | |
|------|--|
| PM | <p>8.12 Zoning Amendment Bylaw No. 2015-18 118-135</p> <p>Re: Housekeeping</p> <p><u>Staff Recommendation:</u> THAT Council give first reading to "Zoning Amendment Bylaw 2015-18", a housekeeping bylaw to amend Zoning Bylaw 2011-23; AND THAT Council forward the bylaw to the April 7, 2015 Public Hearing.</p> |
| PM | <p>8.13 Ontario Street Improvements 136-144</p> <p><u>Staff Recommendation:</u> THAT Council support the proposed street improvements on Ontario Street and the reorganization of the intersection between Ontario Street and the lane; AND THAT Council direct staff to include the works in the 2016 Capital Budget.</p> |
| CO | <p>8.14 Fees and Charges Amendment Bylaw No. 2015-11 145-162</p> <p><u>Staff Recommendation:</u> THAT Council give three readings to "Fees and Charges Amendment Bylaw No. 2015-11".</p> |
| ICAO | <p>8.15 Invitation to host the "55+ BC Games" 163-170</p> <p><u>Staff Recommendation:</u> THAT Council support and endorse a Bid Application for the City of Penticton to host the 2018 or 2019 55+ BC Games; AND THAT Council approves the commitment of a minimum of \$60,000 cash and \$55,000 in-kind services and facilities for the planning and staging of the Games.</p> |

9. Correspondence

10. Committee and Board Reports

- | | |
|------|---|
| 10.1 | <p>Downtown Revitalization Sub-Committee Meeting of March 5, 2015 171-173</p> <p><u>Recommendation:</u> THAT Council receive the minutes of the Downtown Revitalization Sub-Committee Meeting of March 5, 2015.</p> |
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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, March 2, 2015
at 6:00 p.m.

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

Staff: Chuck Loewen, Acting City Manager
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Blake Laven, Planning Manager
Mitch 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. 2015-12". 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. 2015-12"

The purpose of the Zoning Amendment Bylaw is to amend "Zoning Bylaw 2011-23" 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.)
- The applicant is proposing to construct a 4-unit townhouse development.

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

APPLICANT

- No one spoke.

DELEGATIONS

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

- No one spoke.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2015-12" was terminated at 6:03 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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Regular Council Meeting 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.

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

Staff: Chuck Loewen, Acting 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 6:04 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

141/2015

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on March 2, 2015 as amended. Remove item 6.1 and 8.8 and add 8.8 Peachfest float.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the February 16, 2015 Public Hearing

142/2015

It was MOVED and SECONDED

THAT Council receive the minutes of the February 16, 2015 Public Hearing as circulated.

CARRIED UNANIMOUSLY

4.2 Minutes of the February 16, 2015 Regular Council Meeting

143/2015

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 16, 2015 Regular Council Meeting as circulated.

CARRIED UNANIMOUSLY

5. Presentations

6. Delegations

6.1 Community Policing Recruitment

Staff Sgt. Lozinski and Cpl. Wigglesworth provided Council with an update regarding Community policing recruitment efforts.

6.2 Three Mile Beach

Kevin Proteau and Judy Williams, representing Three Mile Naturist Beach Committee, requested Council support "naturist" use of Three Mile Beach. They are recommending the installation of advisory signs at the top and the bottom of stairs and that Council develop a comprehensive plan for the beach based on the economic, cultural, and social needs of the Community with input from the public.

7. Reconsideration of Bylaws and Permits

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

144/2015

It was MOVED and SECONDED

THAT Council adopt "Fire and Life Safety Amendment Bylaw No. 2015-10".

CARRIED UNANIMOUSLY

7.2 Zoning Amendment Bylaw No. 2015-12

Re: 115 Kinney Avenue

145/2015

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2015-12".

CARRIED UNANIMOUSLY

8. Staff Reports

8.1 Three Mile Beach

Main Motion:

It was MOVED and SECONDED

THAT staff investigate options D: Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach and option E: Investigate 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.

146/2015 Amendment:
It was MOVED and SECONDED
THAT Council add and that staff investigate option F: Encourage clothing optional behavior to relocate away from 3 Mile Beach to alternative public space where neighbourhood acceptance exists.

CARRIED

Councillors Martin, Picton and Sentes, Opposed

147/2015 Motion as Amended:
It was MOVED and SECONDED
THAT staff investigate options D: Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach, option E: Investigate 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, and that staff investigate option F: Encourage clothing optional behavior to relocate away from 3 Mile Beach to alternative public space where neighbourhood acceptance exists.

CARRIED

Councillors Martin and Sentes, Opposed

Due to a misunderstanding with the previously amended motion, Council agreed to revote.

148/2015 **It was MOVED and SECONDED**
THAT Council reconsider motion 147/2015 to investigate options D, E and F.

CARRIED

Mayor Jakubeit and Councillor Watt, Opposed

149/2015 **It was MOVED and SECONDED**
THAT staff investigate options D: Investigate provisions by way of specific designation, or signage etc. to control clothing optional uses for a portion of Three Mile Beach, and option E: Investigate 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.

CARRIED UNANIMOUSLY

8.2 Brewery Lounge Endorsement – The Cannery Brewing Company

Re: 198 Ellis Street

Delegations/Submissions: James Brown, Skaha Lake Road, spoke in support of the application.

Mr. Dyck, owner The Cannery Brewing Company, commented that they have never had any issues in their current location. They expect patrons will walk or ride their bikes to their new downtown location.

150/2015 **It was MOVED and SECONDED**
THAT Council recommend to the Liquor Control and Licensing Branch (LCLB) that it support the application from The Cannery Brewing Company located at 198 Ellis Street for a Brewery Lounge Endorsement Licence.

CARRIED UNANIMOUSLY

8.3 2015 Special Occasion Licence Applications

Re: Beer/Wine Garden

151/2015

It was MOVED and SECONDED

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

Organization	Event Location & Establish 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) (300 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
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

AND THAT Okanagan Fest of Ale work with the Fire Department to accommodate, if possible, a larger outdoor venue up to 500 attendees.

CARRIED UNANIMOUSLY

8.4 Electrical Disconnect – Reconnect Fees and Options

Council would like staff to investigate options for a lower disconnect fee if electric bill is less than \$100 and a proportionate charge for a disconnect if staff only make one visit to the home.

152/2015 **It was MOVED and SECONDED**
THAT Council receive for information the report titled "Disconnect-Reconnect Fees and Options".

CARRIED UNANIMOUSLY

8.5 OCP Amendment Bylaw No. 2015-13 & Zoning Amendment Bylaw No. 2015-14
Re: BMX Track – Expansion/Relocation – 630 Munson Mt Rd

153/2015 **It was MOVED and SECONDED**
THAT Council support the relocation of the BMX track from Lions Park to 630 Munson Mountain Road and recommend that the Penticton BMX Club work with PACA to develop a multi use bike area.

CARRIED

Councillor Martin, Opposed

154/2015 **It was MOVED and SECONDED**
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: 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.

CARRIED

Councillor Martin, Opposed

155/2015 **It was MOVED and SECONDED**
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.

CARRIED

Councillor Martin, Opposed

156/2015 **It was MOVED and SECONDED**
THAT the OCP Amendment and Rezoning Amendment Application fees of \$2,130 be charged to the Community Grants budget as value in kind.

CARRIED

Councillor Martin, Opposed

157/2015

It was MOVED and SECONDED

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.

CARRIED

Councillor Martin, Opposed

158/2015

It was MOVED and SECONDED

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.

CARRIED

Councillor Martin, Opposed

8.6 Asset Management Infrastructure Planning Grant Application

159/2015

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

**8.7 Zoning Amendment Bylaw No. 2015-15 and DVP PL2015-010
Re: 783 Winnipeg Street**

160/2015

It was MOVED and SECONDED

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".

CARRIED UNANIMOUSLY

8.8 Peachfest Float

161/2015

It was MOVED and SECONDED

THAT Council advance \$1500 from 2016 Community Grants to Peachfest Society for refurbishment of the parade float sound system.

CARRIED UNANIMOUSLY

9. Correspondence

9.1 Messner Kenney LLP, Re: 3 Mile Beach Hearing – March 2, 2015

162/2015

It was MOVED and SECONDED

THAT Council receive for information the correspondence dated February 24, 2015 from Messner Kenney LLP, regarding 3 Mile Beach Hearing, March 2, 2015.

CARRIED UNANIMOUSLY

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

163/2015

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, March 2, 2015 at 9:01 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Request to Appear as a Delegation

Preferred Council Meeting Date: ____ March 16, 2015 ____

Second choice(s): ____ April 20, 2015 ____

Subject matter: ____ 2015 City of Penticton Assessment Roll ____

Name of person(s) making presentation:

Tracy Wall, Deputy Assessor and a Local Area Assessor

Address: _____

Phone: ____ 1-866-825-8322 ext. 19314 ____

Email: ____ tracy.wall@bcassessment.ca ____

Please provide details of your presentation:

Education & background for Council members on:
- Who we are
- What we do
Some detail regarding City of Penticton in particular
- This year's assessment roll
- This year's appeals to the assessment roll
There will be a PowerPoint presentation
This will be a ten minute presentation, and please allow 5 minutes for questions after

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.

Corporate Office

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

Phone: 250-490-2405

Fax: 250-490-2402

dana.schmidt@penticton.ca

Request to Appear as a Delegation

Preferred Council Meeting Date: October 20, 2014

Second choice(s): _____

Subject matter: Agreement with Parks & Recreation Services
as to reduced fees for our School
Name of person(s) making presentation: École Entre-lacs

Fariba Daragahi

Address: 1077 Nelson Avenue
Penticton

Phone: _____

Email: _____

Please provide details of your presentation:

As a public school, we would ask to be granted the same service agreement in place with SD67 so that we can benefit from the reduced fees for Parks & Recreation Services, such as swimming pool, skating at arenas, etc.

Please note:

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- 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



325 Power St.
Penticton, BC V2A 7K6
(250) 490-2426 Fax: (250) 490-2446

LICENSE TO USE OR OCCUPY

Printed 01 Oct 2014, 02:20 PM

User: bests

Contract #: 19412

User: bests

Status: Firm

LICENSE TO USE OR OCCUPY

This License issued on the 25 Sep 2014

TO: **Fariba Daragahi** [HEREINAFTER CALLED "the Applicant"]

Whereas the Corporation of the City of Penticton (hereinafter called *the City*) is the owner of the building and appurtenant grounds or the lessee of facilities (under the Joint Use Agreement with SD#67) described as the **McLaren Park**.

And whereas the Applicant has applied for a License to use and occupy those portions of the facility known as **Arena** (hereinafter called "the said premises")

Now therefore in consideration of the covenants, rents, conditions and agreements to be performed and observed by the Applicant:

- 1 The City hereby grants to the Applicant a License to use and occupy the said premises for the sole purpose of a **School Use - Skating / 2014/2015 Skating**
- 2 The Applicant shall use only those premises named in this License.
- 3 The Applicant shall ensure that all attendees adhere strictly to all rules and regulations posted and/or included in this License and to advise all attendees accordingly. Failure to adhere to, or comply with said rules and regulations may result in the termination of this License without refund of any fees paid, and may include invoicing of penalties and/or additional costs incurred by the City.
- 4 The Applicant shall exercise the greatest care in the use and occupation of the said premises and adjacent facilities and shall provide a competent and trustworthy adult who will personally undertake to be responsible for the due observance of the rules and regulations governing the said premises.
- 5 The Applicant shall report all damages to the Recreation Department at 250-490-2426.
- 6 The Applicant shall be responsible for any damages caused by the applicant and/or their participants, guests, visitors, spectators and or agents to the said premises as a result of the use and occupation thereof under this License. Said damages to be paid firstly by the Applicant and/or their insurer.
- 7 The Applicant shall not permit any other person, group or organization not named in this License to use or occupy the said premises without authorization from the City. Authorization granted by the City shall be attached to this License prior to any use or occupation of the said premises by any other person, group or organization.
- 8 The Applicant shall, at its own expense, return the premises to the condition that the premises were in prior to the Applicant's use and occupation.
- 9 The Applicant shall be responsible for providing adequate security, including any costs for providing adequate security, for the use and occupation of the said premises, including, but not limited to, persons at the door, off duty police, auxiliary fire fighters or other personnel deemed necessary by the Applicant for the protection of the public, property of the public and property of the City. The City reserves the right to require that the Applicant provide a higher level of security than that deemed adequate by the Applicant. The Applicant shall be responsible for any additional costs of security.
- 10 The Applicant shall, prior to the use and occupation of the said premises, pay at the request of the City, a damage deposit. The amount of the damage deposit is at the discretion of management staff and at a level established by staff based on risk, as security for any damages which may occur to the said premises as a result of the use and occupation authorized under this License. Should such damage deposit, or any balance thereof not be used, it shall be refunded to the Applicant. Should such damage deposit be insufficient, the Applicant will reimburse the City immediately upon written notice from the City.
- 11 The Applicant shall not permit any alcoholic beverages on or in the said premises unless a valid permit has been obtained under the Liquor Control and Licensing Act and with the expressed authorization of the City. Authorization granted by the City does not relieve the Applicant from any legal obligations and / or requirements. A copy of the Applicant's approved liquor permit shall be presented and attached to this License including evidence of the Applicant's comprehensive liability insurance with extended coverage to include "Liquor Liability", prior to any use or occupation of the said premises. Authorization granted by the City shall be attached to this License prior to any use or occupation of the said premises.
- 12 The Applicant shall comply with the British Columbia Liquor Control and Licensing Act including all regulations.
- 13 The Applicant shall contact the Recreation Department in writing to cancel and/or amend any booking.

All cancellation requests will result in the following refund. Full refund if cancellation is 14 days prior to the first rental booking. 25% administration fee applied for cancellations within 14 days of booking. 50% administration fee applied for cancellations within 7 days of booking. Cancellations not made at least 48 hours in advance of event will result in the total amount of the rental fee being charged. Rainouts must be immediately communicated to the city within 24 hours of rainouts. Rescheduling or credits will be applied as applicable.

Contract #: 19412

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Status: Firm

14. The Applicant understands and agrees that the License may be revoked or cancelled, at any time, with or without cause, by the City. The City will make every reasonable attempt to provide a minimum 48 hours notice of cancellation to the Applicant

Cancellations by The City will cancel the contract and The City will fully refund fees or reschedule in another suitable facility.

Cancellation by The City for agreement holders breach - without limiting other remedies available to The City, The City may cancel the User Agreement, prevent the Licensee from holding the event, or remove the Licensee from the facility during the event, and in each of these cases keep the damage deposit if the Licensee breaches any term or condition of the User Agreement.

The City retains the right to reschedule any or all unused recreation facilities arising from a cancellation.

15. The term of this License shall be:

of Bookings: 12 07/11/2014 1:30:00PM 06/02/2015 2:30:00PM Expected: 0

16. In consideration of the use and occupancy of the said premises the Applicant shall pay a License Fee as follows

Facility/Equipment	Day	Start Date	Start Time	End Date	End Time	Fee	XFee	Tax	Total
McLaren Park - Arena	Fri	07 Nov 2014	01:30 PM	07 Nov 2014	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Mon	10 Nov 2014	09:30 AM	10 Nov 2014	10:30 AM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Fri	21 Nov 2014	01:30 PM	21 Nov 2014	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Mon	24 Nov 2014	09:30 AM	24 Nov 2014	10:30 AM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Tue	25 Nov 2014	09:30 AM	25 Nov 2014	10:30 AM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Fri	05 Dec 2014	01:30 PM	05 Dec 2014	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Fri	12 Dec 2014	01:30 PM	12 Dec 2014	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Tue	16 Dec 2014	09:30 AM	16 Dec 2014	10:30 AM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Fri	19 Dec 2014	01:30 PM	19 Dec 2014	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Tue	13 Jan 2015	09:30 AM	13 Jan 2015	10:30 AM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Fri	23 Jan 2015	01:30 PM	23 Jan 2015	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53
McLaren Park - Arena	Fri	06 Feb 2015	01:30 PM	06 Feb 2015	02:30 PM	\$79.12	\$29.00	\$5.41	\$113.53

Payment Policy: Monthly accounts unpaid after 30 days will be subject to a late payment charge of 2% interest

17. The Applicant agrees that it is the sole responsibility of the Applicant to determine the suitability of the premises for its intended use and occupancy.

18. The Applicant agrees that before commencing use of the premises, the Applicant shall on each occasion, before use and occupation, inspect the premises and equipment, and shall forthwith notify the Recreation Department at 250-490-2426 of any condition that may render the premises or equipment unsafe for use.

19. The Applicant may be permitted access to the said premises prior to the function or event authorized herein subject to the approval of the Recreation Department.

20. The Applicant agrees that it will indemnify and save harmless the City and its officers, employees, servants, agents, successors, and assigns from and against any and all claims whatsoever including all damages, liabilities, expenses, costs, including legal or other fees incurred in respect of any such claim, or any cause or proceeding brought thereon arising directly or indirectly from or in connection with the granting of this License and the use and occupation of the said premises, save that this Applicant will be under no obligation to indemnify and save harmless the City against or in respect of any damages or judgment rendered against the City resulting from or arising out of any negligence or fault on the part of the City in connection with the maintenance or condition of the premises to the extent that the damage, loss or injury was caused or occasioned by the negligence of the City

21. Prior to the granting of this License the Applicant shall obtain and maintain comprehensive general liability insurance including, without limitation, coverage for the indemnity provided herein, on terms satisfactory to the City. **The City shall be included as an Additional Insured.**

Such policy shall be written on a comprehensive basis with inclusive limits of not less than \$2,000,000.00 per occurrence, including \$2,000,000.00 for bodily injury and/or death to any one or more persons including voluntary medical payments and property damage, or such higher limits as the City may require from time to time. The policy shall contain a clause providing that the insurer will give the City thirty (30) days prior written notice in the event of cancellation or material change. The Applicant shall provide the City with evidence of such insurance coverage in the form of an executed copy of a Certificate of Insurance in a form satisfactory to the City ten (10) days prior to the granting of this License.

The City of Penticton has commercial general liability insurance available which individuals, groups and organizations, to ensure compliance with insurance requirements, can purchase. Inquire with your booking agent to confirm eligibility, pricing or additional information.

22. It shall be the sole responsibility of the Applicant to determine what additional insurance coverage, if any, including but not limited to Worker's Compensation and Participants Insurance, are necessary and advisable for its own protection and/or to fulfil its obligations under this License. Any such additional insurance shall be maintained and provided at the sole expense of the

Printed: 01 Oct 2014, 02:20 PM

Rental Contract / Permit / Invoice

User: bests

Contract #: 19412**User: bests****Status: Firm**

Applicant.

23. The Applicant shall not do, suffer or permit to be done, any act or thing upon or to the said premises, which will or would constitute a nuisance to the occupiers of any lands or premises adjoining or in the vicinity of said premises or to the public generally.

24. The Applicant shall observe, perform and comply with the requirements of every applicable by-law, statute, regulation or ordinance and with every applicable regulation or order with respect to the condition, maintenance, use or occupation of the said premises and any furniture, equipment, supplies, materials or articles located therein.

25. It shall be the sole responsibility of the Applicant to obtain any licenses or tariffs and ensure compliance with all legal intellectual property requirements, including but not limited to compliance with the Canadian Copyright and Trade-marks acts and all related regulation. Such licenses and tariffs shall be maintained and provided at the sole expense of the Applicant. If the applicant should fail to obtain the proper licenses or tariffs and ensure compliance with any legal intellectual property requirements, the Applicant agrees to indemnify and save harmless the City and further compensate the City for any loss the City suffers or any Legal Costs incurred as a result of the failure.

26. Incur additional costs over and above the normal contracted services (i.e.: additional clean-up, garbage pick-up, security, lights/electrical, licensing, and/or maintenance personnel).

27. The Applicant, its employees, agents, servants, or workers and/or volunteers shall not be deemed to be either employees, agents, servants or workers and / or volunteers of the City

28. Site Specific Conditions of Use:

a) CSA approved hockey helmets are strongly recommended for all skaters

c) No one on the ice while the Zamboni is in operation

d) No skaters on the ice without adult supervision, and

f) No shoes are allowed on the ice. If people without skates are required to go on the ice, they must either:

- be escorted by skaters
- walk on carpet, or
- wear cleats

29. *Signed contracts must be received by the City upon confirmation of contract and not less than 24 hours prior to first booking. Failure to return a signed contract will result in the cancellation of your booking.*

30. Additional Fees

Extra Fee - Bookings	Hours	Quantity	Charge	Tax	Total
School Skate Attendant	12 00	12	\$348.00	\$17 40	\$365 40
	12 00	12	\$348 00	\$17.40	\$365 40

Payment Method

Rental Fees	Extra Fees	Tax	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$949.44	\$348.00	\$64.92	\$1,362.36	\$0.00	\$0.00	\$1,362.36	\$0.00

Rental charges are due according to the following schedule

Date	Amount
Friday, Oct 24, 2014	\$1,362.36

X:

Signature of Applicant

Fariba Daragahi

Ecole Enlre Lac
1077 Nelson Avenue

Penticton

BC

V2A 2N1

Phone: (250) 770-7691

Fax: (250) 492-0308

Date: _____

X:

Signature of Witness

Name: _____

Address: _____

Phone: _____

Date: _____

Read and Initial Here

Rental Contract / Permit / Invoice

Contract #: 19412

User: bests

Status: Firm

Signature Of City of Perfection Representative:

X:



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:

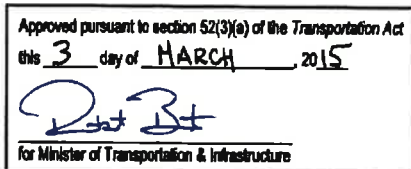
2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

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	2	day of	March, 2015
READ A THIRD time this	2	day of	March, 2015
RECEIVED the approval of the	3	day of	March, 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

-17-

From R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-12

Date: _____ Corporate Officer: _____

Bylaw No. 2015-15

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 2015-15".

2. Amendment:

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

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).

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

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

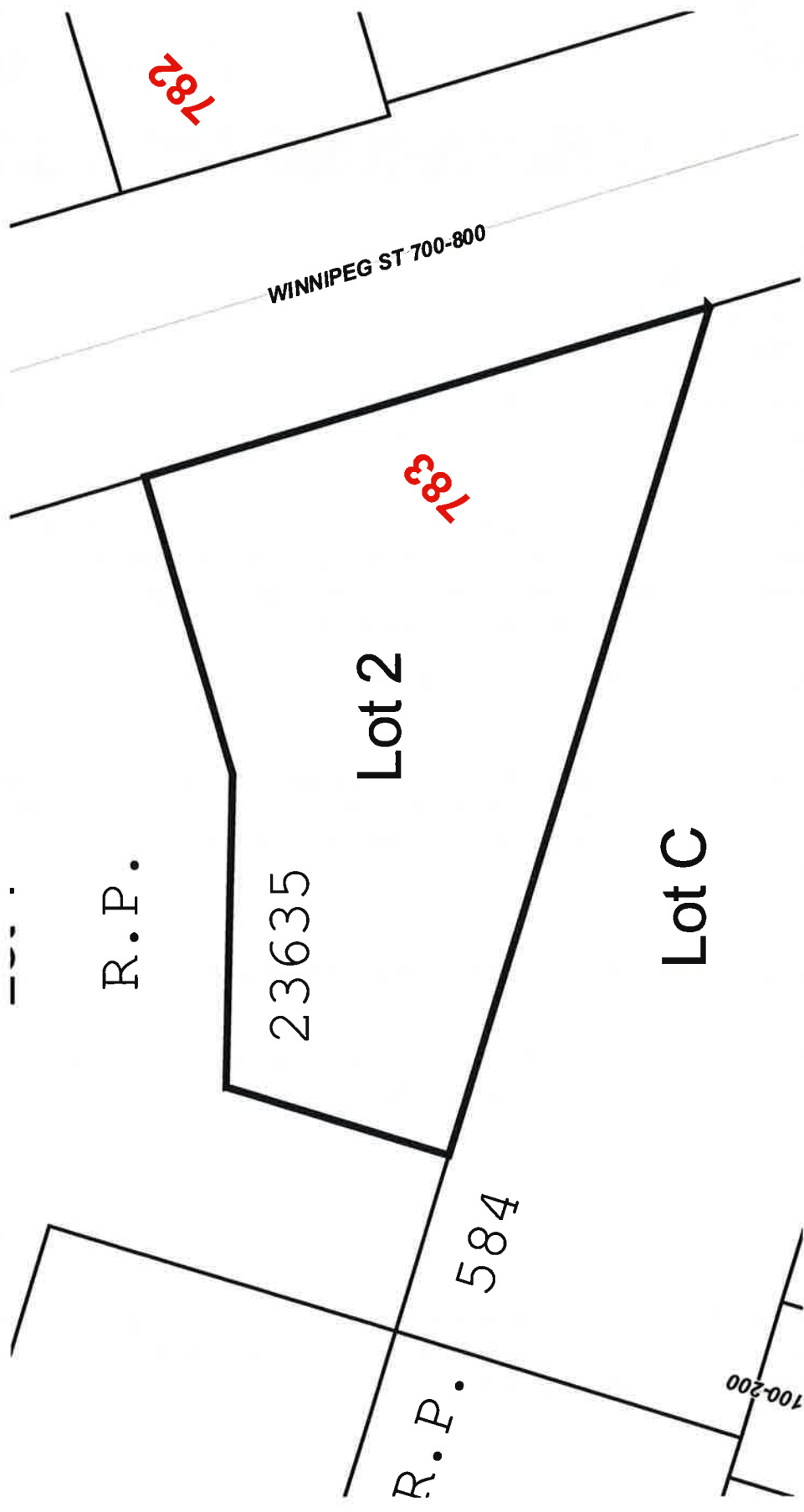
Notice of intention to proceed with this bylaw was published on the 6 day of March, 2015 and the 11 day of March, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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 16, 2015
To: Chuck Loewen, City Manager
From: Audrey Tanguay, Senior Planner
Address: 319 Sudbury Avenue

File No: DVP PL2015-006

Subject: Development Variance Permit 2015-006

Staff Recommendation

THAT Council approve "Development Variance Permit PL2015-006", for Parcel A (Being a consolidation of Lots 6 and 7, see CA2967509), District Lot 189, Similkameen Division Yale District, Plan KAP46960, located at 319 Sudbury Avenue, a permit to vary the maximum height for an accessory building from 4.5m to 5m and vary the maximum floor area for an accessory buildings from 75m² to 82m².

AND THAT Council direct staff to issue "Development Variance Permit PL2015-006".

Background

The subject property (Attachment 'A') is designated as LR (Low Density Residential) according to OCP Bylaw 2002-20 and is zoned R1 (Large Lot residential) as per Zoning Bylaw 2011-23. The applicant proposed to build a 3 bay garage on the property facing Sudbury Avenue. A new home has recently been constructed on the site (Attachment 'B').

Proposal

The applicant is requesting a development variance permit to vary the following section of Zoning Bylaw 2011-23:

- Section 10.1.2.8: To vary the maximum floor area of all accessory buildings from 75m² to 82m²
- Section 10.1.2.4 ii. To vary the maximum height for an accessory building from 4.5m to 5m

Financial implication

N/A

Technical Review

Engineering and Building staff have reviewed the application and do not recommend any conditions prior to variance permit approval. The property owners will need to show conformance to the BC Building Code prior to building permit approval for the proposed works.

Development Statistics

Item	Requirement of R1 Zoning	Provided on Plans
Maximum Lot Coverage	40%	31%
Required Setbacks of proposed garage		
Front Yard (Sudbury Avenue):	6.0m	6.0m
Side yard interior (west):	1.5m	1.5m
Side yard interior (east):	1.5m	5.0m
Maximum Building Height of an Accessory building	4.5m	5.0m(variance required)
Maximum Floor Area of all accessory buildings	75m ²	80m ² (variance required)

Analysis

Support

When considering a variance to a City bylaw, staff encourages Council to consider whether there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable.

In this case there are two variances that are being requested - one for the floor area of the garage and one for the increase in height of the garage. Staff will deal with each separately:

Section 10.1.2.8 To vary the maximum floor area of all accessory buildings from 75m² to 82m²

The applicant is proposing to store their recreation vehicle and cars into the proposed 3 bay car garages. Given the proximity to the beach and the limited parking on street, staff do not feel that the 7m² variance will have a negative effect on the street as this will enable enclosed vehicle storage on site.

Section 10.1.2.4 ii. To vary the maximum height for an accessory building from 4.5m to 5m

The reason for the increase in height is partly due to the design of the structure and for the storage of a recreation vehicle. The building is designed to complement the style of the existing house on the property. The increase in height should not have a negative impact on any neighbouring properties as most feature three storey homes.

Considering the above, the proposal submitted by the property owner will continue to enhance this site and it is recommended that Council support the application and direct staff to issue the permit.

Deny/ refer

Council may consider that the number of variances requested demonstrate that the development will negatively affect the residential neighborhood. If this is the case, Council can deny all or one of the proposed variances. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Alternate recommendations

THAT "DVP PL2015-006" be denied.

THAT "DVP PL2015-006" be approved with conditions as directed by Council.

Attachments

Attachment A – Subject property location map

Attachment B – Images of subject property

Attachment C – Letter from applicant

Attachment D – Draft permit (Development Variance Permit)

Respectfully submitted,

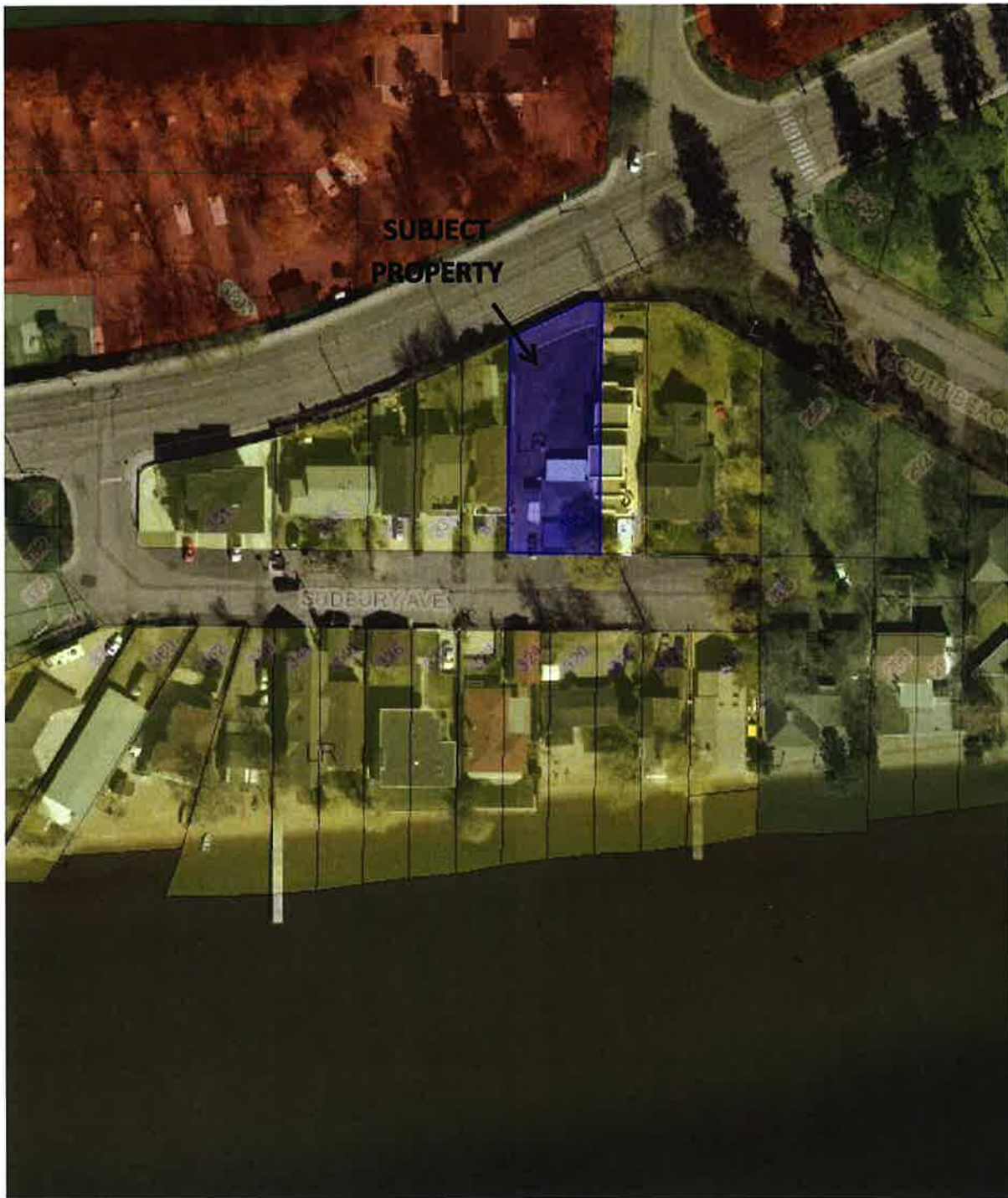
Audrey Tanguay

Senior Planner

Approvals

Planning Manager 	Acting City Manager 
---	--

Attachment A – Subject Property Location Map



Attachment B – Images of the Subject property



Figure 1: Image of subject and neighbouring property



Figure 2: Example of other development on street

Attachment C – Letter from Applicant

Proposed variance for 319 Sudbury Ave.

The applicant has recently completed construction of a new home located at 319 Sudbury Ave and completed demolition of the original existing home located at the front of the property.

The applicant now proposes to build a new 3 bay garage at the front of the property. This will encompass two (2) bays for cars and a third bay to accommodate a recreation vehicle.

The proposed garage will exceed the maximum size of 75 sq. meters by 7 sq. meters and the height by approx 0.4 meter.

Given the extremely limited off street parking in the area, the applicant would rather not subject the neighbours to looking at the RV. The lot in question is a consolidation of two smaller lots and is capable of the extra size requested. The building to the immediate east is a 3- storey unit with minimal off street parking that has a RV parked in front for the majority of the year. The applicant would prefer not to expose the rest of the neighbourhood to excessive visual clutter.

Attachment D – 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 PL 2015-006

Rod and Pam McComb
319 Sudbury Avenue
Penticton BC V2A 8M7

ubsexcavating@hotmail.com

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: Parcel A(Being a consolidation of Lots 6 and 7, see CA2967509), District Lot 189,
Similkameen Division Yale District, Plan KAP46960,
Civic: 319 Sudbury Avenue
PID: 028-998-090
3. This permit has been issued in accordance with Section 922 of the *Local Government Act*, to vary:
 - Section 10.1.2.8: to vary the Maximum floor area of all accessory buildings from 75m² to 82m²
 - Section 10.1.2.4 ii. To vary the maximum height for an accessory building from 4.5m to 5m

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.

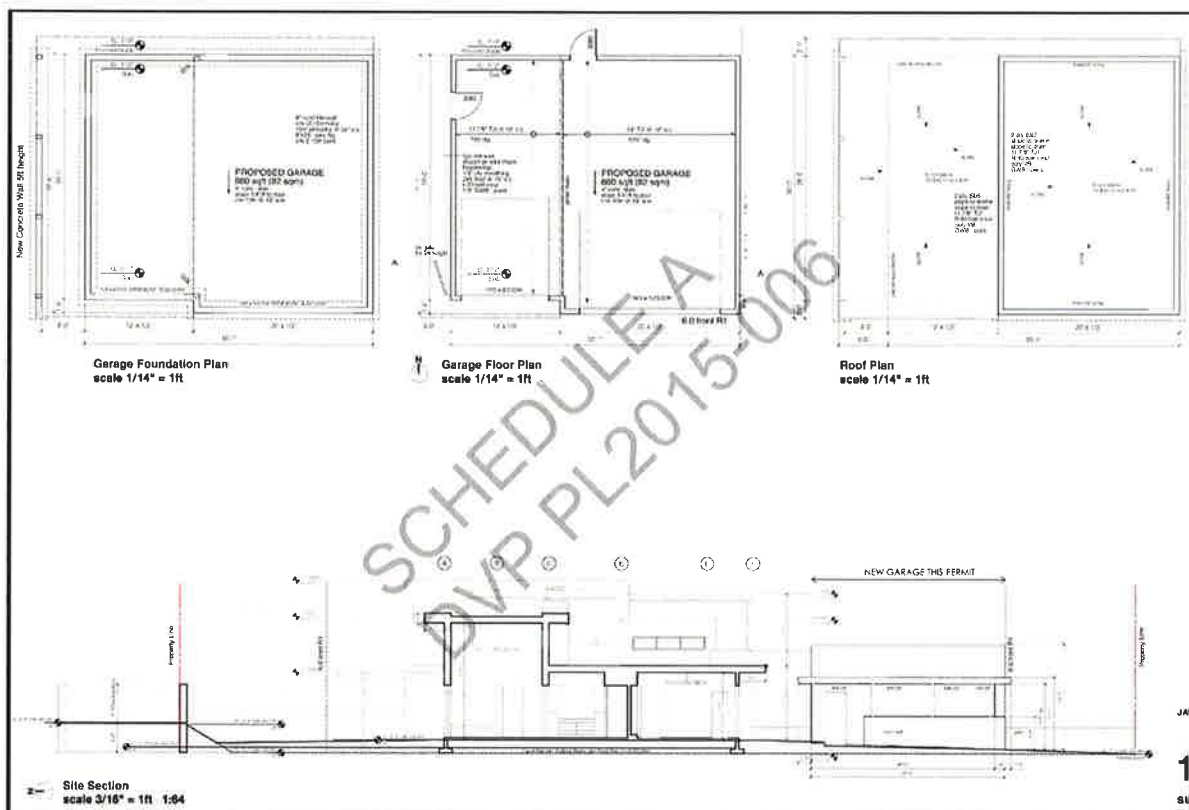
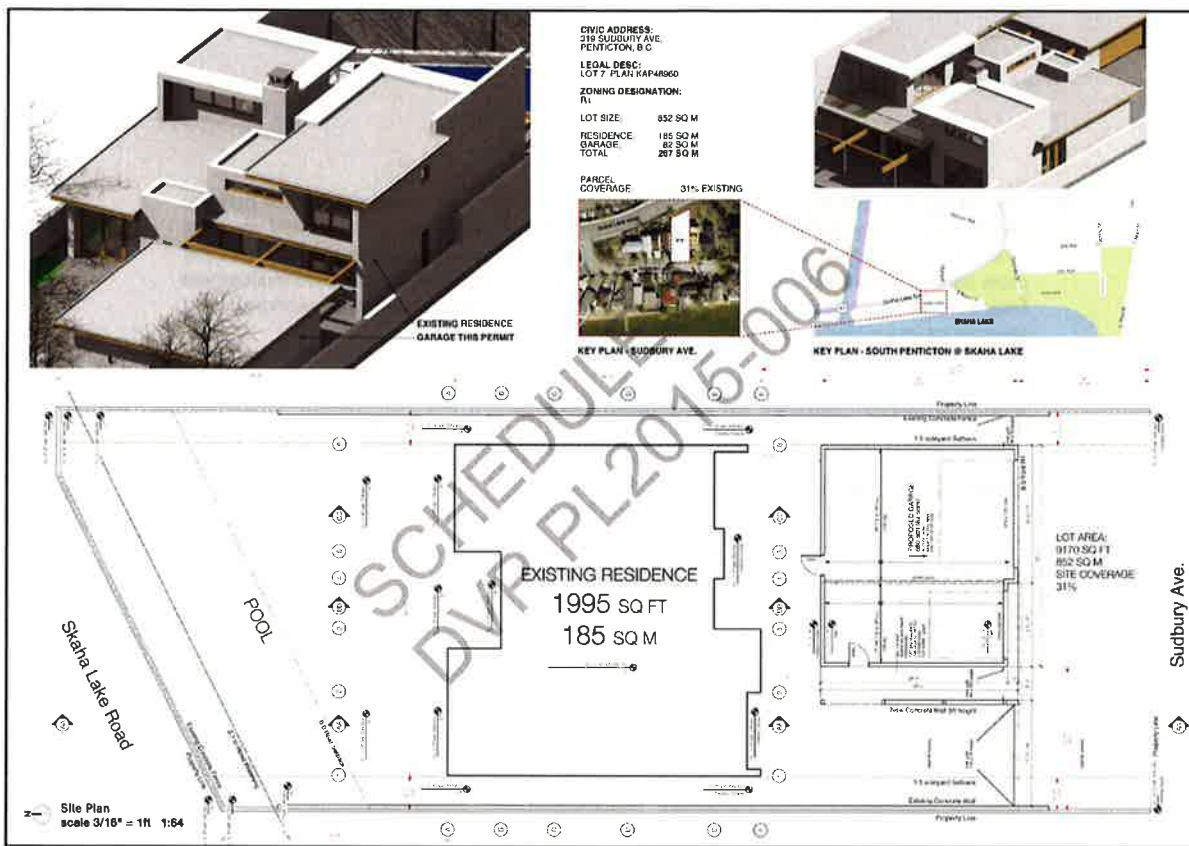
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information 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.

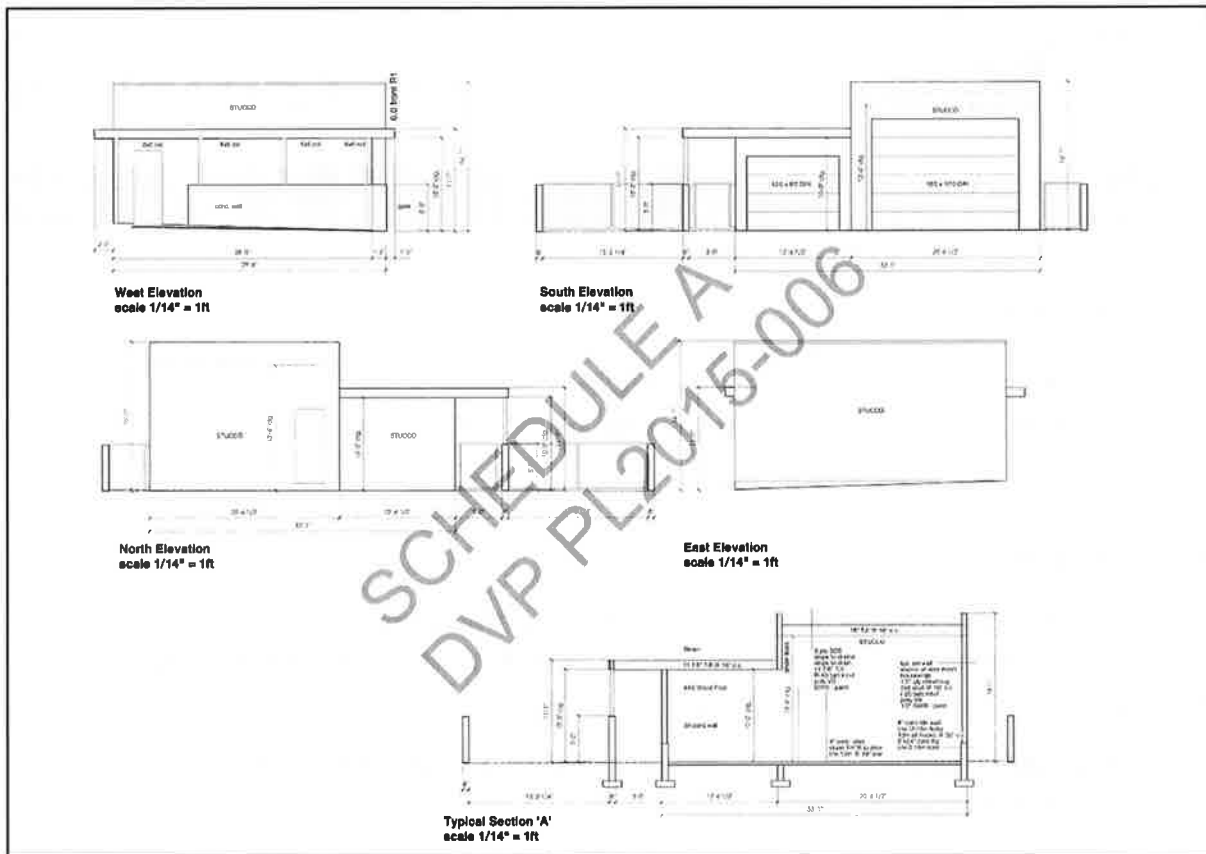
Authorized by City Council, the 16th day of December, 2015

Issued this ____ day of _____, 2015

Dana Schmidt,
Corporate Officer

Page 2 of 2





Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Acting City Manager
From: Ken Kunka, Building and Permitting Manager
Subject: Section 57 Notice on Title and Injunctive Action, 2365 Barnes Street

File No: Civic

Staff Recommendation

THAT Council resolve to place a Notice on Title under Section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot B, District Lot 251 SDYD, Plan 31870 located at 2385 Barnes Street, stating the following:

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

AND THAT further injunctive action be commenced by staff within 30 days of Section 57 Notice on Title being registered if construction to repair the retaining wall is not commenced;

AND FURTHER THAT the owner(s) be notified of the proposed Notice on Title report and be given an opportunity to speak to the matter at the April 7th, 2015 Council meeting.

Implications of recommendation

- Organizational: 4 hours of staff time to prepare the documents
- Financial: \$250.00 for owner to remove the Notice on Title.

Background

On October 2, 2013 a bylaw enforcement case file was created and site visit conducted concerning drainage issues related to uncontrolled surface water entering the storage units located at 2360 Government Street from the neighboring lots to the east. (Attachment A). Staff engaged in a process to work with all three property owners related to drainage issues. During the initial site investigation and file review a number of site deficiencies were noted on the lots owned by Action Steel – Nixon Brothers Holding Ltd. (Attachment B). This included materials within the City land leased to Action Steel and uncontrolled surface drainage, with the largest amount of water flowing on the lower lot at 2360 Government.

The research of City records also indicated a long history of retaining, fill and drainage issues dating back to the late 1990's. The original permit to construct the storage warehouse buildings (2360 Government) was issued in October of 1983. No records of final landscaping or retaining could be located but it is assumed the

wall in question was constructed near the time of original construction. No aerial photos from the original construction date are on record.

The following is a recent history of the case file compiled dating from the initial group meeting held October, 2013:

Date	Item	Result/Action
Oct 10, 2013	Meeting between Action Steel, Penticton Self-Storage Ltd. and the Foundry to resolve drainage issues.	Chief Building Inspector to follow up with site specific requirements.
Oct 29, 2013	Letter provided to each owner, regarding remedial work and required permits. 2365/85 Barnes St. Lease area to be cleared and fire department access to be provided as well as an engineered site drainage plan to be provided to the City.	The Foundry Items corrected Action Steel Initial lot clean up and on-site drainage. Final drainage design not provided. Penticton Self-storage Initial dialogue on permit process and history of property.
April 08, 2014	Follow up letter regarding drainage, clearing of City leased land.	Owners confirmed drainage being worked on. Action Steel raised concerns regarding fill and use of leased land by Penticton Self-storage.
Sept 11 , 2014	Call received that wall section failed during course of repairs. Site investigation and Bylaw Enforcement file created.	Safety protocols reviewed and modifications to engineered drawings with contractor. Confirmed that south section of retaining wall is on City land leased to Action Steel. Several layers of fill and debris apparent at failed wall section.

November 6, 2014	City provided with proposed revised drawings to correct the wall. The proposal would require using a portion of the neighbouring property to complete structural work for full height replacement.	Informed contractor that it might require a working easement. No further information or work completed.
Dec 22, 2014	City mails letters to both owners requesting joint solution to drainage and retaining failure.	No final solution reached
September 2014 to January 2015	A number of site discussions, phone calls and letters between Chief Building Inspector, Action Steel and Penticton Aelf-Storage owners to find a joint resolution to fix the wall and drainage. Owner of Penticton Self-Storage argues that the original wall was only a fence and was never built to act as a retaining wall. Evidence provided to outline that natural grade was much lower and that garbage fill has been placed against the wall. Penticton Self-Storage proposed to remove existing wall and only replace with 1.0m (3'), which would likely cause the high lot to collapse along property line. Action Steel argument that the wall had always been used as a retaining wall. Also concerns about use of leased land and that the retaining wall should be continuous along the entire length of the property. They are prepared to share some of the work and costs but not to the extent requested by the City.	No agreement reached between owners. Difficult to determine original natural grade. It would appear that drainage, fill and drainage was likely a factor in the illegal retaining wall starting to fail. Action steel should retain the portion of fill that is backfilled on existing cedar fence at the north section of the property. Further research revealed the retaining wall encroached on City land leased by Action Steel. Lease agreement to be revised.
January, 2015	Chief Building Inspector consulted legal counsel, regarding safety issues.	Initiated warnings for injunctive relief and letter sent to both owners requesting joint solution. Section 57 outlined for further enforcement action.

February 10, 2015	Letter sent to owners to find voluntary compliance	Both owners have responded. Owner's insurance adjuster follows up but no resolution reached.
February 26, 2015		Advised to move forward with Section 57 notice on title for both properties and injunctive action.
March 16, 2015	Section 57 introduction	

Local Government Authority

Excerpts from Building Bylaw 94-45:

PART 3 ADMINISTRATION

3.3 The Chief Inspector may:

(f) direct:

- (i) the removal of any unauthorized encroachment on City property,
- (v) the removal of a building or part thereof constructed in contravention of this Bylaw,

PART 6 PERMITS REQUIRED

6.1 Except as permitted in 6.2, no building or part of a building shall be constructed, altered, reconstructed, demolished, removed, relocated, occupied, or a change in class of occupancy take place; or

- (b) the erection of any retaining wall over 1.2 meters in height

PART 9 RESPONSIBILITY OF OWNER

9.1 The Owner, his agents, contractor, and sub-contractor shall be jointly responsible to ensure all construction is carried out in accordance with the requirements of this bylaw and the Building Code, and shall,

- (r) not fill or excavate any portion of the property unless such fill or excavation is properly maintained by a retaining wall or other acceptable method;
- (s) not allow surface water to drain onto adjoining property or City property;
- (t) correct any unsafe condition.

Section 57 – Note against title that building regulations contravened

Under the Community Charter, the local authority having jurisdiction is permitted to register charges against the property title where observations are made with respect to land or building or other structures that the inspector observes a condition:

(57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment that relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
- (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.

Analysis

The main objective of the Building Bylaw is to ensure the safety of current and future owners as well as reducing negative effects to buildings, structures and neighbouring properties. Although Action Steel has started to correct the surface drainage, no final engineered storm drainage plan has been provided as originally requested. The failure of the retaining wall has only added to the hazardous condition above and below the existing wall, which could be further aggravated by storm water flow. The City solicitor has reviewed the issues and advised staff to move forward with the Section 57 notice on title as well as injunctive action based on the following:

- Action Steel has not provided final engineered design related to controlling surface storm water, would be in violation of the section 9.1 (s) of the Building Bylaw.
- Continuing to have the wall remain in its current state increases the risk and is in violation of 9.1(t) of the Building Bylaw.

Staff also seeks direction to move forward with further injunctive action within 30 days of the notice on title being registered to ensure compliancy is met.

The pros of placing a notice on title are:

- The City will show that there is a consequence for non-compliance of City of Penticton bylaws
- Future owners will know of the deficiencies; and
- The City has shown due diligence in taking steps to attempt to achieve compliance with city bylaws and the Building Code.

In the future, contractors and owners may choose not to abide by City bylaws and the Provincial Building Code based on consequences (or lack of) in doing so.

The cons of placing a notice on title are:

- It may affect the re-sale of the property for the owner.

Alternate recommendations

1. As directed by Council

References

- Community Charter Section 57
- Building Bylaw 94-45

Attachments

Attachment A – Site Map

Attachment B – 2365/85 Barnes – Initial site Investigation

Attachment C– Photos – History of site drainage and storage issues

Respectfully submitted,

Ken Kunka ASCT, RBO
Building and Permitting Manager

Approvals

Acting City Manager



Attachment A

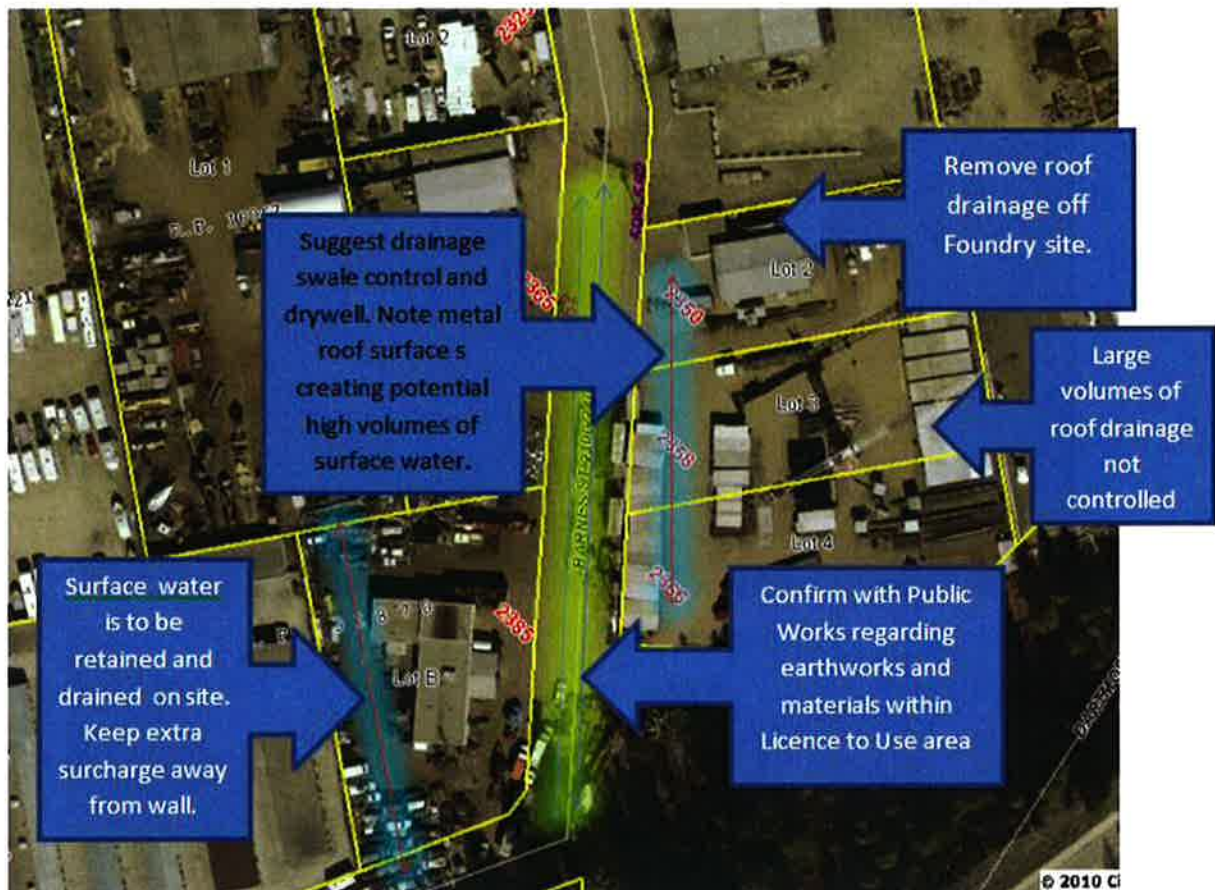
Area Map – Initial Drainage Concerns - 2013



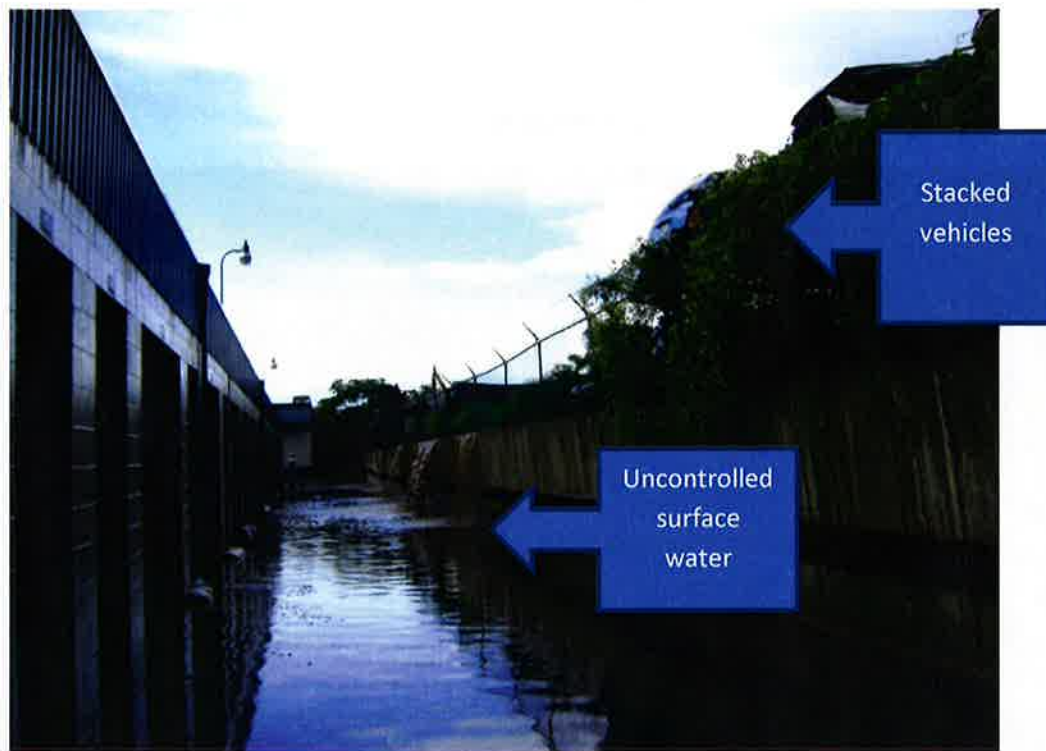
Attachment B

2365/85 Barnes - 2013

2365 Barnes St



Attachment C Water drainage and Surcharge History



Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Acting City Manager
From: Ken Kunka, Building and Permitting Manager
Subject: Section 57 Notice on Title and Injunctive Action, 2360 Government St.

File No: Civic

Staff Recommendation

THAT Council resolve to place a Notice on Title under Section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot A, District Lot 251 SDYD, Plan 31870 located at 2360 Government St, stating the following:

"Failure to complete a building permit which has created a potentially unsafe condition, which is a violation of City Building Bylaw 94-45,

AND THAT further injunctive action be commenced by staff within 30 days of Section 57 Notice on Title being registered if construction to repair the retaining wall is not commenced,;

AND FURTHER THAT the owner(s) be notified of the proposed Notice on Title report and be given an opportunity to speak to the matter at the April 7th, 2015 Council meeting.

Implications of recommendation

- Organizational: 4 hours of staff time to prepare the documents
- Financial: \$250.00 for owner to remove the Notice on Title.

Background

On October 2, 2013 a bylaw enforcement case file was created and site visit conducted concerning drainage issues related to uncontrolled surface water entering the storage units located at 2360 Government Street from the neighbouring lots to the east. (Attachment A). Staff engaged in a process to work with all three property owners related to drainage issues. During the initial site investigation and file reviews it was found that a retaining wall located along the east property line of 2360 Government did not originally obtain a permit and was found to be failing. (Attachment B)

The research of City records also indicated a long history of retaining, fill and drainage issues dating back to the late 1990's. The original permit to construct the storage warehouse buildings were issued in October of 1983. No records of final landscaping or retaining could be located but it is assumed the wall in question was constructed near the time of original construction. No aerial photos from the original construction date are on record.

A recent history of the case file compiled below dating from the initial group meeting held October, 2013:

Date	Item	Result/Action
Oct 10, 2013	Meeting between Action Steel, Penticton Self Storage Ltd. and the Foundry to resolve drainage issues.	Chief Building Inspector to follow up with site specific requirements.
Oct 29, 2013	Letter provided to each owner, regarding remedial work and required permits. 2360 Government Permit required to repair or replace failing retaining wall. Approximately 1.8m in height.	The Foundry items corrected. Action Steel Initial lot clean up and on-site drainage. Final drainage design not provided. Penticton Self-Storage Initial dialogue on permit process and history of property.
April 04, 2014	Follow up letter regarding failing retaining wall and permit requirements.	Office contacted to discuss requirements of permit and status of drainage from adjacent lot.
Aug 20, 2014	Permit applied for retaining wall remediation	Waiting for final engineered drawings.
Aug 28, 2014	Permit issued to retaining wall remediation	Work scheduled to start asap.
Sept 11 , 2014	Call received that wall section failed during course of repairs. Site investigation and Bylaw Enforcement file created.	Safety protocols reviewed and modifications to engineered drawings with contractor. Confirmed that south section of retaining wall is on City land leased to Action Steel. Several layers of fill and debris apparent at failed wall section.

November 6, 2014	City provided with proposed revised drawings to correct the wall. The proposal would require using a portion of the neighbouring property to complete structural work for full height replacement.	Informed contractor that it might require a working easement. No further information or work completed.
Dec 22, 2014	City mails letters to both owners requesting joint solution to drainage and retaining failure.	No final solution reached.
September 2014 to January 2015	A number of site discussions, phone calls and letters between Chief Building Inspector, Action Steel and Penticton Self-Storage owners to find a joint resolution to fix the wall and drainage. Owner of Penticton Self-Storage argues that the original wall was only a fence and was never built to act as a retaining wall. Evidence provided to outline that natural grade was much lower and that garbage fill has been placed against the wall. Penticton Self-Storage proposed to remove existing wall and only replace with 1.0m (3'), which would likely cause the high lot to collapse along property line. Action Steel argument that the wall had always been used as a retaining wall. Also concerns about use of leased land and that the retaining wall should be continuous along the entire length of the property. They are prepared to share some of the work and costs but not to the extent requested by the City.	No agreement reached between owners. Difficult to determine original natural grade. It would appear that drainage, fill and drainage was likely a factor in the illegal retaining wall starting to fail. Action Steel should retain the portion of fill that is backfilled on existing cedar fence at the north section of the property. Further research revealed the retaining wall encroached on City land leased by Action Steel. Lease agreement to be revised.
January	Chief Building Inspector consulted legal counsel regarding safety issues.	Initiated warnings for injunctive relief and letter sent to both owners requesting joint solution. Section 57 outlined for further enforcement action.
February 10, 2015	Letters to both owners to find voluntary compliance.	Both owners have responded. But no resolution reached.
February 20, 2015	Structural engineer contacted by Building	Advised engineer that 1.0m

	department regarding revising drawings to continue permit work.	would compromise the neighbour property and further consultation would be required.
February 26, 2015	Follow up.	Due date expired with no final resolution. City advised to move forward with Section 57 notice on title for both properties and injunctive action.
March 16, 2015	Section 57 introduction	

Local Government Authority

Excerpts from Building Bylaw 94-45:

PART 3 ADMINISTRATION

3.3 The Chief Inspector may:

(f) direct:

- (i) the removal of any unauthorized encroachment on City property,
- (v) the removal of a building or part thereof constructed in contravention of this Bylaw,

PART 6 PERMITS REQUIRED

6.1 Except as permitted in 6.2, no building or part of a building shall be constructed, altered, reconstructed, demolished, removed, relocated, occupied, or a change in class of occupancy take place; or

- (b) the erection of any retaining wall over 1.2 meters in height

PART 9 RESPONSIBILITY OF OWNER

9.1 The Owner, his agents, contractor, and sub-contractor shall be jointly responsible to ensure all construction is carried out in accordance with the requirements of this bylaw and the Building Code, and shall,

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- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment that relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
- (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.

Analysis

The main objective to of the Building Bylaw is to ensure the safety of current and future owners as well as reducing negative effects to buildings, structures and neighbouring properties. Although a permit was issued to repair the wall the subsequent failure has created a hazardous condition above and below the existing wall. The City solicitor has reviewed the issues and advised staff to move forward with the Section 57 notice on title as well as injunctive action based on the following:

- Pentiction self-storage proposal to remove the existing 1.8m wall and only replace with a 1.0m would be in violation of the section 9.1 (r) of the Building Bylaw.
- Continuing to have the wall remain in its current state increases the risk and is in violation of 9.1(t) of the Building Bylaw.

Staff also seeks direction to move forward with further injunctive action within 30 days of the notice title being registered to ensure compliancy is met.

The pros of placing a notice on title are:

- The City will show that there is a consequence for non-compliance of City of Pentiction bylaws
- Future owners will know of the deficiencies; and
- The City has shown due diligence in taking steps to attempt to achieve compliance with city bylaws and the Building Code.

In the future, contractors and owners may choose not to abide by City bylaws and the Provincial Building Code based on consequences (or lack of) in doing so.

The cons of placing a notice on title are:

- It may affect the re-sale of the property for the owner.

Alternate recommendations

1. As directed by Council

References

- Community Charter Section 57
- Building Bylaw 94-45

Attachments

Attachment A – Site Map

Attachment B – 2360 Government – Initial site Investigation

Attachment C– Failure of wall photos

Respectfully submitted,

Ken Kunka ASCT, RBO
Building and Permitting Manager

Approvals

Acting City Manager



Attachment A

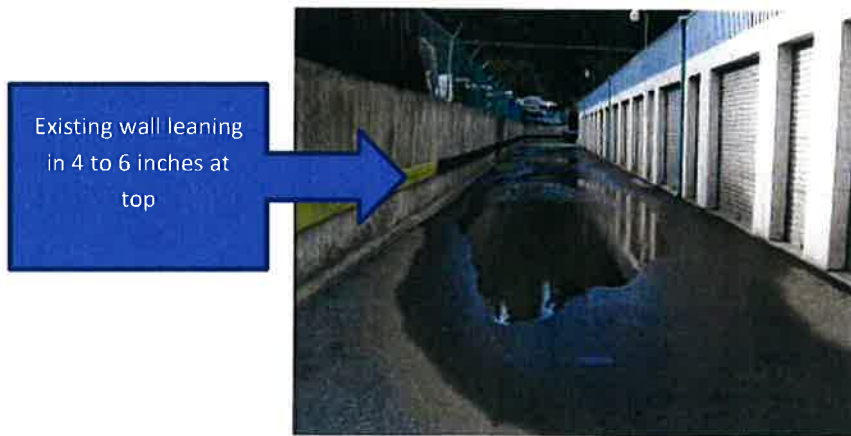
Area Map – Initial Drainage Concerns - 2013



Attachment B

Initial review - 2013

Retaining Wall – East Property Line 2360 Government Street



Retaining wall along East property line

Attachment C

Wall Failure – January, 2015



September, 2014 wall failure



Council Report

penticton.ca

Date: March 16, 2015 **File No:** 3700-4699
To: Chuck Loewen, Interim City Manager
From: Tina Siebert, Bylaw Services Supervisor
Subject: Graffiti Management Strategy endorsement and pilot removal program agreement

Staff Recommendations

THAT Council approve the Graffiti Management Policy;

AND THAT Council enter into the Partnership Agreement with the Downtown Penticton Association for the pilot graffiti removal program for a one-year term;

AND THAT the Mayor and Corporate Officer be authorized to execute the document.

Background

A joint presentation was made at Council in the summer of 2014 by Bylaw Services and the Downtown Penticton Association outlining the impact of graffiti on the community. The presentation outlined options for Council to consider for the management and eradication of graffiti in Penticton. Council provided direction to staff to work alongside external stakeholders, including the DPA, RCMP and Crime Stoppers, among others, to investigate a number of different options.

At a Committee of a Whole meeting held Feb. 2, 2015, a comprehensive Graffiti Management Strategy was presented for the committee's consideration. Three key elements were presented as pillars of the strategy:

1. Enforcement + education
2. Reporting + recording
3. Eradication

At that same meeting the opportunity to participate in a pilot program with the Downtown Penticton Program was presented. Options on how much investment the City should contribute to the pilot program were presented to the Committee of the Whole, which ultimately moved and seconded the following resolution:

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

CARRIED UNANIMOUSLY

Financial implication

Half of the annual cost of the Graffiti Removal Pilot program, \$28,800 for service between March 2015 and March 2016.

Analysis

Community dialogue has featured concerns with the current levels of graffiti in the community. The presence of graffiti has a negative impact on the quality of life for Penticton residents. With the Committee of the Whole's input and resolution, the following elements of the Graffiti Management Strategy have been put together for Council's consideration:

- **Enforcement + education:** Bylaw Services has prepared a Graffiti Management Policy, outlining the need for public education and timely eradication and enforcement of graffiti throughout the City (Attachment A). The policy takes into account the permitted enforcement window: when a complaint is lodged with Bylaw Services, officers will advise the property owners of the graffiti, the requirements for eradication under the Good Neighbour Bylaw and advise that, if compliance is not obtained in seven (7) days, enforcement notice will be issued carrying a \$100 fine. City staff has also built education materials to assist Bylaw Services staff in educating the public about the Good Neighbour Bylaw as well as graffiti management information – the best tips for removal and stressing the importance of fast removal as the best method for prevention. A webpage to graffiti education is available on the City's website: www.penticton.ca/graffiti.
- **Reporting + recording:** Both the City of Penticton Bylaw Services and Downtown Penticton Association have committed to handling reporting and recording mechanisms to track graffiti. This will assist with quantifying the incidents of graffiti; locations, trends as well as document needed evidence to support prosecution if possible. There has been relative success in this area recently, as a known tagger recently pleaded guilty and was sentenced for dozens of tags throughout the community. This is made possible when tags are inventoried and provided to RCMP.
- **Eradication:** As part of the graffiti removal pilot program, the Downtown Penticton Association has hired a professional graffiti removal company (Attachment C) that will remove graffiti within seven days. Once the pilot program is approved by Council, an information and education package will go to participating Downtown Penticton businesses to inform them of next steps, which are:
 - i. *Cleaning Downtown Penticton:* The professional graffiti removal company will clean the program area to establish a baseline to work from moving forward. Existing tags have been identified, and the company will be removing everything found to date. Offensive, racist or derogatory graffiti will be prioritized. This process could take several weeks, but will make a noticeable difference in Penticton's commercial core.
 - ii. *Managing new graffiti in Downtown Penticton:* As of May 2015, the baseline will be established and the program will begin accepting reports of new graffiti. New graffiti can be reported at www.downtownpenticton.org/site/graffiti with the date, time, location of the

graffiti, and photos. The removal company will address the graffiti within 7 days, ensuring program participants are in compliance with the Good Neighbour Bylaw.

Staff are recommending that Council support the Graffiti Management Strategy as presented and that the City enter into partnership agreement with the DPA for the pilot graffiti removal program. Staff are also recommending that Council amend the 2015 budget to direct funds towards the City's contribution to the pilot project as recommended by the Committee of the Whole.

Attachments

Attachment A - Graffiti Management Policy

Attachment B – Draft Partnership Agreement

Respectfully submitted,

Tina Siebert
Bylaw Services Supervisor

Approvals

Planning Manager	Acting City Manager
 	

Attachment A - Graffiti Management Policy



Council Policy



Approval date: Month, Day, 2015

Resolution No.:

Subject: Graffiti in Penticton

Goal

The Graffiti in Penticton Policy will provide clarity, consistency, and certainty to the municipality and property owners/tenants in support of a graffiti-free Penticton. Improving the eradication, education and enforcement of graffiti in Penticton would benefit the community by ensuring buildings and structures are maintained in a visually appealing condition, thereby helping to improve the community's image and sense of pride.

Scope

The Bylaw Services Department will be enforcing Good Neighbour Bylaw 2013-5030 Sec. 7.2 j: "owners shall not permit graffiti to remain on real property for which they are the owner thereof and shall remove the graffiti therefrom." Property owners and tenants must remove graffiti within seven (7) days once notified by the City of Penticton, Bylaw Services Department. This policy applies to all property owners and tenants in Penticton.

Policy

1. Graffiti/tagging complaint is reported to City of Penticton, Bylaw Services Department and assigned to a Bylaw Enforcement Officer.
2. Bylaw Enforcement Officer conducts inspection of graffiti/tag by attending, photographing and documenting.
3. Bylaw Enforcement Officer educates the resident/property owner on the impacts of graffiti (in person and if not in person, by phone). Officer provides resident/property owner with print brochure "Graffiti - a community response" brochure (Attachment A), and explains how to properly remove graffiti and how to reduce future incidents:
 - a) If resident/property owner is a participant of the pilot project zone (Attachment B), the graffiti/tag is reported to the Downtown Penticton Association for professional removal.
 - b) If graffiti/tagging is outside the pilot zone, a Graffiti Removal Notice (Attachment C) is provided (same date as inspection) to the property owner and/or tenant outlining the seven (7) day removal timeline.
 - c) If resident/property owner is located within the pilot project zone (Attachment B) and is not participating in the Downtown Penticton Association's pilot project for professional removal, enforcement measures will follow in line with Graffiti in Penticton Policy Sec. 3(b).

4. Bylaw Enforcement Officer conducts re-inspection after the eighth (8th) day and if graffiti/tag is not removed or cleaned; issues a Bylaw Offence Notice (violation) to property owner and/or tenant in accordance with the City of Penticton Good Neighbor Bylaw 2013-5030 (Fine=\$100). Exemptions to the enforcement of the Bylaw will be made for times when the weather is below 3 degrees Celsius (where it is not possible to remove or paint out the graffiti), but education will be communicated to the resident/property owner to ensure they understand Bylaw and Policy requirements
5. In accordance with the Good Neighbor Bylaw 2013-5030, City staff or delegates may enter property and remove graffiti at the expense of the property owner if the property owner fails to remove graffiti in response to a formal notification from the City.
6. The City of Penticton, in co-operation with the Downtown Penticton Association, the RCMP and Crime Stoppers, will continue to monitor graffiti prevention and removal strategies to ensure on-going effectiveness to the graffiti management strategy throughout Penticton.

Previous revisions

None

Attachments

- A- Graffiti - a community response- brochure
- B- Downtown Penticton Graffiti Removal Pilot Program-map
- C- Graffiti Removal Notice-handout

Approval

Attachment A- Brochure

Taking action

Report graffiti online

If you see new graffiti, take a picture and report it online at www.penticton.ca/graffiti. This will help municipal agencies and other groups, but does not guarantee action.

Reach out for help

We are here to help. See the back page of this brochure for a list of contacts, and who is the appropriate contact for specific information or response.



Graffiti - a community response

Community partners

City of Penticton Bylaw Services
250-490-3440 www.penticton.ca/graffiti
email: graffiti@penticton.ca

When to call: You want to report new graffiti or graffiti and tag throughout the community or have questions about enforcement of the Good Neighbour Bylaw that requires graffiti removal within 7 days.

Downstream Penticton Association
250-499-8640 www.downstreampenticton.ca/graffiti

When to call: You see tag or graffiti on Downstream Penticton properties or want information on the pilot cleanup program.

Crime Stoppers
1-800-224-4777 (TIPS) www.scstips.ca

When to call: You have information about the identity of a tagger.

RCMP (emergency only)
911

When to call: You are a crime site witness in a project or contact the emergency 911 call for an emergency situation.

Reporting and eradicating vandalism to keep Penticton graffiti-free



pentiction.ca

What is Graffiti?

Graffiti consists of any figures, letters or drawings that are applied, etched, scratched, drawn, sprayed or attached to the surface of any premises, structure or other property. Graffiti requires a comprehensive response – one that is best addressed for rapid and complete removal.

Impacts of graffiti

- It mars the natural beauty of a city.
- It causes businesses that rely on the curb appeal to suffer, including businesses and tourism.
- Property owners are faced with the cost and time of cleaning up graffiti.
- Graffiti is often prelude, nuisance and offensive.
- It is a public and sometimes private problem by its location or nature of messages.

Reporting graffiti

As a citizen, you can help manage graffiti where you live by **reporting, recording, and removing** the graffiti.

If the graffiti is in progress, call 9-1-1.

If you observe new graffiti, take a picture and submit it online at www.penticton.ca/graffiti. Reports are confidential and go to community agencies who will respond to the tag.

If you see old graffiti that has not been cleaned up, report it to City Bylaw Services at 250-490-3440 and graffiti.penticton.ca for Good Neighbour Bylaw enforcement.

Remove graffiti right away

Persistence pays off. It may take several paint jobs before the tagging will cease, but eventually vandals will get the message that graffiti is not tolerated in your neighbourhood.

If you're attempting to remove graffiti, it's best to contact a professional graffiti removal company. Typically, people choose to paint over graffiti or use graffiti removal products that can be purchased at most hardware stores.

Bylaws relating to graffiti

Rules around graffiti fall under the Good Neighbour Bylaw, which says:

- property owners must ensure that graffiti placed on their premises is removed, painted over or otherwise permanently blocked if on public view within 7 days,
- fines could be levied if action isn't taken.

Painting or cleaning up graffiti

- Make sure you paint over the entire wall and area in a neat fashion.
- Use a paint or undercoat that doesn't allow the graffiti to bleed through.
- Choose colors that blend with the original surface.
- Use good quality paint and tools.
- When painting outdoors, use latex paint on brick, stucco, concrete or masonry.
- Avoid using flammable solvents – they will ruin the design into the surface.
- Keep up the good work. Repeat or paint-overs may be needed. Prompt removal sends the message that graffiti is not going to be tolerated.
- Also, cleaning graffiti is usually found on glass, so look for this type – use an appropriate cleaner that won't damage the glass or the paint.

Graffiti prevention

The best way to prevent graffiti from spreading is to remove it right away. Painted over graffiti removal often requires removal.

- Work with neighbours and schools to assist in painting projects.
- Coordinate with the police to monitor the area to deter vandals and tagging.
- Limit access to the roof of your building by putting ladders away. But make sure your doors and locks work.

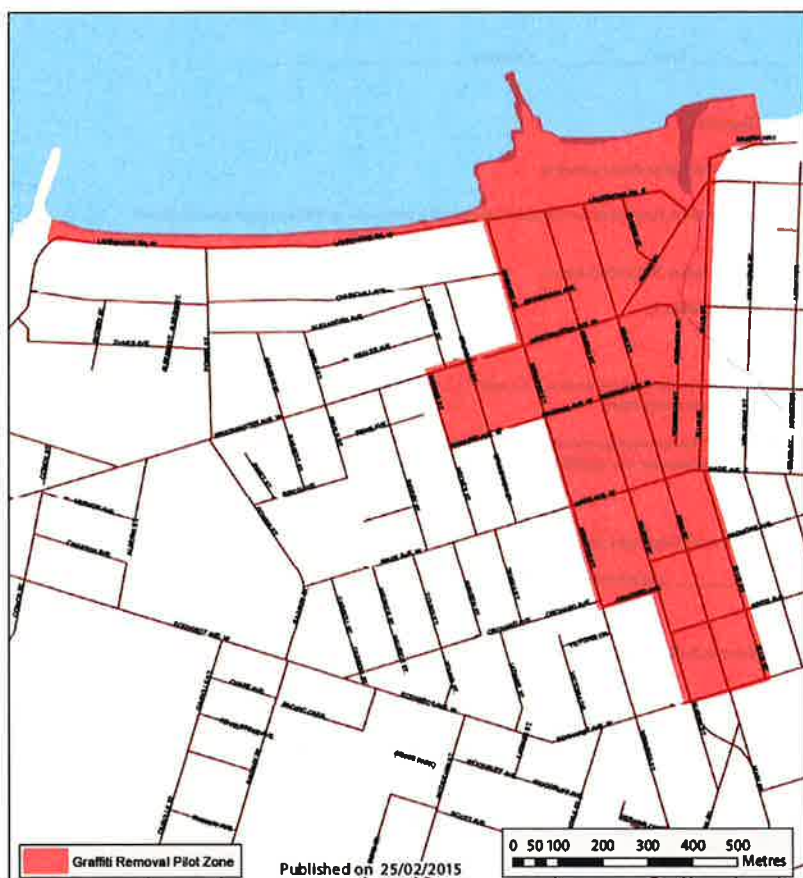
Attachment B



Downtown Penticton
Graffiti Removal Pilot Program



penticton.ca



Attachment C



Graffiti Removal Notice



Bylaw Services Department

Date: _____ Time: _____ Location: _____

☐ Graffiti Tagging

☐ Unauthorized Graffiti posting / painting

It has come to our attention that the above location has been the target of a graffiti tag or an unauthorized graffiti posting.

The Good Neighbour Bylaw 2013-5030 states:

7. PROPERTY MAINTENANCE:

Regulations

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

(j) **Graffiti** All Owners shall not permit graffiti to remain on Real Property for which they are the Owner thereof and shall remove the graffiti therefrom.

Please consider this as a 7 Day Notice to complete the removal prior to:

Date: _____ and advise our department when in compliance.

Please refer to the attached Graffiti Brochure



For information regarding this notice or should you have information as to who applied the graffiti please contact Bylaw Services at 250-490-2440. If you witness graffiti in progress please call 911.

Thank you.

Officer # _____

Attachment B- Draft Partnership Agreement (not including schedule B)

THIS Graffiti Management Agreement dated for reference the 1st day of March, 2015,

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON,
a municipality incorporated pursuant to the *Local Government Act*, having its
offices at 171 Main Street, Penticton, British Columbia, V2A 5A9

(the "City")

AND:

DOWNTOWN PENTICTON ASSOCIATION,
being a society pursuant to the *Societies Act*, represented by its board of
directors and having a physical address of 209 - 212 Main Street, Penticton,
British Columbia V2A 5B2

(the "DPA")

WHEREAS:

- A. The DPA has requested that the City participate in a graffiti removal pilot project for subject properties in the downtown area of Penticton as presented by the DPA the open City Committee of the Whole meeting of February 2 2015 and evidenced by report to Council (Attachment B);
- B. The City has agreed to participate in the pilot project pursuant to a resolution of Council at their Committee of the Whole meeting held on February 2, 2015 (Attachment A);
- C. The graffiti removal will be undertaken by a contractor engaged by the DPA (Attachment D);

In consideration of the promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the City and the DPA, the City and the DPA agree as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 In this Agreement:

"Graffiti" means any writing, symbols, or drawings that have been scribbled, scratched, or sprayed illicitly on a wall or other surface on Subject Properties;

"Subject Properties" encompasses lands and improvements that fall within the boundaries of an area within the City (Attachment C);

1.2 Severability

If any provision of this Agreement or part thereof shall be judged invalid, illegal or unenforceable the remaining provisions shall continue in full force and effect, provided that if the intent of the Parties is not thereby preserved then either Party may terminate this Agreement on thirty (30) days' notice to the other.

1.3 Schedules

The following Schedules are incorporated into and form part of this Agreement;

Schedule A: Resolution of City Council
Schedule B: Graffiti Management Strategy Report
Schedule C: Map of Subject Properties
Schedule D: Contractor Agreement with DPA
Schedule E: Contractor Certificate of Insurance

2. TERM

2.1 Subject to the terms of this Agreement, this Agreement shall commence on the 1st day of March, 2015 and end on the 29th day of February, 2016.

2.2 No provision is made in this Agreement, expressly or otherwise, for the renewal or renegotiation of this agreement.

3. DPA TO PROVIDE:

3.1 The DPA hereby consents and agrees that it will provide quarterly status reports on the pilot project, in formal manner to the City through the City's Manager of Bylaw Enforcement for presentation to Council.

For greater certainty, the quarterly status report will include but not be restricted to details on progress, successes, failures, public feedback, and reasons therefor.

4. BREACH

4.1 If the DPA or the City fail to perform any of their obligations herein, either Party may give notice in writing of such breach. If the Party does not cure the

said breach within ten (10) days after receipt of notice if a breach of any other nature which is capable of cure, then the Party alleging the breach, at its option, shall have the right to:

- (a) terminate this Agreement immediately at its discretion by giving written notice to the other Party, whether the breach giving rise to the termination is a fundamental breach or not;

For greater certainty, the City may at its sole discretion determine whether the DPA is in breach of this agreement.

5. PAYMENT FOR PARTICIPATION IN THE PROJECT

5.1 The City shall provide to the DPA:

- (a) quarterly instalment payments of \$7,200 on the dates specified as follows March 1 2015, June 1 2015, Sept 1 2015, Dec 1 2015;
- (b) the aggregate amounts payable under this agreement are equal to and will not exceed \$28,800; and
- (c) other than the quarterly payments specified in this section, no amounts will be payable or paid under any circumstances whatsoever.

5.2 For any quarterly payment or payments that would otherwise be payable under s5.1 of this agreement the City may, at its sole discretion, reduce one or more quarterly instalment payments to the DPA to an amount equal to the amount input by the DPA into the pilot project for any period or periods, singly or in aggregate.

For greater certainty, this agreement is a participation agreement and is not a fee for service agreement.

6. INSURANCE AND MUTUAL INDEMNITY

6.1 During the term of this Agreement, the DPA shall, at its sole cost and expense, secure and maintain commercial general liability insurance of at least \$5,000,000 against claims for personal injury, death, or property damage occurring resulting from the negligence of its elected or appointed officials, officers, servants, employees, members, and agents with respect to the pilot project and provide written confirmation of said insurance to the City (Attachment E).

- 6.2** The insurance referred to in section 6.1 herein shall include the City as an additional insured. The said policy shall contain a waiver of subrogation clause in favor of the City.

7. NOTICES, DEMANDS AND OTHER COMMUNICATIONS

- 7.1** Where this Agreement requires or permits a notice, demand, or other communication to be given or served by either Party to the other, the notice, demand, or other communication must be in writing, and be either personally delivered, sent by facsimile, or forwarded by registered mail. Personal delivery to the City shall only be effective if it is personally served on the (a) Corporate Officer of the City at the offices of the City or, in his or her absence, the Deputy Corporate Officer; or his or her designate. If sent by way of facsimile or registered mail, all notices, demands, or other communications must be addressed and sent as follows:

(a) to the City:
THE CORPORATION OF THE CITY OF PENTICTON
171 Main Street,
Penticton, B.C., V2A 5A9
Attention: Corporate Officer;
Fax No: 250-490-2402

(b) to the DPA:
DOWNTOWN PENTICTON ASSOCIATION
209 - 212 Main Street,
Penticton, BC V2A 5B2
Attention: Executive Director
Fax No: 250-493-9170

8. GENERAL PROVISIONS

- 8.1** The Parties hereto acknowledge and agree that this Agreement is intended to be an agreement for participation in the pilot project for graffiti management only and does not create an employer/employee relationship, agency relationship, joint venture or partnership between them and at all times the City is and is intended to be an independent contractor.
- 8.2** No waiver of any term or condition in this Agreement or breach of any term or condition in this Agreement is effective unless it is in writing, and no waiver of a breach is to be construed as a waiver of any future breach.
- 8.3** This Agreement ensures to the benefit of and binds the Parties to it and their successors and permitted assigns.
- 8.4** Nothing contained in this Agreement will be deemed to limit or affect the legal rights, duties, or obligations the DPA may have at law or equity. Nothing

contained in this Agreement will be deemed to limit or affect the legal rights, duties, or obligations of the City. The Parties agree that nothing in this Agreement will affect the cooperation or consultation covenants the Parties have entered into pursuant to any other agreement.

- 8.5** This Agreement is the entire agreement between the Parties and supersedes all prior written and oral agreements, representations, and statements made or exchanged by the Parties.
- 8.6** This Agreement may be executed in counterpart and copies of the execution pages delivered by each Party to the other by facsimile or any other reasonable method, and such copies together will be deemed as effective as if a single Agreement had been executed by each Party.
- 8.7** Assignment of the rights and duties hereunder will not be assigned by either Party without the prior written consent of the other Party, which consent may be unreasonably withheld.

IN WITNESS WHEREOF THE PARTIES HERETO have executed this agreement at Penticton, British Columbia, this ____ day of February, 2015.

THE CORPORATION OF THE CITY OF PENTICTON,
by its authorized signatories

Mayor

Corporate Officer

THE DOWNTOWN PENTICTON ASSOCIATION,
by its authorized signatories

Executive Director

President of the Board of Directors

Graffiti Management Agreement
Downtown Penticton Association and the City of Penticton
Page 5 of 14

Schedule A

Graffiti Management Strategy and Pilot Project Participation

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

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

It was MOVED and SECONDED

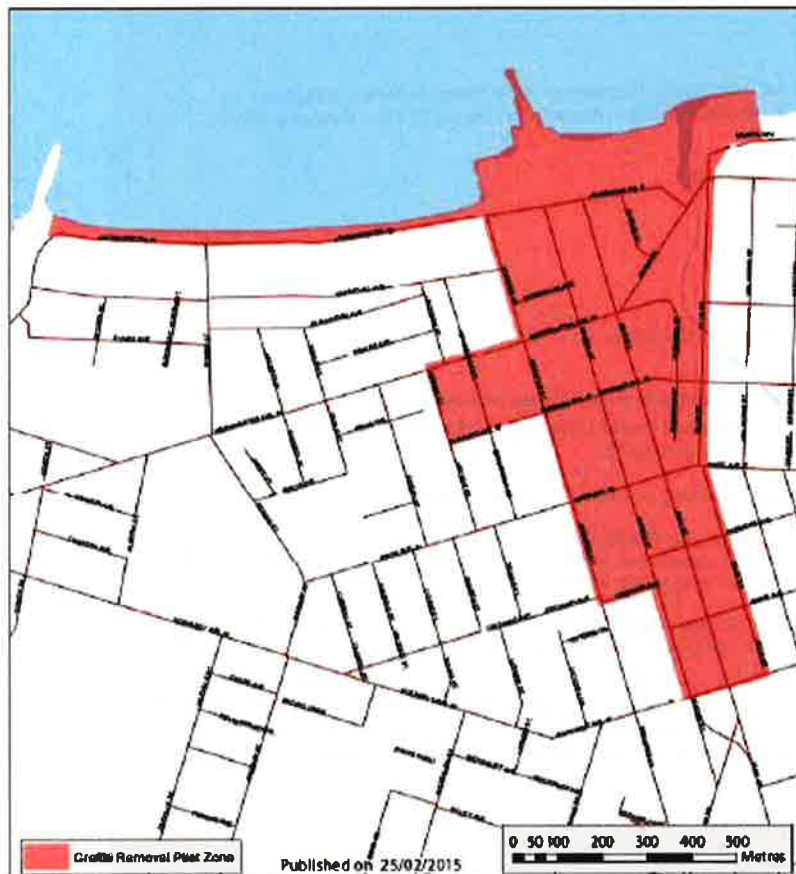
THAT the Committee of the Whole recommend that Council fund half of the graffiti management pilot project at \$28,800 with the remainder of the funds to be sourced by the graffiti management team.

CARRIED UNANIMOUSLY

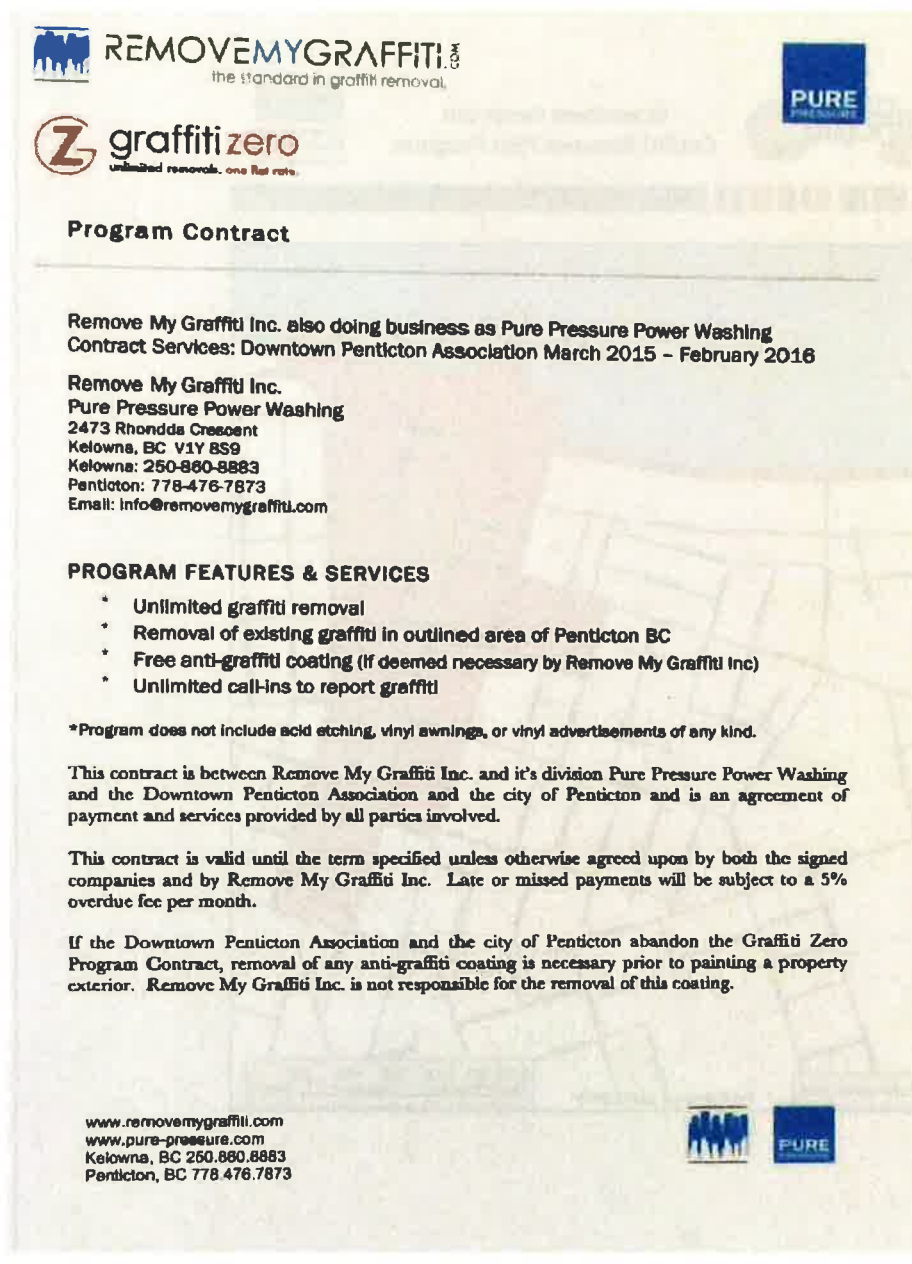
Schedule C



Downtown Penticton
Graffiti Removal Pilot Program



Schedule D



Graffiti Management Agreement
Downtown Penticton Association and the City of Penticton
Page 11 of 14

BOUNDARY OF GRAFFITI ZERO PROGRAM

Only businesses within the designated area that are members of the Downtown Penticton Association, as well as any city property within the designated area will have graffiti removed.

Boundaries Include: Okanagan Lake side of road from Riverside Dr/Lakeshore Dr W to (>) Winnipeg St > Westminster Ave > Haynes St > Nanaimo Ave W > Winnipeg St > Orchard Ave > Martin St > Around the Museum/Library and back north on Main St > Eckhardt Ave > Ellis St > Okanagan Lake and along water edge back to Winnipeg St.



Boundary outlined in orange.

www.removegraffiti.com
www.pure-pressure.com
Kelowna, BC 250.880.8883
Penticton, BC 778.476.7873





Program Contract

Billing Address for Graffiti Zero Program:

Downtown Penticton Association
206 - 212 Main Street
Penticton, BC V2A 5B2



Start date of services and contract:

Monthly service fee: \$4,800 plus applicable taxes per month.

Length of agreement for services provided: 12 months - March 1, 2015 to February 28, 2016

Contact: Kerri Milton

Phone number: (250) 493.8540

Email: kerri@downtownpenticton.org

By signing this contract you are agreeing to all terms and conditions within this contract on behalf of the company you represent on this date. This company is liable, regardless of your future employment status, and is aware of this contract.

Name: Kerri Milton

Date: March 1, 2015

Signature: [Handwritten Signature]

In agreement with Remove My Graffiti Inc.

Remove My Graffiti Inc. Representative Signature:

[Handwritten Signature]
Jared Goosen

Date: March 9/15

www.removemygraffiti.com
www.pure-pressure.com
Kelowna, BC 250.860.8883
Penticton, BC 778.476.7873



Schedule E



CAPRI INSURANCE - HARDY STREET 100 - 1500 HARDY STREET KELOWNA, BC V1Y 8H2
PHONE: 250-860-2420 FAX: 250-860-1213 WEBSITE: www.capri.ca

CERTIFICATE OF INSURANCE

INSURED: Remove my Graffiti Inc. o/a Pure Pressure Power Washing & Graffiti Removal

EFFECTIVE DATE: February 10, 2015 **EXPIRY DATE:** January 4, 2016

MAILING ADDRESS: 2473 Rhondra Crescent, Kelowna, BC V1Y 8S0

COVERAGES:

\$3,000,000	On	Commercial General Liability – each occurrence Including the following extensions: -General Aggregate (\$5,000,000) -Products – Completed Operations Aggregate (\$3,000,000) -Personal Injury -Employees as Additional Insureds -Occurrence Property Damage -Broad Form Property Damage -Broad Form Completed Operations -Attached Machinery -Blanket Contractual -Cross Liability -Contractor/Owners Protective -Medical Payments \$10,000 -Pollution Liability excluded -Subject to \$1,000 Bodily Damage/Property Damage deductible -Cyber Risk Exclusion -Terrorism Exclusion
\$1,000,000	On	Tenants' Legal Liability -Subject to \$1,000 deductible

IT IS HEREBY UNDERSTOOD AND AGREED THAT City of Penticton, 171 Main Street, Penticton, BC V2A 5A9 IS ADDED TO THE POLICY AS AN ADDITIONAL INSURED BUT ONLY WITH RESPECT TO LIABILITY ARISING OUT OF OR ATTRIBUTABLE TO THE WORK OF THE NAMED INSURED.

INSURANCE CO.: Aviva Canada Inc.(Bonus)

POLICY NO.: S1028946

COVER IS ON UNDERWRITERS STANDARD TERMS FOR CLASS OF COVER AND CEASES UPON ISSUANCE OF POLICY(IES) OR 60 DAYS AFTER THE EFFECTIVE DATE WHICHEVER FIRST OCCURS. IMMEDIATE NOTICE MUST BE GIVEN IF ANY CHANGES ARE REQUIRED.
E. & O.E.

CAPRI INSURANCE SERVICES LTD.

per:
Lana Hunnie

THIS DOCUMENT CONTAINS A CLAUSE THAT MAY LIMIT THE AM



CAPRI INSURANCE SERVICES LTD.
OFFICES IN KELOWNA, KAMLOOPS, LAKE COUNTRY, WEST KELOWNA, PENTICTON



Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Interim City Manager
From: Gillian Kenny, Human Resources Manager
Subject: Council Benefits

File No:

Staff Recommendation

THAT Council chooses to participate in the UBCM Extended Health and Dental benefit program;

AND

THAT Council approves benefits to be funded through the labour load budget.

OR

THAT Council approves benefits to be funded from the Elected Officials in-town expense budget.

OR

THAT Council approves 50% of the benefits to be funded through the labour load budget with the remaining 50% funded by the participating Elected Officials.

Background

Each elected term UBCM provides for group insurance for elected officials to all municipalities across British Columbia.

In order to be eligible, there must be a minimum of three (3) elected official applicants.

The deadline for enrollment is March 31, 2015. Enrollment in the UBCM Group Benefit Plan must be for the full term of office; this is to protect against abuse of the plan.

Financial implication

Current costs for the plan are as follows:

- Extended Health - \$37.89/month for single and \$85.25/month for family coverage
- Dental - \$46.48/month for single and \$120.59/month for family coverage

The financial impact of the benefits by option are:

- (1) By the labour load budget = maximum of \$14,375.28
- (2) By the Council in-town expense provision = \$0
- (3) 50% of benefits to be funded by budget with the remaining by the Council member = maximum of \$7,187.64

Analysis

We viewed 30 municipalities from the Civic Info database which are similar in nature to the City of Penticton. Out of those municipalities, 10 have part time Mayors of which only North Cowichan and Courtenay provide for Extended Health and Dental benefits with Central Saanich providing Extended Health only.

Those with full time Mayors, mostly in the lower mainland, provide for Extended Health, Dental and Life Insurance with MSP premiums.

The research received was not specific as to the cost sharing of Extended Health, Dental and Life Insurance.

Alternate recommendations

As directed by Council.

Attachments

Attachment A – UBCM Memorandum November 3, 2014

Respectfully submitted,

Gillian Kenny,

Human Resources Manager

Concurrence

Acting City
Manager





MEMO

November 3, 2014

TO: Mayor/Chair and Council/Board
CC: Benefits Administrator

FROM: Anna-Maria Wijesinghe
Manager, Member and Association Services

RE: Group Insurance For Elected Officials

UBCM offers comprehensive group insurance coverage, which is available to all local governments in British Columbia and to elected officials.

BACKGROUND

Following previous local government elections, UBCM has offered group insurance benefits to elected officials. A number of our members have taken advantage of these benefits, which we are pleased to be able to extend again.

COVERAGE OFFERED TO ELECTED OFFICIALS

The following is information and procedures for enrollment in the UBCM Group Benefits Plan, which is offered by our current carrier, Pacific Blue Cross/ BC Life.

A) Available Benefits

Elected officials who meet the eligibility requirements may now participate in the following benefits:

- Extended Health Care
- Dental
- Employee and Family Assistance Plan (EFAP)
- Optional Life Insurance
- Optional Accidental Death and Dismemberment

B) Eligibility

There must be a minimum of three (3) elected official applicants in your local government to enroll. Applications made by local governments that **do not currently** have their staff benefit plans under the UBCM Group Benefits Plan may be reviewed.

C) **Benefit Provisions & Costs**

1. **Extended Health and Dental**

For those local governments with existing staff contracts with us, the elected officials will be added as a **separate class to your existing contract/policy**.

You will need to fill out the attached group enrollment form so we can make the necessary amendments to your contract. The changes are needed to address the definition of employee and eligibility (hours of work), which are standard components of any group benefit contract (this change is needed as elected officials are not normally classified as "employees" nor do they work standard weekly hours).

If you provide benefits to your non-union staff through the UBCM Group Benefits Plan, you have the option to provide your elected officials with the **same** benefits or plan design that you provide to your non-union staff for Extended Health, EFAP and Dental (excluding Group Life, Dependent Life, Accidental Death and Dismemberment, Short Term and Long Term Disability, and Critical Illness). Under this approach, the existing group rates for the non-union staff plan would apply.

If you do not have staff benefits under the UBCM Group Benefits Plan, or you do not wish to provide the same level of benefits to Elected Officials, then you can choose a standard package. The standard package cost and benefit limits include:

- Extended Health:
 - ❖ 80% reimbursement of eligible expenses
 - ❖ Lifetime maximum of \$50,000
 - ❖ \$25.00 per year single or family deductible
 - ❖ Premium of **\$37.89** per month for single coverage and **\$85.25** per month for family coverage
- Dental:
 - ❖ 80% reimbursement of Plan A "Routine" expenses
 - ❖ 50% reimbursement of Plan B "Major Restorative" expenses
 - ❖ No annual maximum on Plan A or B
 - ❖ Premium of \$46.48 per month for single coverage and \$120.59 per month for family coverage
- Employee and Family Assistance Plan:
 - ❖ Premium of \$4.50 per month for single coverage and family coverage
 - ❖ Employee and Family Assistance plan, delivered through a partner, Shepell•fgi – Shepell•fgi's WorkLife Solutions & Well Being services provide telephone assessment, consultation, resources, support, advice and coaching on a full range of issues faced by individuals, parents, families, teens and young adults throughout their lives.
 - ❖ http://www.pac.bluecross.ca/pdf-bin/info/0601.01.012_EFAP.pdf

2. Optional Life Insurance

Optional Group Life may be purchased in multiples of \$10,000 or \$25,000. However, only one multiple can be chosen and will apply to everyone in the group purchasing the optional group life coverage. **A rate sheet is attached.**

3. Optional Accidental Death & Dismemberment (AD&D)

BC Life's Optional Accidental Death & Dismemberment provides added financial security should one be faced with accidental death, accidental dismemberment of part or all of a limb, or loss of sight, hearing or speech. This benefit would pay an additional amount equal to the Optional Group Life Insurance benefit in the event of death and fractions of the total benefit for other loss or dismemberment.

The monthly cost of this benefit is \$0.055 per \$1,000 of coverage.

It would be our preference that the payment of premiums follows the same structure as your non-union staff plans. That is, if your non-union staff plans are 100% employer paid then that arrangement should continue for Elected Officials, understanding that each local government may have different policies.

D) Enrollment

Once you have three Elected Officials, then all enrolled accredited members must register as a group and choose the following combinations of coverage:

- Option 1. Extended health/dental benefits (must make application for both)
- Option 2. Extended health/dental benefits and Employee and Family Assistance Plan (must make application for all three)
- Option 3. Either the optional life and/or optional accidental death and dismemberment benefits (applications can be made independent of one another)
- Option 4. A combination of option (1) and (3)
- Option 5. A combination of option (2) and (3)

Enrollment for benefits must be within four (4) months of appointment to council, therefore, the **deadline for enrollment is March 31, 2015**. Failure to apply within the required timeline will elicit PBC late-applicant rules (which may include providing evidence of insurability, back-billing of premiums, and/or coverage restrictions). We strongly recommended having all elected officials who do not wish to participate complete the enclosed waiver of group benefits form to indicate the benefits have been offered to them.

Enrollment in the UBCM Group Benefit Plan must be for the **full term of office**; this is to protect against abuse of the Plan.

To join, regardless if you are already covered under the UBCM Group Benefits plan, please fill out the applicable attached forms:

- 1. Application for Group Benefits; and/or
- 2. For optional life - "Application for Optional Life"
- 3. For optional AD&D - "Voluntary Accidental Death & Dismemberment"

When the forms are completed please attach all the documents and include a covering letter summarizing the elected officials that are applying for these benefits.

Please forward all completed forms to:

Elected Officials' Benefits
Scott Holmes, Account Executive, PBC
c/o Anna-Maria Wijesinghe
Union of BC Municipalities
Suite 60 – 10551 Shellbridge Way
Richmond, B.C. V6X 2W9

For further details regarding coverage or if your local government is not covered under the UBCM Group Benefits Plan, please contact:

Scott Holmes, Account Executive
Ph: +1 604.419.2107
Email: jsholmes@pac.bluecross.ca

Please keep us informed if you are interested in this program or contact myself (Anna-Maria) if you would like assistance with the enrollment of your elected officials:

Ph: 604.270.8226 ext. 111
Email: amwijesinghe@ubcm.ca

If you are not currently with the UBCM Group Benefits Plan, we would encourage you to request a quote. We can provide you with available savings on costs, as well as the other advantages of participation that many local government staff are already enjoying!

E) Retiring Council Members or Elected Officials Not In Office

Please note that retiring council members or elected officials not currently in office should **not** remain on your benefits plans. You must inform Pacific Blue Cross/BC Life that coverage is to be terminated. **The effective date of termination will be at the end of December.** Retiring council members and elected officials no longer in office have the option of converting to individual policies (within 60 days for PBC benefits and 31 days for BC Life).

For information on individual **health and dental benefits** available to those members (retiring councillors or retiring officials), we would encourage you to provide the following link: <http://www.pac.bluecross.ca/individual/> Conversion options are available for 60 days.

Those retiring council members and elected officials wishing to convert to an individual life insurance policy, have the option of converting to **benefits with BC Life**. This can be done without the need for medical evidence, providing this is within **31 days** after terminating the group coverage and if they are under the age of 65. For more information regarding conversion, members may contact BC Life at:

Claims Services, British Columbia Life & Casualty Company
PO Box 7000, Vancouver, BC V6B 4E1
Email: BCLClaimsServices@pac.bluecross.ca

Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Acting City Manager
From: Mitch Moroziuk, Director of Operations

File No:

Re: **SILGA and UBCM Resolution
WorkSafeBC Regulations and Guidelines for Confined Space Entry at Waste Water
Treatment Plants**

Staff Recommendation

THAT Council support and submit the following resolution for consideration at the 2015 SILGA and UBCM Conventions:

WHEREAS WorkSafe BC amended its confined space regulation in 2011;

AND WHEREAS the current WorkSafe BC regulations and guidelines with respect to confined space within waste water treatment plants are challenging design standards;

THEREFORE BE IT RESOLVED that UBCM lobby the Minister of Jobs, Tourism and Skills Training to direct WorkSafeBC to provide an exemption to waste water treatment plants until a confined space regulations rewrite, with input from waste water treatment plant owners and operators, can be completed.

Strategic Priority

N/A

Background

On February 1st 2011 WorkSafeBC amended its confined space regulation (Part9). The WorkSafeBC regulations around confined space are fairly clear and straight forward but when we get to the isolation of confined spaces both the regulation and guidelines are prescriptive and don't align themselves well with industry (municipal) design standards with respect to adjacent piping. They include a requirement for any adjacent piping/channels that are connected to a confined space to either be "blinded" or "Double Block & Bled". If these measures are not practical then an "Alternate Measure of Control" (AMC) must be submitted to WorkSafeBC for approval prior to entry into the confined space.

Most municipalities in the lower mainland and on the island, usually by the result of a WCB order, are moving forward using the AMC process. Metro Vancouver has been submitting Alternate Measures for many years both simple and complicated with varying degrees of success and some submissions have taken months to approve.

The original intent of the guidelines with respect to AMC and Waste Water Treatment Plants was to enable the Local officer(s) to approve the alternate measure to make it a simple and fast process. What has happened is some local officers despite having the qualification don't have the experience with confined spaces and forwarded application/procedures to the senior hygiene officers which can take time especially if they are forwarded to the Engineering Section of WCB.

In most cases the AMC measure is simply the "valve or knife gate" accompanied by an engineer's certification that states the valve is safe and will make the confined space safe to enter with appropriate procedures to monitor the valve throughout the confined space entry.

One issue of course is the cost for an engineer to certify a valve and in most cases re-certify a valve. The main issue however is that plant design standards and the WCB regulations don't coincide with each other.

In the case of the City of Penticton our Advanced Waste Water Treatment Plant has approximately 150 confined spaces inventoried, all of which will require an AMC approved by WorkSafeBC, as well a sign off by a Professional. This also has ramifications for the Public Works Department when undertaking repair and maintenance work on sanitary sewer lines.

The City of Penticton has had discussions with various contacts within the municipal sector including retired WorkSafe BC contacts and all agree the current regulations and guidelines with respect to confined space and waste water treatment plants have issues and are essentially in conflict with design standards.

The City recalls that there were similar issues in 1990's with Pulp & Paper industry. The regulations required safety methods that just would not work. This issue was eventually resolved by a regulation rewrite to allow the use of additional safety methods that could work.

WorkSafeBC at one time, and they still may, tracked various regulation changes to ensure their effectiveness and reduce the need for employers in applying for Acceptance Requests. This tracking/process led to dam and public supply water systems receiving exemption/changes to the regulations. This however has not carried over to the waste water side.

As the number of Alternate Measures start to climb it may eventually trigger a regulation review and there have been some rumblings that some changes are in the works but as yet nothing has been noted in WCB's work plans. The process may be sped up if organizations such as BCWWA, BCPWA, SILGA and UBCM raise the issue.

Financial implications

There are two financial implications associated with the ACM process.

The first relates to the cost associated with obtaining them. It costs the City on average \$2,000 per ACM and an ACM is time sensitive so it has to be rewritten once the time frame expires.

The second financial implication is much larger and it relates to the redesign and reconstruction of waste water treatment plants so that valving will meet the WorkSafeBC requirements. No specific dollar value is provided as the amount will vary depending on the plant but it can safely be said that the amount would be in the millions.

Another significant impact to the City is the time delay that we face each time we have to obtain an ACM.

Analysis

Submitting a Resolution to SILGA and then onto UBCM on this issue will raise awareness in government and provide a much larger voice speaking to the issue which hopefully will cause the Province of BC to take action on an exemption or a regulation rewrite for confined spaces.

Should Council elect they could refer the matter back to staff with direction or elect not to proceed with a submission to SILGA and UBCM on this issue.

Alternate recommendations

1. That Council refer the matter back to staff with specific direction; or
2. That Council elect not to submit a resolution to SILGA and UBCM regarding the WCB ACM process.

Attachments

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
Director of Operations
Approvals

Acting City Manager	Safety Coordinator
<i>CAL</i>	GR

Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Acting City Manager
From: Shawn Filice, Manager – Electric Utility
Subject: Westminster Substation – Outage Plans

File No:

Staff Recommendation

THAT Council receive for information the March 16, 2015 report titled "Westminster Substation – Outage Plans".

Strategic priority objective

N/A

Background

On May 6, 2014 the City of Penticton entered into a contract with FortisBC to add a 12kV supply at Westminster substation (See Attachment "A" - Council Resolution 209/2014). This contractual commitment is exclusively for FortisBC's portion of the work. FortisBC owns the transformer and related High Voltage infrastructure, however, the City of Penticton owns the secondary buss-work within the sub-station property and this also requires alteration to fit within the FortisBC improvements.

The City of Penticton has included \$1.3M in the 2015 Capital Budget to construct the secondary buss which will distribute power from the City side of the Westminster Substation to their customers. The forecasted in-service date is August 31, 2015.

To accommodate the above mentioned construction schedule, the Westminster Substation must be completely de-energized by May 1, 2015.

As the existing 8kV supply and backup feeders (aka R32, R33, R5 & R6) have limited capacity, especially during the summer and winter months, some of the Westminster Substation 8kV feeders (i.e. R32 & R33) must be converted to 12kV while the load on the others (i.e. R31 & R34) can be transferred to the Carmi and Huth Substations.

To address the tight timelines a comprehensive 19 stage conversion plan (See Attachments "B" and "C") has been developed. The plan was developed to balance customer impacts while meeting schedule and budget constraints and we believe the proposed plan has the least impact on all customers involved. During the month of April, 25% of the City of Penticton Electric utility customers will experience a 4-6 hour power outage.

The areas of the City that are being impacted are bounded as follows:

Area	Description
North	Okanagan Lake
East	Abbott St. to Eckhardt Ave./Main St. to Huth Ave.
South	Huth Ave.
West	Channel Parkway

Notification Steps

1. March 16, 2015: Present conversion plan to Council
2. Week of March 16, 2015: Mail "generic" outage notification letters along with a list of frequently asked questions to all affected customers (See Attachments "D" & "F")
3. Commencing week of March 16, 2015: Telephone affected commercial customers
4. One week prior to scheduled outage: Hand deliver "specific" outage notification letters to affected customers (See Attachment "E")

Special Notes

1. **Commercial and High Density Residential Customers** are responsible for opening their main disconnect and locking elevators open prior to their scheduled outage to avoid electrical damage to their equipment and to avoid having customers being locked in elevators, etc.
2. Traffic control personnel will be utilized at intersections with existing traffic lights as these lights will not be functioning during the power outage
3. Power to Shaw and Telus amplifiers and switches will be affected
4. Reminder to have contact information updated as this is the only information the City has and will be used to notify customers of planned outages.

Financial implication

N/A

Analysis

N/A

Alternate recommendations

N/A

Attachments

Attachment "A" – May 6, 2014 Council Resolution 209/2014
 Attachment "B" – Map of 2015 Conversion Plan
 Attachment "C" – 2015 Conversion Schedule
 Attachment "D" – Generic outage notification letter
 Attachment "E" – Specific outage notification letter
 Attachment "F" – Frequently asked questions

Respectfully submitted,

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

Approvals

Director	Acting City Manager
	

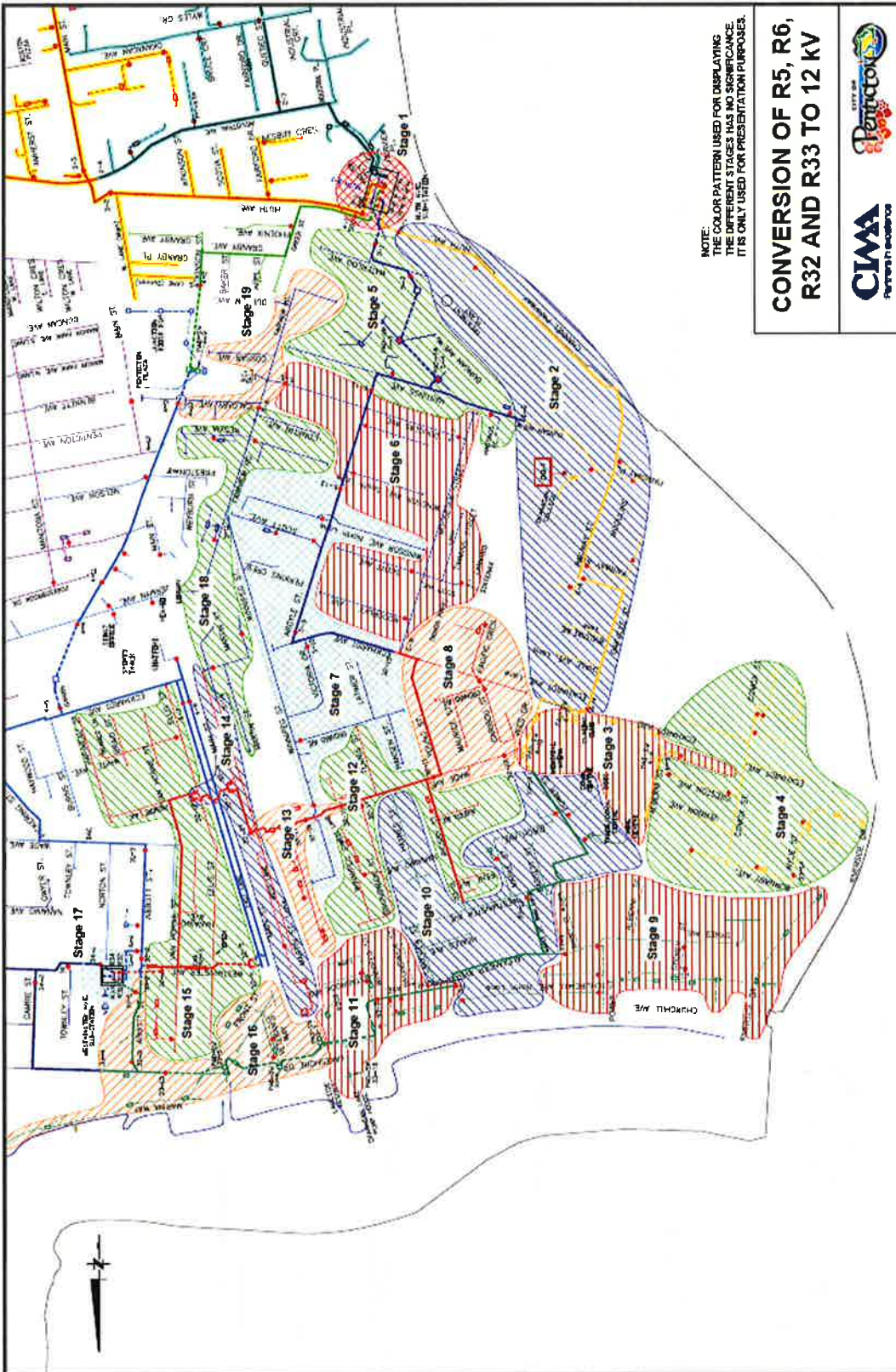
Attachment "A" – May 6, 2014 Council Resolution (209/2014)
8.6 City / FortisBC Westminster Sub-Station Upgrade Agreement

209/2014 **It was MOVED and SECONDED**

THAT Council authorize the Mayor and Corporate Officer to execute the City / FortisBC Westminster Sub-Station Upgrade Agreement as contained in Attachment "A".

CARRIED,
Councillor Konanz, Opposed

Attachment "B" – Map of 2015 Conversion Plan



Attachment "C" – 2015 Conversion Schedule

R32-R33-R5-R6 Conversion Outage Schedule

Stage 1 Monday, March 30 th Switching/ Huth Substation work Main Customers Affected: N/A 0 Locations	Stage 2 Tuesday, March 31 st 6pm-11pm Main Customers Affected: Waste Water Treatment Plant Moduline Canadian Tire 27 Locations	Stage 3 Thursday, April 2 nd 8am-11am Main Customers Affected: Memorial Arena Curling Club SOEC Chamber/Wine Centre 9 Locations	Stage 4 Saturday, April 4 th 1am-6am Main Customers Affected: Golf Course Sandman Inn Days Inn Petro Can Ramada Inn Tim Horton's 34 Locations
Stage 5 Sunday, April 5 th 12am-4am Main Customers Affected: Pattison Signs Rona Andrew Sheret Village by Station Etc. 24 Locations	Stage 6 Tuesday, April 7 th 8am-12pm Main Customers Affected: Residential 22 Locations	Stage 7 Wednesday, April 8 th 3:30am 6:30am Main Customers Affected: Granny Bagnier's Penticton Herald 46 Locations	Stage 8 Thursday, April 9 th 12am-4am Main Customers Affected: White Spot Chevron Grimm's Bingo Montessori School *Split Crew to allow coverage for Thursday* 23 Locations
Stage 9 Saturday, April 11 th 12am-5am Main Customers Affected: Lakeshore Hotels Riverside Hotels Salty's 33 Locations	Stage 10 Sunday April 12 th 12am-5am Main Customers Affected: Queen's Park School Convention Centre Community Centre Various business/restaurants 42 Locations	Stage 11 Saturday April 18 th 2:30am 6:30am Main Customers Affected: Lakeside Hotel Casino R.D.O.S Bad Tattoo Brewing Okanagan Lake Pump house 28 Locations	Stage 12 Sunday, April 19 th 12am-5am Main Customers Affected: Fire Hall #1 Gov't Building Retirement centre Interior Health Various Business 32 Locations
Stage 13 Monday, April 20 th 1am-4am Main Customers Affected: Landmark Cinema Clancy's Charles Manor Various Restaurants *Split Crew to allow coverage for Monday* 13 Locations	Stage 14 Saturday, April 25 th 1am-5am Main Customers Affected: Tues/The Blue Mule Martin St east side Main St west side Various commercial 34 Locations	Stage 15 Saturday, April 25 th 11pm-4am Main Customers Affected: Various Commercial Customers 40 Locations	Stage 16 Sunday, April 26 th 4am-8am Main Customers Affected: Court House Burger 55 Front St Credit union Waterfront Eye Care 31 Locations
Stage 17 Monday, April 27 th Work at Westminster Sub Main Customers Affected: N/A 0 locations	Stage 18 Wednesday, April 29 th 7pm-12pm Main Customers Affected: Telus Library/museum commercial residential 32 Locations	Stage 19 Friday, May 1 st 12am-3am Main Customers Affected: Cannery Shaw Centre Eagles Club Various Commercial *Split Crew to allow coverage for Friday* 16 Locations	

All timeframes given indicate the time of outage

Attachment "D" – Generic outage notification letter

[DATE]

Dear resident,

Re: Electric Utility planned power outage

DATE (or provide project timeline)

The City's Electric Utility is planning a power outage in your service area for the above-mentioned dates.

This outage is required to allow our crews to make necessary changes, upgrades or repairs to the electrical distribution system. Please find enclosed some Frequently Asked Questions about the project and customer impacts.

A few important notes:

- Power outages will affect elevators, computers, intercoms, garage door openers, alarms and entry gates you may have.
- If your building is equipped with a fire alarm system and/or sprinkler system, you must notify the Penticton Fire Department to obtain instructions for a "Fire Watch" as indicated in Fire Code Sec. 6.1.1.4(1).
- Special notes for building managers and caretakers:
 - Please notify alarm agencies in advance
 - You must lock elevators open 10 minutes prior to the outage. Elevator controls can be returned to normal once power is restored.
 - Garage doors and entry gates can be opened before the outage to allow access.
- Commercial or other customers (such as high-density residential) with 3-phase loads are recommended to have their main disconnect open prior to and during the outage to avoid damage to any equipment.

We always try to reduce the impacts to our customers, but please note, inclement weather or unforeseen difficulties may require a rescheduled outage.

We apologize for any inconvenience this might cause, and thank you in advance for your cooperation.

Should you have any questions, please contact Cara Weir @ 250-490-2535.

Yours truly,

City of Penticton

Electric Utility

616 Okanagan Ave. East
250-490-2535

Attachment "E" – Specific outage notification letter

Planned power outage

To: Resident / Business owner
From: Electric Utility Department

Outage planned for: _____

Between approximate hours of _____ and _____.

Address(es): _____

The City's Electric Utility is planning a power outage in your service area for the above-mentioned dates and times.

This outage is needed to allow our crews to make necessary changes, upgrades or repairs to the electrical distribution system.

A few important notes:

- Power outages will affect elevators, computers, intercoms, garage door openers, alarms and entry gates you may have.
- If your building is equipped with a fire alarm system and/or sprinkler system, you must notify the Penticton Fire Department to obtain instructions for a "Fire Watch" as indicated in Fire Code Sec. 6.1.1.4(1).
- Special notes for building managers and caretakers:
 - Please notify alarm agencies in advance
 - You must lock elevators open 10 minutes prior to the outage. Elevator controls can be returned to normal once power is restored.
 - Garage doors and entry gates can be opened before the outage to allow access.
- Commercial or other customers (such as high-density residential) with 3-phase loads are recommended to have their main disconnect open prior to and during the outage to avoid damage to any equipment.

We always try to reduce the impacts to our customers, but please note, inclement weather or unforeseen difficulties may cause the outage to be postponed to the following day or rescheduled.

We apologize for any inconvenience this might cause, and thank you in advance for your cooperation.

Should you have any questions, please contact Cara Weir @ 250-490-2535.

City of Penticton

Electric Utility,

616 Okanagan Ave. East

Attachment "F" – Frequently asked questions

Planned outages FAQ

- **What is happening?**

Planned power outages are being scheduled in your area of Penticton as a key part of upgrading the electrical infrastructure.

- **When will the outage be?**

The details for each area are being finalized, but the planned power outages will happen between March 30 and May 1.

- **When will we know the date of our planned power outage?**

Electric Utility crews will provide residential owners with hand-delivered notices advising them of the proposed date and time of the outage. This notice will happen approximately one week before the outage.

- **How long will the power outage last?**

Each planned power outage will last approximately six hours.

- **When will this happen, in terms of time of day?**

For residential customers, power outages are planned during the day, when most people will have either work or business (shopping, errands, medical appointments, etc.) to attend to.

For commercial/industrial customers, attempts will be made to co-ordinate outages at a convenient time. Please contact us at 250-490-2535 for more info.

- **How many customers will be affected?**

A significant number of customers will be affected by this service upgrade. The project map provided outlines the areas impacted.

- **Why is the City doing the work?**

The upgrades are an important step in updating the Westminster Substation supply voltage from an 8 kV to 12 kV system.

- **Why are substation upgrades important?**

Having a 12 kV system consistent throughout the City of Penticton will increase the system's capacity to handle larger loads and the flexibility to restore power during emergencies.

- **Do the upgrades have to be done by a certain date?**

Yes. The Electric Utility has to upgrade the area serviced by the Westminster Substation by May 1.

- **Are you doing the upgrades all at once or in stages?**

Upgrades are being done in 19 stages, based on services in that area.

- **What stage am I living in?**

Check out the map provided to determine what stage you are in.

- **Are you doing the stages in order of number?**

The plan is to do the upgrades in the order of staging numbers (from smallest number to largest).

- **Will everyone in my stage have power off at the same time?**

Yes. The planning and scheduling was done based on what the infrastructure supplies power to, and this often means the nearby geographic area.

- **Will there be vehicle traffic impacts?**

Very little, as no road closures are being considered. Drivers are asked to slow down and keep an eye out for Electric Utility staff, vehicles and signage, and to ensure everyone is safe. Traffic control personnel will be at light-controlled intersections to help drivers.

- **What about parking?**

Electric Utility crews will likely need to occupy on-street parking spots during this work. These areas will be marked off with signs the day before to ensure the area is clear for crews the next morning. Affected residents are asked to mind the signs and find alternate parking for the day.

- **What about water service, will this be affected?**

No, water service will continue without interruption.

- **My child's school is in a given stage. Will their classes be affected?**

To the best of our ability, we are trying to accommodate larger, commercial customers like schools to address their unique needs. We hope to avoid any impacts to classes, and recommend parents contact their school for any updates.

- **I am a commercial customer and have specific power needs for operational purposes. What should I do?**

Please contact the Electric Utility at 250-490-2535 for special instructions.

- **I need power to operate life support machines. What should I do?**

Please contact the Electric Utility at 250-490-2535 for special instructions in these instances.

- **I have more questions. Where can I get more information?**

You are welcome to contact the Electric Utility at 250-490-2535 during business hours from 7.30 a.m. until 3 p.m., Monday to Friday.

Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Acting City Manager
From: Shawn Filice, Manager – Electric Utility
Subject: Disconnect – Reconnect Fees

File No:

Staff Recommendation

THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 with the following:

ADD:

"Disconnect/Reconnect Fee for Non-Payment During City Hall Hours for arrears of less than \$100.00": \$34.00;

"Non-Payment: Site Visit without a Disconnect for arrears less than \$100.00": \$17.00;

AMEND:

"Non-Payment: Site Visit without a Disconnect": \$34.00.

Strategic priority objective

N/A

Background

During 2015 Budget deliberations council raised questions regarding the \$68 fee found on Line # 17 "Electric disconnect/reconnect 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 March 2, 2015 after receiving the report entitled "Disconnect-Reconnect Fees and Options" for information purposes Council directed staff to, "investigate options for a lower disconnect fee if electric bill is less than \$100 and a proportionate charge for a disconnect if staff only make one visit to the home" (See Attachment "A").

Facts

Table 1 summarizes information pertaining to arears in residential accounts

	Quantity	% of Total Bills	Period
Average value of Aears	\$90,781	-	Month
# Residential Bills issued	192,000	100	Year
# Bills in default	3,595	1.87	Year
# Non-payment disconnections scheduled	1,312	0.68	Year
# site visits made w/ no disconnection	328	0.17	Year
Non-payment disconnect service fees	\$89,000	-	Year

Table 1: Residential Account Disconnection Facts

Impact

Table 2 shows that by changing the \$68 flat fee for disconnecting for non-payment of the Electric Utility Bill and related site visits to the proposed fees found in this report will create a revenue deficiency of \$ 22,168 (\$89,216 - \$67,048)

Amount in Aears (per Bill)	# Bills	Current Fees Recovered @ \$68 (\$)	Vs.	Proposed Fee Recovery(\$)
\$50 to \$99.99	516	35,088		15,351
\$100 to \$200.00	510	34,680		34,680
Over \$200	286	19,448		17,017
TOTAL	1,312	89,216		67,048

Table 2: Comparison of Current vs. Proposed Recovery Fees

Financial implication

The 2015 budget includes approximately \$89,000 in recoveries related to disconnections for non-payments and related site visits. This is based upon a 3-yr historical average disconnection for non-payment volume of 1,312 per year @ \$68 per occurrence.

The proposed fee changes in disconnecting and reconnecting electrical services and related site visits for Non-Payment of the Electric Utility bills will create a revenue deficiency of approximately \$22,000.

Analysis

Alternative 1 – This change would limit the revenue deficiency to approximately \$9,000 per year. It would not reduce the disconnect/reconnect fee but would recognize a reduced fee related to a site visit where no disconnection was made.

Alternate recommendations

Alternative1

THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 with the following:

ADD:

“Non-Payment: Site Visit without a Disconnect for arrears less than \$100.00”: \$17.00.

Attachments

Attachment “A” – March 2, 2015 Council resolution (152/2015)

Respectfully submitted,

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

Approvals

Director	Acting City Manager
	

Attachment A – March 2, 2015 (152/2015)
Electrical Disconnect – Reconnect Fees and Options

Council would like staff to investigate options for a lower disconnect fee if electric bill is less than \$100 and a proportionate charge for a disconnect if staff only make one visit to the home.

152/2015 **It was MOVED and SECONDED**

THAT Council receive for information the report titled "Disconnect-Reconnect Fees and Options".

CARRIED UNANIMOUSLY

Attachment B – 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 C – 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 16, 2015
To: Chuck Loewen, Acting City Manager
From: Shawn Filice, Manager – Electric Utility
Subject: Electrical Service Payment Plan

File No:

Staff Recommendation

THAT Council approve the establishment of an Electrical Service Payment Plan for new electrical services and/or service upgrades as described in Attachment "A";

AND FURTHER THAT Council direct staff to amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 by adding the following Note:

4. All customers are eligible to access the "Electrical Service Payment Plan" for the installation of City Electrical Infrastructure that supplies power to their properties. The details of this program are summarized as follows:

- Payment Plan range: A customer can put a minimum amount of \$5,000 up to a maximum amount of \$50,000 on a Payment Plan;
- Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calculated at the Prime Interest Rate +0.5%. (Prime rate at the time of signing the Payment Plan agreement);
- The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty;
- Eligibility Requirements:
 - Must be for a new or an upgrade to an Electrical Service;
 - Must be a City of Penticton Electric Utility customer;
 - Must have a minimum credit score of 650;
 - Must have a maximum of 19 City of Penticton Utility Credit Point;
 - The customer must own both the land and building where the service is required; and
- Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.

Strategic priority objective

N/A

Background

Customers wishing to obtain a new electrical service and/or upgrade their existing electrical service are expected to pay for 100% of the costs related to this work. In some instances, these costs can be over \$30,000 and can be an impediment to development.

In an attempt to minimize the barriers property owners currently face related to new electrical services and/or upgrades to their existing electrical service it is recommended that an "Electrical Service Payment Plan" be introduced to allow approved customers to pay for the service over time.

Highlights of the Electrical Service Payment Plan are as follows:

- Payment Plan range: A customer can put a minimum amount of \$5,000 up to a maximum amount of \$50,000 on a Payment Plan;
- Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calculated at the Prime Interest Rate +0.5%.
- The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty;
- Eligibility Requirements:
 - Must be for a new or an upgrade to an Electrical Service;
 - Must be a City of Penticton Electric Utility customer;
 - Must have a minimum credit score of 650;
 - Must have a maximum of 19 City of Penticton Utility Credit Point;
 - The customer must own both the land and building where the service is required; and
- Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.

Financial implication

The Payment Plan would have a temporary financial impact to the Electric Utility's cash account and will appear as a receivable on the financial statements.

Interest Rate:

It is proposed to charge customers interest at 0.5% above the prime rate currently being offered by financial institutions. Currently this would equate to a rate of 3.35%, prime being 2.85% (Effective January 28, 2015). This rate will allow the City to recover the lost interest revenue resulting from drawing down the Electrical Reserve Fund Balance, as well as covering the costs of developing and running the payment plan program. With an interest rate of 0.5% above prime, the program will be essentially cost-neutral for the City.

Protection against Default:

To protect the City's interests and to ensure any conveyance of the property is accurate, once a Payment Plan Agreement is entered into the City will place a notice on the tax file. Staff previously investigated the possibility of registering an instrument on the property title but the associated costs were not warranted based upon

- a) The City owns the assets being paid for by the customers, and
- b) The ability of the City to recover any unpaid Payment Plan balance through property taxes. In the event of a failure by the participant to meet their Payment Plan obligation payments, the City will utilize its existing Collection Procedures to recover payments, including disconnection of service and ultimately transfer of the outstanding Payment Plan amount to property taxes.

Analysis

Moving forward with a Payment Plan for Electrical Services will aid in the removal of barriers to development. Alternatively should Council wish to maintain the Status Quo they can elect to not proceed with the proposed Electrical Service Payment Plan.

Alternate recommendations

1. THAT Council not proceed with the establishment of an Electrical Service Payment Plan for new electrical services and/or services upgrades as described in Attachment "A" and continue with the Status Quo.

Attachments

Attachment "A" – Proposed "Electrical Service Payment Plan"

Respectfully submitted,

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

Approvals

Director	Acting City Manager
	

Attachment "A" – Proposed "Electrical Service Payment Plan"

Participant Name		Penticton Electric Utility Account Number	
Civic Address		Mailing Address (if different than Civic)	Postal Code
Day Phone	Cell Phone	Evening Phone	Email

Total amount to be placed on a Payment Plan: \$ _____

Participant must read and sign the Payment Plan Agreement Terms and Conditions.

Payment Plan Agreement Terms and Conditions

1. Property refers to the address where the new electrical service or service upgrades are taking place.
2. The Participant must meet the following eligibility requirements:
 - Must be for a new or an upgrade to an Electrical Service;
 - Minimum amount eligible for Payment Plan is \$5,000;
 - Maximum amount eligible for Payment Plan is \$50,000
 - Must be a City of Penticton Electric Utility customer;
 - Must have a minimum credit score of 650;
 - Must have a maximum of 19 City of Penticton Utility Credit Point;
 - The customer must own both the land and building where the service is required;
3. The City of Penticton and/or assigned representatives may request access to the property and may review and evaluate the project during and after completion of the new electric service and/or service upgrades are completed. Participant agrees to provide reasonable access to the property for these purposes.
4. Participant agrees that the Payment Plan will be set up as follows:
 - a. The total amount owing under the Payment Plan will be divided into 60 monthly installments comprising principal and interest
 - b. The interest rate will be calculated at 0.5% above the prime rate currently being offered by financial institutions
 - c. Payments on the payment plan will be made as part of the Participant's usual City Utility bill, and will be subject to normal utility collection procedures including service disconnects and addition of outstanding amounts to property tax.
5. If the Participant:
 - (a) Sells or otherwise disposes of the property;
 - (b) Ceases to be a City of Penticton Electric Utility Customer; or,
 - (c) Makes default in payment when due,

all remaining unpaid installments will immediately become due and payable on demand.

6. The City of Penticton may, in its sole and unfettered discretion, suspend or terminate the Payment Plan, or change the terms thereof at any time and without notice. The Payment Plan Agreements or any other agreements entered into, existing prior to the suspension, termination or change in terms shall remain in full force and effect and shall not be affected by the suspension, termination or change in terms.
7. The Participant has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty;
8. In order to be placed on the Payment Plan, the Participant must complete and submit to the City a signed copy of the Payment Plan Agreement Terms and Conditions.
9. Participant agrees to repay to The City of Penticton/Electric Utility the total Payment Plan amount, and all applicable interest thereon.
10. Participant authorizes the City of Penticton to access the Participant's credit score for the purposes of determining "approved credit".
11. Any amounts received by the City of Penticton from the Participant will be applied firstly, against any the Payment Plan Amount, and applied secondly, against any outstanding charges for energy supplied to the Participant at the Property.

Payment Plan Details

Minimum allowable Payment Plan amount: \$5,000.00

Maximum allowable Payment Plan amount: \$50,000.00

Total maximum to be put on a Payment Plan: _____

Interest Rate: _____ %

Interest begins to accrue on the date cheque is issued.

Term (not to exceed 5 years): _____ years

Monthly Payments: _____ /month

Execution

By signing you agree to the Terms and Conditions, all of which form part of this Payment Plan Agreement.

Date:	Participant Name:	Participant signature:
Date:	Participant Name:	Participant signature:

Date:	Witness Name and Address:	Witness signature:
Date:	City of Penticton Payment Plan Approval Authorization (<i>please print</i>)	City of Penticton Payment Plan Approval Authorization (<i>Signature</i>)

Payment Plan Agreement No. _____ Address: _____

Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Interim City Manager
From: Colin Fisher, Chief Financial Officer
Subject: Sport and Event Tourism Service Agreement
Transfer of Funds to Tourism Penticton

File No:

Staff Recommendation

THAT Council approve the Fee for Service Agreement with Tourism Penticton Society to provide Sport and Event Tourism services;

AND THAT Council approve the transfer of funds of up to \$80,000 from the 2015 Economic Development budget to the Tourism Penticton Society;

AND THAT the 2015 Financial Plan be amended to reflect the transfer of funds to the Tourism Penticton Society;

AND FURTHER THAT Council authorize the Mayor and Corporate Officer to execute the Sports and Events Tourism Agreement on behalf of the City.

Strategic priority objective

Tourism and Economic Development through Sport and Event Tourism

Background

Council approved \$80,000 in the 2015 Economic Development Budget to develop economic impact for the City through Sport and Event Tourism.

Additionally, a Mayor's Taskforce Committee was created for Tourism Development.

The Tourism Development Taskforce recommended that a Sport and Event Tourism Development person(s) be hired reporting to Tourism Penticton Society for these purposes and that the \$80,000 budgeted for, be transferred to Tourism Penticton Society to help fund this person(s) and program.

Subsequently, Council unanimously approved the following in-camera resolution:

It was MOVED and SECONDED

THAT Council commit up to \$80,000 to Tourism Penticton for Sports and Event Development subject to negotiating a contract for service.

CARRIED UNANIMOUSLY

A Fee for Service agreement was developed outlining the City's and the Society's responsibilities and deliverables, to enable that transfer of funds.

Financial implication

Transfer of \$80,000 from Economic Development budget to Tourism Penticton Society, with no net effect on the 2015 Financial Plan.

Analysis

The agreement between the City and the Society includes the following:

1. Term of agreement to be 10 months commencing March 1, 2015 and ending December 31, 2015.
2. Funds to be transferred "up to \$80,000".
3. The Society agrees to:
 - (a) attract new sporting events, festivals, and group meetings/events, and to increase attendance at existing events for out of town visitors through the Penticton Area;
 - (b) create, launch and monitor marketing programs to increase use of both public and private Penticton facilities by sporting events, festivals, and group meetings/events.
 - (c) in collaboration with the City recreation/parks department create, launch and monitor visitor service programs to increase use of Penticton facilities by sporting events, festivals, and group meetings/events.
 - (d) hire a sports/events person, reporting directly to the Executive Director, for sales and marketing to attract sporting events, festivals, and group meetings/events that enhances the Penticton Tourism Industry.
 - (e) hire a sports/events person, reporting directly to the Executive Director, to work with the sales and marketing person as support to assist sporting events, festivals and group/meeting coordinators in obtaining the right information, contacts, working through City process and connecting with marketing programs to execute successful events.
 - (f) in collaboration with the City develop an event organizers package customized to sell 'event hosting' in Penticton and provide self-service tools that include sourcing of volunteers, sponsorship selling FAQ, venue selection, how to market package, with support and data collection templates.
 - (g) develop sales packages customized to support growth and sustainability in existing sports/events that currently occur in Penticton.
 - (h) develop one new festival to be executed for the fall of 2015.

- (i) develop the framework for a new festival, event or large group meeting in each of the following categories; First Nation, Cycling, Wine Industry, Food Industry and Soft Adventure Tourism.
- (j) establish in the first year, lead and start the process to attract three future sporting events that will have a return in economic impact that has a hundred times the initial investment.

Alternate recommendations

AS directed by Council.

Attachments

Attachment A – AGREEMENT TO PROVIDE SPORT AND EVENT TOURISM SERVICE

Respectfully submitted,

Colin Fisher
CFO

Approvals

Acting City Manager



Attachment A

AGREEMENT TO PROVIDE SPORT AND EVENT TOURISM SERVICE

THIS AGREEMENT is made the ____ day of March, 2015.

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON

171 Main Street

Penticton, B.C. V2A 5A9

(the "**City**")

OF THE FIRST PART

AND:

TOURISM PENTICTON SOCIETY

553 Veas Drive

Penticton, B.C. V2A 8S3

(the "**Society**")

OF THE SECOND PART

WHEREAS

- A. The City and the Society are parties to an agreement dated for reference January 1, 2013, under which the Society has agreed to provide Visitor Information Services and Tourism Services for and on behalf of the City (the "Tourism and Visitor Information Services Agreement");
- B. The City and the Society wish to enter into another agreement for Tourism Penticton to provide services in Sport and Event Tourism for a 10 month term starting March 1st, 2015.

AND WHEREAS

- C. The City has established a service and operates programs to support and encourage economic development in the City;
- D. The City acknowledges the importance of Sport and Event Tourism to economic development and growth;
- E. The City acknowledges the importance of marketing Penticton and the region as a tourism destination and the role of tourism in economic development;
- F. The City believes that Sport and Event Tourism will contribute positively to the overall economic health, revitalization and prosperity of the City and the South Okanagan region;
- G. The Society has a mandate to attract visitors and tourists to the City and the South Okanagan and has identified Sport and Event Tourism as a key element of a successful tourism industry;
- H. The Society and the City have determined that they share common interests and objectives in the development, enhancement and attraction of Sporting and Events in the Penticton Area;
- I. The City has the authority under the *Community Charter* to enter into a partnering agreement under which a person agrees to provide a service on behalf of the City, and may provide assistance under a partnering agreement.

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained and the sum of One Dollar (\$1.00) now paid each to the other and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties hereto covenant and agree as follows:

- 1. In this Agreement, including its recitals, capitalized terms shall have the same meaning as assigned to them under the Tourism and Visitor Information Services Agreement.
- 2. The Society agrees to develop and deliver programs to:
 - (a) attract new sporting events, festivals, and group meetings/events, and to increase attendance at existing events for out of town visitors through the Penticton Area;
 - (b) create, launch and monitor marketing programs to increase use of both public and private Penticton facilities by sporting events, festivals, and group meetings/events.
 - (c) in collaboration with the City recreation/parks department create, launch and monitor visitor service programs to increase use of Penticton facilities by sporting events, festivals, and group meetings/events.

- (d) hire a sports/events person, reporting directly to the Executive Director, for sales and marketing to attract sporting events, festivals, and group meetings/events that enhances the Penticton Tourism Industry.
 - (e) hire a sports/events person, reporting directly to the Executive Director, to work with the sales and marketing person as support to assist sporting events, festivals and group/meeting coordinators in obtaining the right information, contacts, working through City process and connecting with marketing programs to execute successful events.
 - (f) in collaboration with the City develop an event organizers package customized to sell 'event hosting' in Penticton and provide self-service tools that include sourcing of volunteers, sponsorship selling FAQ, venue selection, how to market package, with support and data collection templates.
 - (g) develop sales packages customized to support growth and sustainability in existing sports/events that currently occur in Penticton.
 - (h) develop one new festival to be executed for the fall of 2015.
 - (i) develop the framework for a new festival, event or large group meeting in each of the following categories; First Nation, Cycling, Wine Industry, Food Industry and Soft Adventure Tourism.
 - (j) establish in the first year, leads and start the process to attract three future sporting events that will have a return in economic impact that has a hundred times the initial investment.
3. The Society shall if possible work with regional partners throughout the Okanagan, especially the South Okanagan, to seek additional funding for and to assist in developing, implementing and monitoring the programs referred to in Section 2.
4. The Society shall use funding received from the City under Section 6 only for programs developed under section 2 that the City has approved in advance through the recommendations of the Tourism Development Committee.
5. The Society shall provide reports to the City on a quarterly basis on all programs initiated under Section 2 and their success including, where available, monthly events that have taken place with participate and spectator counts throughout the term of the contract.
6. In order to assist the Society in developing, implementing and monitoring programs under Section 2, but subject to its advance approval of those programs under Section 2, the City agrees to provide the following funds to the Society:
- (a) UP TO EIGHTY THOUSAND DOLLARS (\$80,000) on or before APRIL 1, 2015; and

(b) may provide further funding for SPORT/EVENT TOURISM throughout this contract up to December 31, 2015;

7. In the event that this contract is terminated or cancelled by the Contractor, the City may withhold further funding in relation to that program, and any funds previously advanced to the Society under section 3 for that program must be returned to the City without delay, but excluding funds that the Society has legally committed to a third party in accordance with this Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

**THE CORPORATION OF THE CITY OF
PENTICTON**, by its authorized signatories:

Name:

Name:

TOURISM PENTICTON SOCIETY, by its
authorized signatories:

Name:

Name:

Council Report

penticton.ca

Date: March 16th, 2015 **File No:** MP PL2012-1121
To: Chuck Loewen, Interim City Manager
From: Blake Laven, Planning Manager
Address: 270, 274, 278, 280, 282, 286, 292 and 298 South Beach Drive and 300 Sudbury Avenue
Subject: "OCP Amendment Bylaw 2015-16" and
"Zoning Amendment Bylaw No. 2015-17"

Staff Recommendation

#1 OCP Amendment

AND THAT "OCP Amendment Bylaw No. 2014-16", being a bylaw to amend OCP Bylaw 2002-20, changing the land use designation of the following properties:

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286 South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

from PR (Parks and Recreation) to MR (Medium Density Residential), be given first reading and forwarded to the April 7th, 2015, Public Hearing.

AND THAT Schedule H of the OCP be amended to include the subject lands in the General Multiple Family Development Permit Area.

AND THAT prior to consideration of the bylaw and in accordance with section 879 of the Local Government Act, 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 the Okanagan Similkameen,
3. Local First Nations,
4. School District #. 67, and,
5. The provincial or federal government and their agencies

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

#2 Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2015-17", being a bylaw to amend Zoning Bylaw 2011-23, rezoning Lot1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 7th, 2015, Public Hearing.

Strategic Priority Objectives

N/A

Background

The subject properties (Attachment 'A') are all located along South Beach Drive and all front Skaha Lake. These properties were all at one time designated for Low Density Residential development and were all developed into single family housing, which is reflective of what exists today. The OCP intention for these properties changed from their residential designation to PR (Parks and Recreation) when the OCP was updated in 1993 and are still designated as PR today. This change in designation came about from work done by the "Beautification Technical Committee" in 1990, which among other recommendations urged Council to purchase all of the residences along Skaha Lake east of Sudbury Beach. Council supported the recommendation endorsing an acquisition plan for the lands. The acquisition plan was anticipated to take between 40-50 years to complete. To date only one property has been purchased.



In 1992, 298 South Beach Drive was purchased by the City and then leased back to the original owners, Patrick and Dolores Coburn, who have leased the property since that time. Shortly after the purchase, the property went through an OCP amendment and was rezoned from residential to park. At that time Council

also reduced the scope of the acquisition plan to only include those properties to the east of 298 South Beach Drive. This eliminated 15 properties from the plan and left the subject seven civic properties at issue today. With the adoption of the 1993 Official Community Plan, the six remaining properties were changed from residential to park. This was done without direct consultation with the property owners and against the wishes of some of the owners.

Shortly after the 1993 Official Community Plan was adopted, the City adopted a new Parks Master Plan, which gave advice on property acquisition. The Plan still recommended acquisition of the subject properties, but put them at a lower priority than properties on Elm Avenue by Skaha Park West, which were not waterfront lots and thus more practical for the City to purchase. This represented a shift in focus which has seen almost all but one of the residential properties adjacent to the park on Elm Avenue purchased by the City and no other properties along South Beach Drive purchased. In 1997 staff recommended Council sell the Coburn property, but Council determined that the market conditions were not ideal and the issue was postponed.

The future of this area was again discussed during the 2002 OCP review at which time it was thought that a pocket park could be created until such time that the other properties could be purchased. In August of 2003, a Council resolution was given to vacate the tenants of the house and create a pocket park. This was later rescinded over budget and practicality concerns, shortly thereafter. The pocket park was never created.

During the 2010 Parks Plan review (which was never officially adopted by Council), these properties were taken out of the acquisition plan. The draft plan states:

P – 11A Park Acquisition and Sale Recommendations:

Skaha Park

- Complete the purchase of the Elm Street Properties
- Abandon the expansion to the west and change the OCP from parkland to Single Family Residential and sell City property at the end of Sudbury

It was determined that the purchase of the remaining properties would be in excess of 25 million dollars. Those involved in the Parks plan review thought those resources would be better utilized elsewhere in the City. Following on this discussion, in 2012, Council was presented with an option to sell the lands at 298 South Beach Drive. Council passed the following resolution:

607/2012 It was MOVED and SECONDED

THAT Council direct staff to prepare a Rezoning and OCP Amendment application for Lot 2 (298 Sudbury Ave.) – “the lakefront property” and Lot 1 (298 South Beach Drive) – “the vacant property” for the purposes of rezoning both properties from P1 (Park) to RS1 (single family residential);

AND THAT Council direct staff to retain the walking path and obtain a survey to have an easement registered over the walking path;

AND THAT Mayor and Corporate Officer be authorized to sign the required documentation;

AND THAT Council offer Lot 2 (298 Sudbury Ave.) – “the lakefront property” and Lot 1 (298 South Beach Drive) – “the vacant property” for sale once the rezoning process has been completed and direct staff to explore options for selling the property;

AND FURTHER THAT the funds resulting from the sale of the properties be dedicated to the purchase of other park land. CARRIED UNANIMOUSLY

Acting on this resolution, staff had the easement surveyed and registered and began the process of neighbourhood consultation. During that consultation, neighbouring residents expressed a desire to have their lands reverted back to a residential designation as well. The thinking was that if the City was disposing of the land that they were *in effect* abandoning the acquisition program. And if that was the case, it didn't make sense that the remaining properties would have to retain their Park designation, which has a negative effect on housing value.



With this in mind, staff analyzed what the appropriate use of this land should be. Given the location close to the water, neighbouring higher density residential uses and available utility infrastructure for higher density residential uses, staff have determined that the most appropriate land use designation for the property would be for low density multiple family residential development. As such, the following proposal proposes to change the land use designation of all of the subject properties from their current Parks designation to a medium density designation. In line with the medium density designation, staff are also proposing to rezone the City owned property from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing). Changing the zoning will assist in the sale of the property.

Proposal

Change the OCP designation of 270, 274, 278, 280, 282, 286, 292 and 298 South Beach Drive and 300 Sudbury Avenue from PR (Parks and Recreation) to MR (Medium Density Residential).

Change the zoning of 298 South Beach Drive and 300 Sudbury Avenue from P2 (Parks and Recreation) to RM2 (Low Density Multiple Family).

Summary of Events

The following table provides a summary of events as described in the Background section:

Year	Event
1990	Beautification Technical Committee recommends an ambitious parks acquisition program, which is endorsed by Council
1992	City purchases the Coburn property at 298 South Beach Drive
	City changes the OCP designation and zoning of 298 South Beach Drive to Parks and Recreation
	City changes the parks acquisition policy to only include those properties to the east of 298 South Beach Drive (7 civic properties)
1993	OCP is adopted which redesignates the 7 civic properties from residential to park
	Parks Master Plan is adopted and sets acquisition of South Beach properties as a lower priority than other acquisitions (Elm Avenue for example)
1997	City tries to divest in 298 South Beach Drive, but determines that the economics of the day were not ideal
2002	OCP was reviewed and a determination was made that a pocket park could be created with 298 South Beach Drive
	Council passed a resolution to create a public pocket park, and vacate the premise
	Council rescinded the resolution to create the park for financial and practical reasons
2010	New Parks Master Plan drafted that excluded the subject lands from the acquisition program (the plan though was never formally adopted by Council)
2012	Council directs staff to proceed with the divestment of 298 South Beach Drive as well as registering an easement guaranteeing access from South Beach Drive to Sudbury Avenue
	Easement is registered
	Public meeting to determine the wishes of other properties in the area shows a strong desire to remove the parks dedication on all the properties along the south side of South Beach Drive
	Current residents of the house at 298 South Beach Drive request an additional 2 year lease. This is granted by Council.
2014/2015	Lease on 298 South Beach Drive has expired
2015	Staff reviewed the most appropriate use of the property and determined that multiple family development would be appropriate for these lands. Medium Density rather than Low Density
	Letters sent notifying all affected properties of intent to change designation from PR to MR (no comments received to date)

Financial Implications

As this is a staff initiated application, the City will incur all costs associated with the application, including staff time and advertising.

Analysis

Support Official Community Plan change

The subject properties were designated as Park in-line with the 1990 Beautification Committee's recommendation on park acquisition. The 1993 Parks Master Plan suggested that these lands should still be included in an acquisition plan, but stressed they were a lower priority than other more 'attainable' park land in Skaha Lake Park East. Since that time, property values have significantly escalated, to the point where purchase of the properties would require an impractical investment.

While City policy still technically includes the subject lands in the acquisition program, the program has not been seriously looked at in some time. And when it was last looked at in 2010, the subject lands were removed from the acquisition program (although the Plan was never officially adopted). Previous Councils and parks planners have determined that City resources could be more efficiently realized in other areas of the City. 298 South Beach Drive is a significant asset that will add considerable funds to the City's park acquisition account.

All of the properties are affected by the Riparian Assessment Area (Attachment B). This 30m assessment area ensures that any development that eventually happens on these lands will take into account the environmental health of the lake. If the OCP amendment is successful, all of the properties will also be included in the General Multiple Family Development Permit Area, which will require adherence to the City's Design Guidelines for multiple family development.

The proposal meets the following OCP policies:

- Encourage an intensification of land use where existing infrastructure can support higher densities.
- Encourage a diversified range of housing, including triplex, fourplex, townhomes and apartments and other innovative forms of housing.
- Consider redesignating areas to Medium Density Residential on parcels where development will be compatible to existing development in the area and areas near parks or public institutional uses and on sites that afford direct and convenient vehicular access.

Staff are often reluctant to remove park designations, especially in areas with waterfront access. In this case however, for the reasons listed above, staff are recommending that Council support the bylaw by giving the bylaw first reading and forwarding it to the April 7th, 2015 Public Hearing for comment from the public.

Deny / refer OCP change

Council may feel that these properties should remain designated for Park development at least until a new Parks Plan is developed. If that is the case, Council should not vote in favour of the proposal. Alternatively,

Council may wish to change the OCP designation back to Low Density Residential, which is what the original designation was prior to the park acquisition plan. The LR designation is reflective of what currently exists on the property. Staff do note, however, that this will create a unique situation being the only multi-family designated properties with lake access in the City.

Support zoning amendment

If Council were to support the OCP change, it stands to reason to support the zoning change as well. The zone being proposed by staff will allow for the development of multiple housing in-line with the OCP designation for Medium Density Residential development.

Deny / refer zoning amendment

Council may wish to leave the existing park zoning on the property and allow a future property owner go through a zoning amendment when an actual building plan is created. If that is the case, Council could support the OCP amendment but not support the zoning amendment.

Alternate Recommendations

1. THAT Council deny first reading of "OCP Amendment Bylaw 2015-16" and "Zoning Amendment Bylaw 2015-17".
2. THAT Council refer the bylaws back to staff with conditions that Council feels are warranted.

Attachments

Attachment A:	Subject property location map
Attachment B:	Riparian Assessment Area Map
Attachment D:	OCP Amendment Bylaw No. 2015-16
Attachment E:	Zoning Amendment Bylaw No. 2015-17

Respectfully submitted,

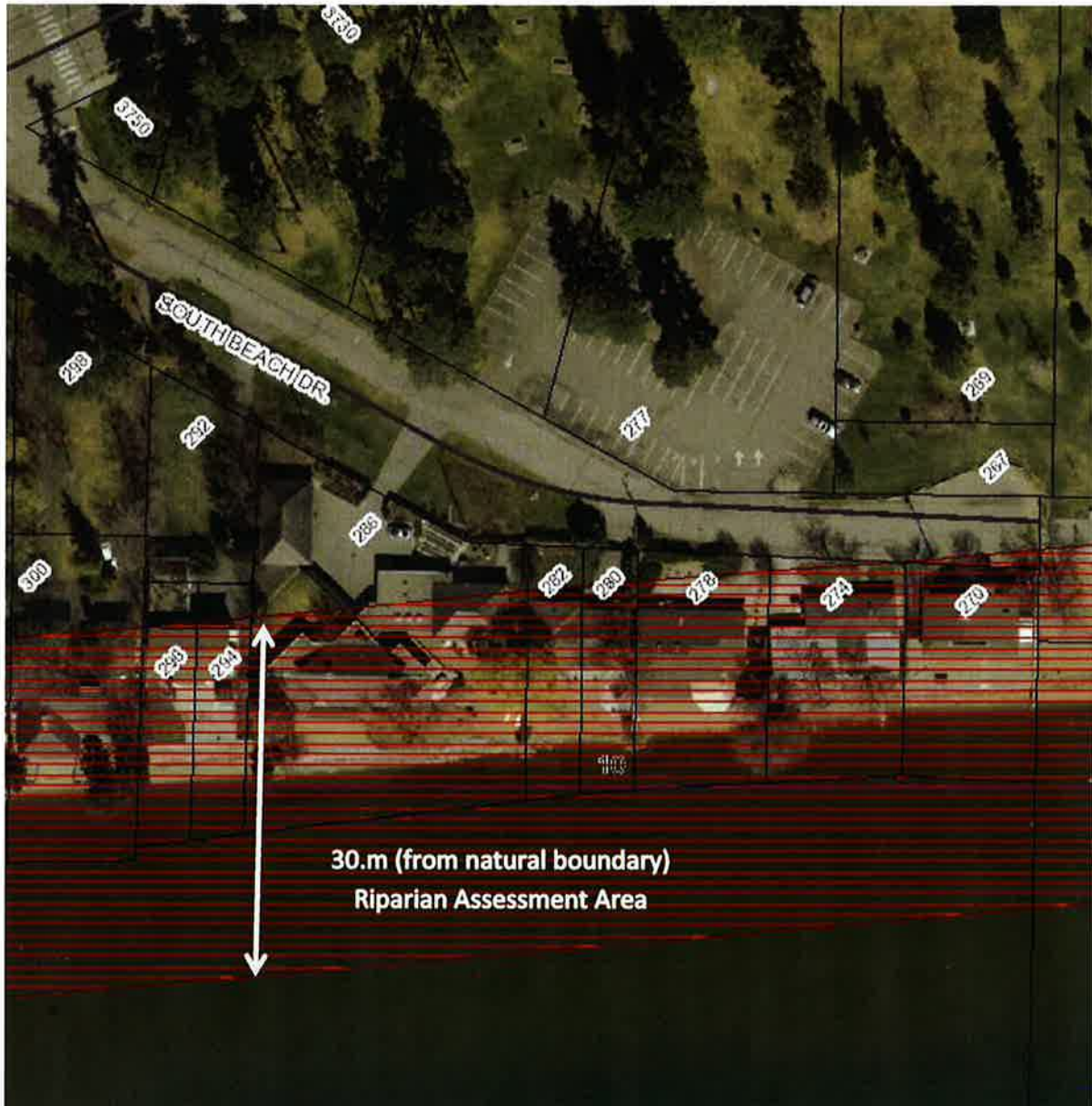
Blake Laven, RPP, MCIP
Planning Manager

Approvals

Land Administrator	Acting City Manager
<i>PW</i>	<i>CAL</i>



Attachment B
Riparian Assessment Area Map



The Corporation of the City of Penticton

Bylaw No. 2015-16

A Bylaw to Amend Official Community Plan Bylaw 2002-20

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

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

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

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2015 -16."

2. Amendment:

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

2.1 Change Schedule 'B' future land use designation for the following properties from PR (Parks and Recreation) to MR (Medium Density Residential):

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

2.2 Change Schedule 'H' to include the following lands in the General Multiple Family Development Permit Area:

- Lot 4, Plan 5885, District Lot 189, SDYD (270 South Beach Drive)
- Lot 5, Plan 5885, District Lot 189, SDYD (274 South Beach Drive)
- Lot 6, Plan 5885, District Lot 189, SDYD (278 South Beach Drive)
- Lot 7, Plan 5885, District Lot 189, SDYD (280 South Beach Drive)
- Lot 8, Plan 5885, District Lot 189, SDYD (282 South Beach Drive)
- Lot 1, Plan 6179, District Lot 189, SDYD (286South Beach Drive)
- Lot 8-9, 39, Plan 996, District Lot 189, SDYD (292 South Beach Drive)
- Lot 1, Plan 6172, DL 189, SDYD (298 South Beach Drive)
- Lot 2, Plan 6172, DL 189, SDYD (300 Sudbury Avenue)

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

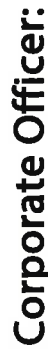
READ A FIRST time this	day of	, 2015
A PUBLIC HEARING was held this	day of	, 2015
READ A SECOND time this	day of	, 2015
READ A THIRD time this	day of	, 2015
ADOPTED this	day of	, 2015

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

- 270 South Beach Dr.
- 274 South Beach Dr.
- 278 South Beach Dr.
- 280 South Beach Dr.
- 282 South Beach Dr.
- 286 South Beach Dr.
- 292, 296 & 294 South Beach Dr.
- 298 South Beach Dr.
- 300 Sudbury Ave.



Bylaw No. 2015-17

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 2015-17".

2. **Amendment:**

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

Rezone Lot 1 and Lot 2, District Lot 189, Similkameen Division Yale District, Plan 6172, located at 298 South Beach Drive and 300 Sudbury Avenue, from P2 (Parks and Recreation) to RM2 (Low Density Multiple Housing).

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
APPROVAL from Ministry of	day of	, 2015
Transportation		
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

Zoning Amendment Bylaw No. 2015-17

Corporate Officer:

Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Acting City Manager
From: Lindsey Fraser, Planner
Subject: Zoning Amendment Bylaw 2015-18

File No: RMS 3360-01

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw 2015-18", a housekeeping bylaw to amend Zoning Bylaw 2011-23;

AND THAT Council forward the bylaw to the April 7, 2015 Public Hearing.

Background

Since the adoption of Zoning Bylaw 2011-23, in September 2011, staff have brought forward a number of housekeeping amendments to ensure the City's Zoning Bylaw is as efficient, accurate and simple to understand as possible. This process has provided direct benefit to the process of land development in Penticton. The proposed changes contained herein are a continuation of that process.

Proposal

The current housekeeping amendments propose a number of changes to Zoning bylaw 2011-23 as outlined in Attachment 'A'. The changes include the following:

- Amend the definition of "daycare, major" and "daycare, minor": The current definition refers to a legislative document that has been repealed (*Community Care Facilities Act*) and refers to classes of care from that legislation. The proposed change simplifies the definition to establish a number of children for each use: for minor day care (8-16 children), and for major day care (over 16 children). The change also limits the use to *child* care, rather than day care.
- Amend the definition of "floor area, gross": The current definition of "floor area, gross" has caused confusion with our design community. The intent of the changes proposed will be to simplify the definition and clarify the way in which "floor area, gross" is defined in contrast to "floor area, net".
- Amend the definition of "floor area, net": The current definition for NFA also creates some confusion with our design community. The changes significantly simplify what is included in the definition.

- Amend the definition of “lot line, front”: The current definition of “lot line, front” contradicts the definition of “double-fronting”. The proposed change includes a statement regarding the possibility that a lot may have two fronts.
- Amend the definition of “storey”: Currently, a “storey” is defined as the habitable volume between the floors of a building or between its floor and roof. In keeping with the BC Building Code, and in an effort to bring more clarity to this definition, the proposal incorporates a statement regarding that the minimum height of the storey should be 1.8 meters. This will also help delineate a “crawl space” and a “habitable” storey.
- Add the definition “urban agriculture”: With an increasing appetite for local food, local economic opportunities and concerns regarding food security, the Planning Department is recommending the addition of the term “urban agriculture” and the addition of a section (discussed later) that permits urban agricultural activities to take place in all zones, subject to some minor qualifiers.
- Amend the definition of “vacation rental”: The current definition of “vacation rental” does not define an actual length of time that a visitor may stay in a vacation rental. Traditionally, any stay over 1 month is not considered a vacation rental, so the proposal adds language to that effect.
- Amend ‘accessory building’ information: In order for the Zoning Bylaw to align better with the BC Building Code, a small change is needed in this section, increasing a shed size (which does not require a building permit) from 9.5 m² to 10 m². Additionally, in this section, subsection 5.2.8, speaking to setback distances of accessory buildings in Agricultural zones should be re-located to Section 9.2 – Agriculture. It is confusing placement of a highly referenced bit of information.
- Amend the wording under ‘flood control requirement’: The word “design” is missing in Section 5.4.1.D (as a side note, the letter ‘D’ should also be replaced with the number ‘4’; this is an administrative task). Adding this word will create a more coherent sentence and relate the quoted measurements to the Flood Plain Map.
- Add a section under yards and projections: Staff are recommending a provision be added that allows the buffer area/front yard setbacks in tourist commercial areas to be occupied by patio seating.
- Correct wording for ‘drive-through facilities’: There is a mistake in the way this section is worded, it seems to be a typo, but creates confusion in the interpretation of this provision.
- Replace an incorrect word in ‘landscape buffers’: Currently, this section states that one shrub is needed for every linear meter of required “boulevard” area. However, it should read “buffer” area.
- Amend the way maximum height of fences on top of retaining walls is calculated: Currently, the wording in Section 6.5.1.4 states the measurement of a fence atop a retaining wall shall not exceed 2 m and that it is measured from the “side of the fence or retaining wall with the highest elevation”. In fact, it should be measured from the lower elevation as shown in Figure 6.1 on the following page.
- Clarify wording in “landscaping and screening”: A word is missing in the section; currently, it refers to the prohibition of fencing, but it should, specifically, refer to the prohibition of ‘electric fencing’. Additionally, staff are recommending that ‘A’ (Agriculture) Zones be added to the section; barbed wire and electric fencing should be at the discretion of property owners in agricultural zones.

- Amend 'off-street bicycle parking': This section (7.4) refers to the wrong table regarding "developments that require bicycle parking". The change will point to the correct table. Additionally, some changes to the number of parking spaces required for new developments will be changed to more accurately reflect the need for bicycle parking in various zones.
- Amend 'rural home occupation': The section on rural home occupations does not currently specify the number of people that can be accessing a business at any given time. Prior to the zoning bylaw change in 2011, the number of people was limited to six (6). Staff would like to carry this maximum forward to the new bylaw to ensure continuity to provincial guidelines and past practice in Penticton.
- Amend the development regulations for secondary suites: In order to clarify the maximum floor area of secondary suites, and to use language from the BC Building Code, staff recommend changing the term "net floor area" to "habitable floor area" in this section.
- Remove the ownership requirement for carriage houses: Section 8.8.1 stipulates that in order for a carriage house to be rented, the owner of the property must reside in the principal dwelling. This was supposed to be removed when the owner/occupancy rule was changed for secondary suites and was overlooked.
- Remove the 'maximum gross floor area' provision for carriage houses: The GFA provision is redundant and that carriage house size can be controlled effectively by a building footprint provision, combined with a maximum height provision.
- Change the height requirement for carriage houses: Section 8.8.4.4 stipulates that carriage houses can be a maximum of 7.5 meters or the height of the principle dwelling, whichever is less. The idea behind this provision was to help curb visual dominance of carriage houses from the street by ensuring that carriage houses could not be seen, or seen minimally. However, the planning department has received a number of variance applications to vary this section of the bylaw as people's desired carriage house design (often with suite above a garage) surpasses the height of their home. It is common in Penticton for homes to be one storey and, as such, it is difficult to comply with the current height allowance. Staff are proposing that, in order to encourage the building of more carriage homes, the height restriction be reduced slightly to 7.0 meters, but that the statement regarding "or the height of the principal dwelling, whichever is less" be removed. After observing several carriage homes that have been built and are taller than the principal dwelling, staff do not feel that having a taller building to the back of the principal dwelling has a deleterious effect on the frontage or 'curb appeal' of homes.
- Add new requirement regarding access to carriage homes: Coming out of a discussion with our Technical Planning Committee, it was pointed out to the Planning Department that the Fire Dept. had concerns regarding the locating of, and access to, carriage houses. The Fire Dept. had concerns that this could make responding to emergency situations, including fire suppression difficult. As such, staff recommend adding a provision that speaks directly to unobstructed and maintained access to the carriage house from the front of the property.
- Amend the wording in "other regulations" under the 'A' (Agriculture) zone: In order to make our zoning bylaw more accurately reflect specific ALR policies, this section needs to be reworded to state

that when a subdivision is approved in the ALR, creating no more than one additional lot in the ALR, *both parcels* are exempt from the minimum lot area requirement.

- Add a word in 'Agricultural' zone: The section states that "Agricultural farm help is limited to one (1) unit per 2 ha". It should refer specifically to *necessary farm help dwellings*.
- Amend the wording of a "carriage house" use in the R1, R2, and R3 (single family zones) to direct individuals to the specific use regulations for carriage houses: In an effort to clear up some ambiguity around the allowance of carriage houses in single family residential zones, staff would like to add a bracketed note beside "carriage house" in the permitted use list that states the following: "(subject to specific use regulation 8.8)".
- Amend RD1 and RD2 (duplex) zones to require access to back units from the front: The fire department has also recently raised concerns regarding clear and unobstructed access to the back unit in a front-to-back duplex. Thus, staff are recommending an additional provision in duplex zones that requires clear and unobstructed access to the back unit with a path width of 1.5 meters minimum.
- Amend the RM4 (High Density Multiple Housing) zone: This zone contains a site-specific zoning amendment for the 'Alysen Place' development, located at 3301 Skaha Lake Road. This amendment granted three different heights for three different building. Additionally, it specified a number of other development regulations that were specific to the site. Since the amendments were made, ownership of land has changed hands and, in the end, only one of three buildings related to the amendment was constructed. Staff are recommending that the site-specific provision be removed from the zoning bylaw in order to keep it orderly and because the site-specific zoning was done looking at the development as a whole, rather than in piecemeal stages. In order for the one building that was constructed to conform to the RM4 zone (without site-specific provision needed), staff also recommend that the maximum height of the RM4 zone increase to 27 m from 24 m. It is believed this small increase will also give building designs more flexibility going forward and allow for a slight increase in density, which staff views as positive for this zone.
- Clarify the wording in the RM5 (Urban Residential) zone: The Urban Residential zone allows a use called "flex-units", which is a space in a residential building that can be used and/or rented for a commercial or residential use, or be incorporated in the larger residential dwelling. In Section 10.11.1, it states the "following uses are only permitted in a flex-unit" and goes on to list "artisan craft", "office", and "personal service establishment". This statement seems contradictory to the intent of flex-units as a residential use is not specified. In order to make this more clear, staff recommend adding the word "commercial": "Only the following *commercial* uses are permitted in a flex-unit".
- Amend the parking requirement for the C6 (Mixed Use Commercial) zone: There is currently a parking provision in this zone that waves any parking requirement for commercial developments that front onto Westminster Avenue West and Estabrook Avenue in the downtown. Staff are recommending that this be expanded to include Westminster Avenue East in order to bring more continuity to this section.

Financial Implication

N/A

Analysis

Support

These minor amendments to the zoning bylaw are intended to make the bylaw as easy to understand and efficient as possible. For the reasons listed above staff recommend that Council give first reading to the bylaw and forward it to the April 7th, 2015 Public Hearing for comment from the public.

Deny / refer

Council may feel that some or all of the proposed amendments are not in the public interest. If that is the case, Council may amend the bylaw prior to giving first reading or refer the bylaw back to staff for further research as directed by Council.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw 2015-18"
2. THAT Council support "Zoning Amendment Bylaw 2015-18" with conditions that Council feels are appropriate.

Attachments

Attachment A – Proposed Zoning Bylaw Amendments

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Planning Manager	Acting City Manager
	

Attachment 'A'
Proposed Zoning Bylaw Amendments

Amend Section 4.2 Definitions

Delete existing:

DAYCARE CENTRE, MAJOR means the premise licensed as required under the *Community Care Facilities Act* intended to provide care to children, youth, or adults where not more than thirteen hours of care is provided per day. This use includes:

- Group day care limited for more than sixteen (16) children,
- Child minding for more than sixteen (16) children,
- Preschool for more than fifteen (15) children,
- Out of school care for more than twenty (20) children, and
- All other care provided under the *Community Care Facilities Act* for more than eight (8) people including but not limited to special needs day care, emergency child care and adult day care.

Replace with

DAYCARE, MAJOR means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than sixteen (16) children, for not more than thirteen (13) hours per day.

Delete existing:

DAYCARE CENTRE, MINOR means the premise licensed as required under the *Community Care Facilities Act* intended to provide care to children, youth, or adults where not more than thirteen hours of care is provided per day. This use includes:

- In home multi age care for up to eight (8) children,
- Group daycare limited for up to sixteen (16) children,
- Child minding for up to sixteen (16) children,
- Preschool for up to fifteen (15) children,
- Out of school care for up to twenty (20) children, and
- All other care provided under the *Community Care Facilities Act* for up to eight (8) people, including but not limited to special needs day care, emergency child care, and adult day care.

Replace with

DAYCARE, MINOR means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than eight (8) but not more than sixteen (16) children, for not more than thirteen (13) hours per day.

Delete existing:

FLOOR AREA, GROSS (GFA) means the total floor area of all storeys of all **buildings** or **structures** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls or glazing line of windows. This does not include enclosed or open parking areas, unenclosed balconies and decks.

Replace with

FLOOR AREA, GROSS (GFA) means the total floor area of all storeys of all **buildings** or **structures** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include balconies, decks or patios.

Delete existing:

FLOOR AREA, NET (NFA) means the **gross floor area** of all buildings accessory buildings, but excluding:

- (a) Areas used for **parking spaces**, driveways, aisles and ground surface **parking spaces** or **parking lots**, garbage or loading rooms, floor area devoted exclusively to mechanical or electrical equipment, **basements**, lofts, **carports**, unenclosed **balconies**, **decks** and stairways.;
- (b) Non-commercial social, recreational, and **amenity** area within a room, provided for the common use.

Replace with

FLOOR AREA, NET (NFA) means the total usable floor area in a building and accessory building, measured from the outside face of the exterior walls. NFA does not include the following sub-areas:

- **Garages**, other enclosed or open parking areas
- **balconies**, **decks** and **patios**
- Garbage or loading rooms
- Floor area devoted exclusively to mechanical or electrical equipment
- **Basements**
- Lofts
- Stairwells and elevator shafts

Delete existing:

LOT LINE, FRONT means the **street** frontage onto which the primary façade or **front yard** of the **building** faces.

Replace with

LOT LINE, FRONT means the **street** frontage onto which the primary façade or **front yard** of the **building** faces. In the case of **through lots**, or **double-fronting lots**, two front lot lines are possible.

Delete existing:

STOREY means the habitable volume between the floors of a building or between its floor and roof.

Replace with

STOREY means the habitable volume between the floors of a building or between its floor and roof, that is 1.8m or greater.

Add

URBAN AGRICULTURE means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption. Cultivation can be done by the property owner or off-site resident, provided the owner has given her/his permission. Production activities should not be noxious or an unreasonable nuisance to surrounding properties.

Delete existing:

VACATION RENTAL means the rental of a dwelling unit to tourists or the vacationing public.

Replace with

VACATION RENTAL means the rental of a dwelling unit to tourists or the vacationing public for a period of one month or less.

Amend Section 5.2.2

From: Notwithstanding and **yard** requirements of this bylaw, and **accessory building or structure** with a **building footprint** of 9.5 m² or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the **principal building**.

To: Notwithstanding and **yard** requirements of this bylaw, and **accessory building or structure** with a **building footprint** of 10 m² or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the **principal building**.

Amend Section 5.2.8

From: An **accessory building or structure** in the A **zone** may be located within a required **interior side yard setback** or **rear yard setback**, but it shall be a minimum of 4.5 m from **rear yard** and **interior side yard** lot lines.

(ADD AS SECTION 9.2.2.6 AND ADJUST SUBSEQUENT SECTIONS ACCORDINGLY)

To: **Accessory building**

- i. minimum **front yard** 9.0m
- ii. minimum **side yard**
 - a. **interior side yard** 4.5m
 - b. **exterior side yard** 9.0m
- iii. minimum **rear yard** 4.5m

Amend Section 5.4.1.d

From: Within 30 m of the water level boundary of the Okanagan River channel nor lower than 1.5 m above the water level of the Okanagan River channel. The southern limit of the Okanagan Lake flood control requirements shall be from the centre line of the Okanagan River channel dam along Lakeshore Drive east to the point where the natural ground elevation exceeds 343.66 m.

To: Within 30 m of the design water level boundary of the Okanagan River channel nor lower than 1.5 m above the design water level of the Okanagan River channel. The southern limit of the Okanagan Lake flood control requirements shall be from the centre line of the Okanagan River channel dam along Lakeshore Drive east to the point where the natural ground elevation exceeds 343.66 m

Amend Section 5.11

Add: Section 5.11.4

Notwithstanding buffer or landscape requirements, patio seating for restaurants may encroach into any yard setbacks in the CT1 ('Tourist Commercial') zone.

Amend Section 5.14.2

From: The drive-through facilities shall not be visible from the *street*. If the drive-through facilities shall not be visible from the *street* or neighbouring properties landscape *screening* or fencing a minimum of 1.2m in height shall be required.

To: The drive-through facilities shall not be visible from the street. If the drive-through facilities are visible from the street or neighbouring properties, landscape screening or fencing, a minimum of 1.2m in height, shall be required.

Add Section 5.18

Add: *Urban Agriculture in all Zones*

Add: 5.18.1 Urban Agriculture shall be a permitted use in all zones.

Amend Section 6.3.4.2

From: One (1) shrub for every linear meter of required boulevard area, including *walkways* and driveways. The shrubs shall be a minimum No.2 pot shrub.

To: One (1) shrub for every linear meter of required buffer area, including *walkways* and driveways. The shrubs shall be a minimum No.2 pot shrub.

Amend Section 6.5.1.4

From: In the case of a fence **constructed** on top of a **retaining wall**, the combined height of the fence and the **retaining wall** at the **property line** or within 1.2 m of the **property line** shall not exceed 2.0 m, measured from **natural grade** on the side of the fence or **retaining wall** with the higher elevation.

To: In the case of a fence constructed on top of a **retaining wall**, the combined height of the fence and the **retaining wall** at the property line or within 1.2 m of the **property line** shall not exceed 2.0 m, measured from **natural grade** on the side of the fence or **retaining wall** with the lower elevation.

Amend Section 6.5.1.5

From: Barbed wire and fencing is prohibited in all zones except for M2 and M3. Razor wire is prohibited in all zones.

To: Barbed wire and electric fencing is prohibited in all zones except for A, M2 and M3. Razor wire is prohibited in all zones.

Amend Section 7.4

From: Any developments that require bicycle parking, in accordance with Table 7.1, shall be subject to the following regulations:

To: Any developments that require bicycle parking, in accordance with Table 7.3, shall be subject to the following regulations:

Amend Section 7.4.3

From: Table 7.3 Bicycle Parking Requirements

Use	Class 1	Class 2
Commercial <i>Uses</i>	1 per 125 m2 with a minimum of 4	1 per 200 m2 with a minimum of 4
Industrial <i>Uses</i>	Minimum 6	N/A
Motor Vehicle <i>Uses</i>	Minimum 4	Minimum of 2
Public Assembly and Organizations	Minimum 6	Minimum 4
Residential <i>Uses</i>	0.5 per unit	0.1 per unit

To: Table 7.3 Bicycle Parking Requirements

Use	Class 1	Class 2
Commercial <i>Uses</i>	Minimum of 2, plus one for every 125 m2 over 250 m2	Minimum of 2, plus one for every 125 m2 over 250 m2
Public Assembly and Organizations	Minimum 4	Minimum 4
Residential <i>Uses (Multiple Housing)</i>	0.5 per unit	0.1 per unit

Amend Section 8.6

Add: Section 8.6.4

A **rural home occupation** shall not generate more than six (6) client visits at any given time.

Amend Section 8.7.6.2

From: Maximum gross floor area: 90 m² or 40% of the **net floor area** of the principal residence, whichever is less.

To: Maximum gross floor area: 90 m² or 40% of the habitable floor area of the **building**, whichever is less.

Amend Section 8.8.

Section 8.8.1

Remove:

Section 8.8.1 Ownership:

.1 A **carriage house** must not be occupied as a residence except where the **owner** of the subject property resides in the **carriage house** or in the principal residence on the property.

.2 If the registered **owner** of the subject property ceases to reside in either the principal residence of the **carriage house**, the **carriage house** must not be used as a separate dwelling unit.

Section 8.8.4.2

Remove:

Section 8.8.4.2 Maximum **Gross Floor Area**:

FG, A, RC 150 m² or 60% of the total **gross floor area** of the principal residence, whichever is less

R1, R2, R3 90 m² or 60% of the total **gross floor area** of the principal residence, whichever is less

Section 8.8.4.4 Height

From: **Height** 7.5m or the height of the principal dwelling, whichever is less

To: Maximum **height** 7.0m

Section 8.8.6

Add: Section 8.8.6 Access: A **carriage house** must have clear, unobstructed and maintained access from the front of the property to the **carriage house** on a path at least 1.5 m in width.

Section 9.2.6.3

- From: Where a **lot** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional **lot** in the ALR, the remainder of the parcel is exempt from the minimum **lot area** requirement.
- To: Where a **lot** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional **lot** in the ALR, both parcels are exempt from the minimum **lot area** requirement.

Amend Section 9.2.6.4

- From: **Agricultural farm help** is limited to one (1) unit per 2 ha
- To: Necessary **agricultural farm help dwellings** are limited to one (1) unit on a property of at least 2 ha or more

Amend Section 10.1, 10.2 and 10.3

- Add: "(subject to specific use regulation 8.8)" beside the word "carriage house" in the permitted uses list

Amend Section 10.5

- Add: Section 10.5.3.3: In cases where a **dwelling unit** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in width, must be provided.

Amend Section 10.6

- Add: Section 10.6.3.4: In cases where a **dwelling unit** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in wide, must be provided.

Amend Section 10.10.2.5

- From: Maximum **height**:
- i. **Principal building** 24m
- To: Maximum **height**:
- i. **Principal building** 27m

Amend Section 10.10.5.2

Remove:

City of Penticton

Zoning Bylaw No. 2011-23

.2 In the case of Lot A, Plan KAP 80798, known as 3301 Skaha Lake Road, the following regulations apply:

SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum lot area:	11,589 m ²
.2	Maximum density:	2.0 FAR, Subject to section 10.10.5.2.8
.3	Maximum height:	
	i. building 1	26.3 m., 8 Storeys,
	ii. building 2	35 m., 10 Storeys,
	iii. building 3	21 m., 6 Storeys,
	iv. accessory building or structure	5 m
.4	Street Setbacks:	
	principal building	
	i. Guelph Avenue	3.5 m
	ii. Hemlock Street	5.0 m
	accessory building	
	i. Guelph Avenue	34.0 m
	ii. Hemlock Street	34.0 m
.5	Yard Setbacks:	
	principal building	
	i. east side yard	2.4 m
	ii. south east side yard	6.0 m
	accessory building	
	i. east side yard	3.0 m
	ii. south east side yard	6.0 m
.6	Despite Chapter 7, Off-Street Parking requirements are as follows:	
	i. bachelor dwelling	1.0 per unit
	ii. 1 bedroom dwelling	1.5 per unit
	iii. 2 bedroom dwelling	1.5 per unit
	iv. 3 bedroom dwelling and greater	2.0 per unit
	v. up to 25% of total required parking spaces may be designated for small car use	
.7	An accessory building containing common facilities for private use by residents shall conform to the setback requirements for permitted use.	
.8	Maximum density specified for this zone may be increased, to a maximum FAR of 2.1 based on the following table and provisions. The Area 1, 2, and 3 boundaries are shown on Figure 1 below. The owner may voluntarily provide cash payment of \$15.00 for every 0.09m ² (1 square foot) of gross floor area that exceeds the maximum density specified in this zone to the City of Penticton to be placed in a reserve fund for affordable and special needs housing or public amenities off the site. This payment is due at the time of issuance of any building permit authorizing the construction of a building whose construction results in the FAR exceeding 2.0 by any amount, and to the extent that the building permit authorizes construction exceeding that density	

Chapter 10 – Urban Residential

Page 10-13

Land Area	Base FAR	Bonus FAR
Total Land Area @11589 m ²	2.0	0.1
Land Area 1 @ 4024 m ²	2.0	0.0
Land Area 2 @ 4515 m ²	2.0	0.32
Land Area 3 @ 3049 m ²	2.0	0.0



Figure 10.1: land area breakdown for FAR calculation

Amend Section 10.11.1

From: Following Uses are only permitted in a flex-unit:

- .8 artisan craft
- .9 office
- .10 personal service establishment

To: Only the following commercial *uses* are permitted in a *flex-unit*:

- .8 *artisan craft*
- .9 *office*
- .10 *personal service establishment*

Amend Section 11.6.3.4

From: Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West and Estabrook Avenue in the downtown.

To: Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West, Westminster Avenue East and Estabrook Avenue in the downtown.

Bylaw No. 2015-18

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 2015-18".

Amendment:

2. Zoning Bylaw 2011-23 Section 4.2 Definitions is hereby amended as follows:

- 2.1 Delete definition for **DAYCARE CENTRE, MAJOR** and replace with: means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than sixteen (16) children, for not more than thirteen (13) hours per day.
- 2.2 Delete definition for **DAYCARE, MINOR** and replace with: means a premise that is licensed and regulated by the *Community Care and Assisted Living Act: Child Care Licensing Regulation*, which provides care for more than eight (8) but not more than sixteen (16) children, for not more than thirteen (13) hours per day.
- 2.3 Delete definition for **FLOOR AREA, GROSS (GFA)** and replace with: means the total floor area of all storeys of all **buildings** or **structures** with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include balconies, decks or patios.
- 2.4 Delete definition for **FLOOR AREA, NET (NFA)** and replace with: means the total usable floor area in a building and accessory building, measured from the outside face of the exterior walls. NFA does not include the following sub-areas:
 - **Garages**, other enclosed or open parking areas
 - **balconies, decks and patios**
 - Garbage or loading rooms
 - Floor area devoted exclusively to mechanical or electrical equipment
 - **Basements**
 - Lofts
 - Stairwells and elevator shafts

- 2.5 Delete definition for **LOT LINE, FRONT** and replace with: means the **street** frontage onto which the primary façade or **front yard** of the **building** faces. In the case of **through lots**, or **double-fronting lots**, two front lot lines are possible.
- 2.6 Delete definition for **STOREY** and replace with: means the habitable volume between the floors of a building or between its floor and roof, that is 1.8m or greater.
- 2.7 Add definition **URBAN AGRICULTURE** means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption. Cultivation can be done by the property owner or off-site resident, provided the owner has given her/his permission. Production activities should not be noxious or an unreasonable nuisance to surrounding properties.
- 2.8 Delete definition for **VACATION RENTAL** and replace with: means the rental of a dwelling unit to tourists or the vacationing public for a period of one month or less.
3. Replace Section 5.2.2 with: Notwithstanding and **yard** requirements of this bylaw, and **accessory building** or **structure** with a **building footprint** of 10 m² or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the **principal building**.
4. Delete Section 5.2.8 in its entirety.
5. Replace Section 5.4.1.d with: Within 30 m of the design water level boundary of the Okanagan River channel nor lower than 1.5 m above the design water level of the Okanagan River channel. The southern limit of the Okanagan Lake flood control requirements shall be from the centre line of the Okanagan River channel dam along Lakeshore Drive east to the point where the natural ground elevation exceeds 343.66 m.
6. Add Section 5.11.4: Notwithstanding buffer or landscape requirements, patio seating for restaurants may encroach into any yard setbacks in the CT1 ('Tourist Commercial') zone.
7. Replace Section 5.14.2 with: The drive-through facilities shall not be visible from the street. If the drive-through facilities are visible from the street or neighbouring properties, landscape screening or fencing, a minimum of 1.2m in height, shall be required.
8. Add Section 5.18: **Urban Agriculture in all Zones**
5.18.1 **Urban Agriculture** shall be a permitted use in all zones.
9. Replace Section 6.3.4.2 with: One (1) shrub for every linear meter of required buffer area, including **walkways** and driveways. The shrubs shall be a minimum No.2 pot shrub.
10. Replace Section 6.5.1.4 with: In the case of a fence constructed on top of a **retaining wall**, the combined height of the fence and the **retaining wall** at the property line or within 1.2 m of the **property line** shall not exceed 2.0 m, measured from **natural grade** on the side of the fence or **retaining wall** with the lower elevation.
11. Replace Section 6.5.1.5 with: Barbed wire and electric fencing is prohibited in all zones except for A, M2 and M3. Razor wire is prohibited in all zones.
12. Replace Section 7.4 with: Any developments that require bicycle parking, in accordance with Table 7.3, shall be subject to the following regulations:
13. Replace Section 7.4.3 Table 7.3 **Bicycle Parking Requirements** with:

Use	Class 1	Class 2
Commercial <i>Uses</i>	Minimum of 2, plus one for every 125 m ² over 250 m ²	Minimum of 2, plus one for every 125 m ² over 250 m ²
Public Assembly and Organizations	Minimum 4	Minimum 4
Residential <i>Uses (Multiple Housing)</i>	0.5 per unit	0.1 per unit

14. Add Section 8.6.4: A ***rural home occupation*** shall not generate more than six (6) client visits at any given time.
15. Replace Section 8.7.6.2 with: Maximum gross floor area: 90 m² or 40% of the habitable floor area of the **building**, whichever is less.
16. Delete Section 8.8.1 in its entirety.
17. Delete Section 8.8.4.2 in its entirety.
18. Replace Section 8.8.4.4 **Height** with: Maximum ***height*** 7.0m.
19. Add Section 8.8.6 Access: A ***carriage house*** must have clear, unobstructed and maintained access from the front of the property to the ***carriage house*** on a path at least 1.5 m in width.
20. Add Section 9.2.2.8 ***Accessory building***
 - i. minimum ***front yard*** 9.0m
 - ii. minimum ***side yard***
 - a. ***interior side yard*** 4.5m
 - b. ***exterior side yard*** 9.0m
 - iii. minimum ***rear yard*** 4.5m
21. Replace Section 9.2.6.3 with: Where a ***lot*** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional ***lot*** in the ALR, both parcels are exempt from the minimum ***lot area*** requirement.
22. Replace Section 9.2.6.4 with: Necessary ***agricultural farm help dwellings*** are limited to one (1) unit on a property of at least 2 ha or more.
23. Amend Section 10.1 and 10.2 and add "subject to specific use regulation 8.8" beside the words "carriage house".
24. Add Section 10.5.3.3: In cases where a ***dwelling unit*** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in width, must be provided.
25. Add Section 10.6.3.4: In cases where a ***dwelling unit*** faces the back of the lot, a clear, unobstructed and maintained access from the front of the property to the back unit at least 1.5 m in wide, must be provided.

- 135 -
26. Replace Section 10.10.2.5 with: Maximum **height**:
i. ***Principal building*** 27m
27. Remove Section 10.10.5.2 in its entirety.
28. Replace Section 10.11.1 with: Only the following commercial **uses** are permitted in a ***flex-unit***:
.8 ***artisan craft***
.9 ***office***
.10 ***personal service establishment***
29. Replace Section 11.6.3.4 with: Notwithstanding Chapter 7 – Parking Regulations, any commercial use identified in this zone shall not be required to provide any required motor vehicle parking or loading spaces for properties fronting onto Westminster Avenue West, Westminster Avenue East and Estabrook Avenue in the downtown.

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

Council Report

penticton.ca

Date: March 16, 2015
To: Chuck Loewen, Interim City Manager
From: Lindsey Fraser, Planner
Subject: Ontario Street Traffic Improvements

File No: 5460-55

Staff Recommendation

THAT Council support the proposed street improvements on Ontario Street and the reorganization of the intersection between Ontario Street and the lane;

AND THAT Council direct staff to include the works in the 2016 Capital Budget.

Strategic priority objective

N/A

Background

In October of 2014, Council considered an application to rezone a property on Ontario Street for duplex development. The neighbourhood is a predominantly single family area that is experiencing a conversion to more dense forms of housing, including apartment, duplex, and multiplex developments. During the Public Hearing for the rezoning application, several members of the neighborhood raised concerns about traffic volumes, pedestrian safety, and a lack of proper parking enforcement along Ontario Street and in the lane running between Ontario Street and Government Street. Increasing densification of the area was seen as a major cause of these issues. Council supported the rezoning application, but also determined that there was an existing problem on this street and lane that required attention. Council directed staff to look into options that would help mitigate the impact of development in the area.

With that direction in mind, staff began to monitor the parking in the neighbourhood and initiated a survey to determine what the actual and perceived problems were and what improvements could be made. The survey (Attachment 'D') was sent to 96 separate addresses and respondents had the option to fill out the mailed copy and return it to City Hall, or to fill out the survey online.

It was clear from the survey results and through staff's own investigations that the main problem was traffic shortcutting through Ontario Street and the lane to avoid the Government Street and Eckhardt Avenue intersection. On the whole, the surveys returned strong support for traffic calming measures along both the alley and street. Pedestrian safety and speed of traffic were identified as problematic, and although opinions were skeptical about the effectiveness of speed humps or bumps, many agreed that some sort of traffic

calming was required. There was little support for resident-only parking. There was also little support for a one-way street system.

Staff have determined that the best way to move forward would be to make the following changes to the street network (shown on Attachment 'C'):

- Install sidewalks on one or both sides of Ontario Street, to increase pedestrian safety and better delineate areas for parking;
- Install a proper intersection with Ontario Street and the lane, to discourage shortcutting via the lane
- Place speed humps in the alley, to discourage shortcutting
- Install a 'bump-out' at the corner of Ontario Street and Forestbrook Avenue

None of these items were contemplated in the 2015 Capital Works budget. As such, either a budget amendment would be required, which would direct funds from another project or, as staff are recommending, these items could be included in the 2016 Capital Works program.

In the meantime, staff will be undertaking a number of temporary measures to bring more awareness to drivers and help increase pedestrian safety in the area. These measures include:

- Installing a speed counter on Ontario Street
- Send a mail-out to residents with survey results and next steps
- Initiate a land acquisition for a small portion of 737 Ontario Street to allow for future road treatment at the intersection of Ontario Street and the lane

Financial implication

The cost of the installation of sidewalks and fixing the intersection with the lane will not be determined until an actual design is completed. If Council were to support the staff recommendation the design work would be done and a cost would be brought forward for Council's final decision during the 2016 budget deliberations. Staff do note, however, that the City has collected close to \$20,000 in contributions from local development along Ontario Street. This money would help offset any capital expenditure.

Analysis

Approve

Through the survey and staff investigation, it is evident that the concerns brought up at the public hearing have merit. The cause of most of the concern is with the use of Ontario Street and the lane as a shortcut around the Government Street and Eckhardt Avenue intersection. Through the proposed traffic calming measures, this shortcutting will be discouraged and pedestrian safety and street aesthetics will be improved.

As such, staff recommend that Council support the proposed works and direct staff to include the works in the 2016 Capital Budget.

Deny

Council may feel that this issue is not unique in Penticton and issues with traffic and safety on Ontario Street and in the alley does not warrant any special provisions. If this is the case, Council could maintain the status quo. Alternatively, Council may direct staff to look at other alternatives.

Alternate recommendations

1. Refine survey with new information and conducted a follow-up survey with residents before proceeding to next stage.
2. Amend the 2015 Capital Works budget for design and construction costs, including the costs associated with hiring a consultant to complete these design works (Engineering staff do not have the capacity to take on any more design work in 2015).

Attachments

Attachment A – Area location map

Attachment B – Survey sent to residents

Attachment C – Diagram with proposed changes

Respectfully submitted,

Lindsey Fraser

Planner I

Approvals

Planning Manager	City Engineer	Acting City Manager
	IC	CAL

Attachment A – Map of Ontario Street and Alley



Figure 1: Residences of interest regarding the survey

Attachment B – Copy of Survey Sent to Residents



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

January 6th, 2015

Dear Resident,

Re: Ontario and Government Street Survey

The City of Penticton wants to hear from you! We are exploring options related to pedestrian safety, traffic movement and parking along Ontario Street and in the lane between Ontario Street and Government Street.

Please take a few minutes to fill out our survey online at www.surveymonkey.com/r/ontariosurvey

If you do not have computer access, fill out the attached survey and mail it back to the City at the address above, or drop it off at City Hall with attention to the undersigned. **Please respond by January 31st, 2015.**

Should you have any questions, please call 250-490-2507 or email lindsey.fraser@penticton.ca

We thank you in advance for your cooperation.

Yours truly,

Lindsey Fraser

Planner I
City of Penticton

RMS\5200-5799 ENGINEERING AND PUBLIC WORKS\5480 Traffic Control - Parking Management\5480 01 General\Ontario St Survey



Ontario Street traffic safety

1. To what degree are the following issues problematic along Ontario Street?

	Major Problem	Moderate Problem	Minor Problem	Not a Problem
Volume of traffic	☐	☐	☐	☐
Speed of traffic	☐	☐	☐	☐
Number of cars parked along the road	☐	☐	☐	☐
Risk to pedestrian safety	☐	☐	☐	☐

2. To what degree are the following issues problematic along the alley between Ontario Street and Government Street, bordered by Eckhardt Avenue to the north and Forestbrook Avenue to the south?

	Major Problem	Moderate Problem	Minor Problem	Not a Problem
Volume of traffic	☐	☐	☐	☐
Speed of traffic	☐	☐	☐	☐
Number of parked cars	☐	☐	☐	☐
Lack of available parking	☐	☐	☐	☐

3. How would you rate your feeling of safety when walking along Ontario Street?

- ☐ Very Safe
☐ Moderately Safe
☐ Not Safe
☐ Unsure

4. Would you be in support of making Ontario Street a one-way street?

- ☐ Yes, strongly support
☐ Yes, support
☐ I'm indifferent/neutral
☐ No, opposed
☐ No, strongly opposed

Ontario Street traffic safety

5. How do you feel about making the lane between Ontario Street and Government Street one-way for vehicles?

- ☐ Yes, strongly support
- ☐ Yes, support
- ☐ I'm indifferent/neutral
- ☐ No, oppose
- ☐ No, strongly oppose

6. Do you feel speed bumps, speed humps (wider), or other traffic calming measures along Ontario Street would create a safer environment for pedestrians?

- ☐ Yes
- ☐ No
- ☐ Unsure

7. Do you feel speed bumps, speed humps (wider) or other traffic calming measures in the alley would deter traffic?

- ☐ Yes
- ☐ No
- ☐ Unsure

8. Do you believe the cars parked along Ontario Street belong to residents of the street, the general public or residents of neighbouring streets?

- ☐ Ontario Street residents
- ☐ General public
- ☐ Residents of neighbouring streets
- ☐ Unsure

9. Do you feel that designating Ontario Street for "resident-only parking" would resolve parking issues?

- ☐ Yes
- ☐ No
- ☐ Unsure

Page 2

Page 2

Ontario Street traffic safety

10. Please explain why you feel "resident-only parking" on Ontario Street is the best solution.

11. Do you own or rent your home?

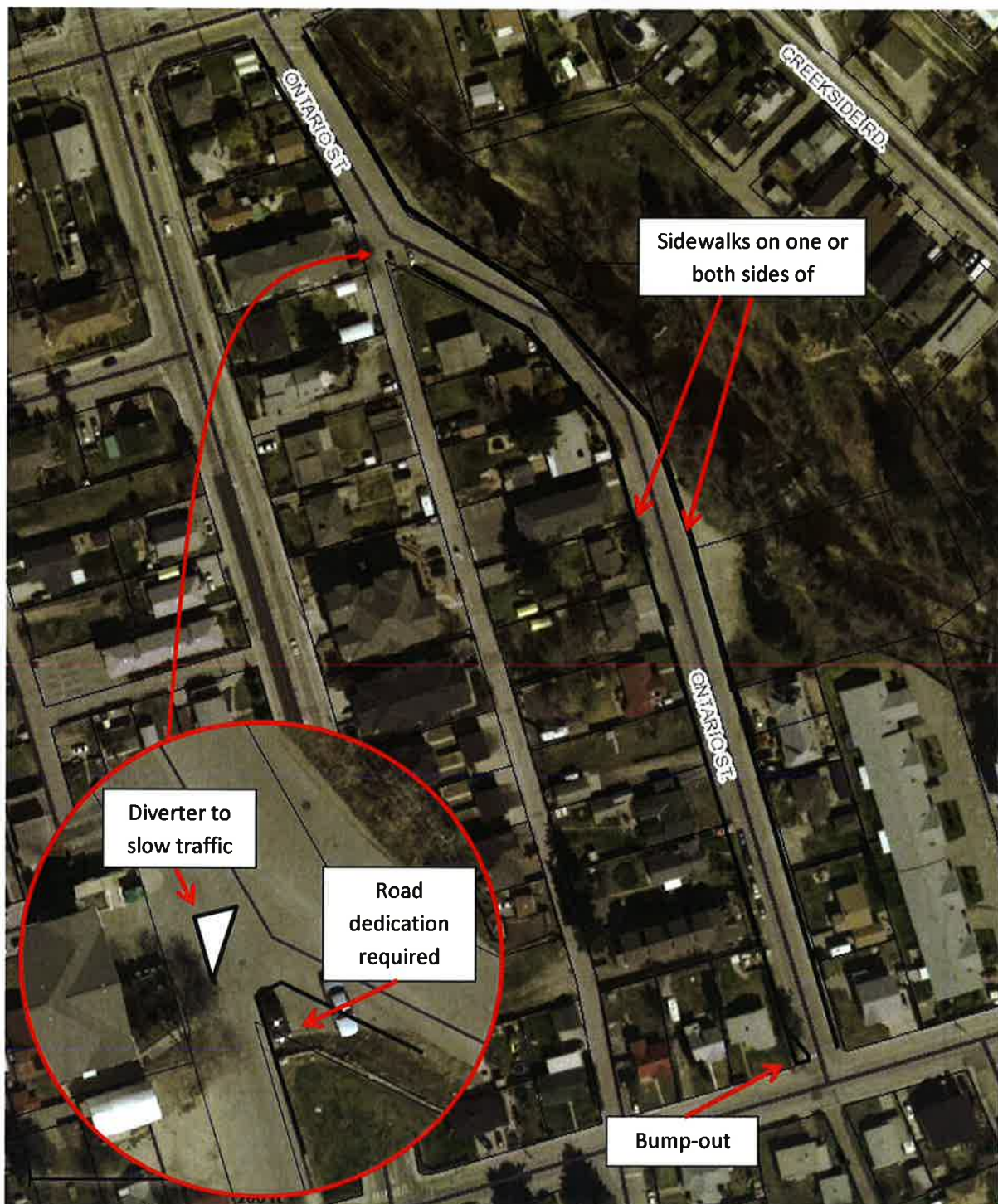
- ☐ Own
☐ Rent

12. If you are an owner, would you be interested in entering into a cost-sharing arrangement with the City of Penticton for upgrades to pedestrian or vehicular infrastructure such as sidewalks or speed bumps along Ontario Street?

- ☐ Yes
☐ No
☐ Unsure

13. We welcome your thoughts and additional comments on safety, traffic or pedestrian activity along Ontario Street and the lane.

Attachment C – Map of proposed improvements





Council Report

penticton.ca

Date: March 16, 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. Aside from 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 blue ink, appearing to read "CAL", is written over 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 20 – Planning and Development
- Appendix 24 – Recreation - Miscellaneous
- Appendix 26 – Theatre

ii. Appendices 4, 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	Additional 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
55	Fee for subsequent inspections not related to Vacant Building Registration Permit
56	Fee for Vacant Building Registration Permit (12 months maximum) for each building or structure located on a single and two family zoned properties
57	Fee for Vacant Building Registration Permit (24 months maximum) for each building or structure located on all other zoned properties.
58	Fee for additional Vacant Building Registration (12 month maximum)
59	Attendance by City of Penticton Fire Services
60	Refund

	\$500.00
	\$130.00 per inspection
	\$1,500.00
	\$3,500.00
	\$1,500.00
	Actual costs incurred by the City for related labour, materials and equipment
	75% of Vacant Building Permit Fee may be refunded if it is remediated or demolished within first six (6) months of registration.

Appendix 20

PLANNING AND DEVELOPMENT	2014	Effective Mar 1, 2015
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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

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

PLANNING AND DEVELOPMENT		2014	Effective May 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

	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 May 1, 2015
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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.
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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.
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Appendix 20			
PLANNING AND DEVELOPMENT		2014	Effective Mar 1, 2015
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
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
	*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.

Council Report

penticton.ca

Date: March 16, 2015
To: Mayor & Council
From: Chuck Loewen, Interim CAO
Subject: Invitation to Host the "55+ BC Games"

File No:

Staff Recommendation

THAT Council support and endorse a Bid Application for the City of Penticton to host the 2018 or 2019 55+ BC Games; and

THAT Council approves the commitment of a minimum of \$60,000 cash and \$55,000 in-kind services and facilities for the planning and staging of the Games.

Strategic priority objective

Tourism and Economic Development through Sporting and Sport Tourism events

Background

The following was reported out at the March 4, 2013 Regular Meeting of Council:

1. BUSINESS ARISING FROM THE CLOSED MEETING OF FEBRUARY 18, 2013

5.1 2015/2016 BC Seniors Games Bid Application

THAT staff not proceed with submitting a bid application for the City of Penticton to host the 2015 or 2016 BC Seniors Games;

AND supported hosting the 2017 or 2018 BC Seniors Games and directed staff to submit a bid application on behalf of the City of Penticton when those opportunities are made available.

The BC Seniors Games first debuted in 1988 in Vernon and held in Penticton in 2004. They were last held in 2014 in Langley City and Township, and will be held in North Vancouver in 2015 and in Coquitlam in 2016.

As provincial multi-sport and activity events, these games provide opportunities for all 55+ BC residents to live an active healthy lifestyle. The BC Senior Games Society assists the Host Communities and Volunteers by providing Event Management Services through an Agreement with the BC Games Society, to successfully stage these major events.

The events have a dual role: a major multi-sport competitive opportunity for 55+ BC residents and unique opportunity for community development in BC.

The benefits of hosting include:

- A wonderful community, sport and cultural celebration that builds community pride;
- Expansion of trained volunteer base;
- Opportunity for active healthy lifestyle for seniors;
- Opportunity for increased local tourism during shoulder season;
- New sports, recreation, and cultural projects;
- Significant economic impact approximating \$2.0 million for 55+ BC Games; and
- Community Legacy Fund distributed in the Host Community.

Financial implication

Bid Application would require the following:

- Commitment of a minimum of \$60,000 cash and \$55,000 in-kind services and facilities from the City.
- Community volunteer fund raising of approximately \$100,000 - \$200,000 in cash and in-kind to offset budget expenses and provide for a potential financial legacy post-Games

Economic Impact:

- Economic impact approximating \$2.0 million.

Analysis

The 55+ BC Games could involve 3,500 to as many as 4000 registered participants (Athletes, Coaches, and Officials) and non-participants from across BC, as well as 1200 volunteers. The athletes compete in 20 - 31 different sports over four days of competition held from Tuesday to Saturday of the Games week.

Once the 55+ BC Games have been awarded to a community, an Organizing Committee must be formed and registered as a separate non-profit Society.

The Host Community establishes this Society, which will operate on the basis of an agreement with the BC Seniors Games Society. The Host Society will be led by a volunteer Board of Directors and employ an Operations Manager.

The dates for the 55+ BC Games are:

August 22 - 26 or September 12 -16, 2017

August 21 - 25 or September 11 -15, 2018

August 20 - 24 or September 10 -14, 2019

The Budget to stage these Games is comprised as follows:

- The BC Seniors Games Society provides \$85,000;
- BCSGS Legacy Grant \$5,000;
- Registration Fees from Participants and Non-Participants \$105,000;

- Sports Fees paid by Participants \$45,000;
- Host Community volunteers, organizations and businesses provide \$100,000 - \$200,000;
- The hosting municipality is required to commit a minimum of \$60,000 cash and \$55,000 in-kind services and facilities for the planning and staging of the Games.

As part of the Bid Application, the following resolutions or letters of support are required:

- From the City of Penticton;
- From the School District; and
- From the Community Organizations.

The Bid Application deadline is June 26, 2015.

Other impacts that require consideration include:

- a) The annual Penticton Challenge Triathlon event held on the fourth weekend in August.
- b) Potential Fund Raising and Volunteer Limitations due to close proximity of major events.
- c) Collaboration with and potential extension of Dragon Boat Festival leading into the 55+ BC Games.

Alternate recommendations

THAT Council support and endorse a Bid Application for the City of Penticton to host the 2017 or 2018 or 2019 55+ BC Seniors Games; and

THAT Council approves the commitment of a minimum of \$60,000 cash and \$55,000 in-kind services and facilities for the planning and staging of the Games.

OR

THAT Council not support and endorse any Bid Application for the City of Penticton to host the 2017, 2018 or 2019 55+ BC Games.

OR

AS directed by Council.

Attachments

Attachment A – Description

Attachment B - Description

Respectfully submitted,

Chuck Loewen

Chuck Loewen
Acting City Manager

Attachment A



Phone: 778.426.2940

Fax: 778.426.2941

Email: bcsgs@shaw.ca

Website: www.bcseniorgames.org

January 30, 2015

Mayor Andrew Jakubait
City of Penticton
171 Mail Street
Penticton, BC V2A 5A9

Re: Invitation to Host the 55+ BC Games

Dear Mayor Jakubait

On behalf of the BC Seniors Games Society, it is my pleasure to invite your Community to host the 30th, 31st and 32nd consecutive annual 55+ BC Games (formally known as the BC Seniors Games) to be held in August or September 2017, 2018 and 2019. Your Community may bid on one or all of these 55+ BC Games, however, only one will be awarded.

If you think your community does not have all the required facilities to host the Games you are welcome to combine with one or two neighbouring municipalities to submit a single bid.

The 55+ BC Games is a multi-sport event generating over \$2,100,000.00 in an economic spinoff for Host Communities. The last economic survey was completed after the 2009 Richmond BC Senior Games, where 3,900 55+ residents of BC participated in 29 sports.

The BC Seniors Games Society assists the Host Communities and Volunteers by providing Event Management Services through an Agreement with the BC Games Society. We provide financial support in the amount of \$85,000.00 in funds from the Ministry of Community, Sport and Cultural Development, a portion of all Participant registration fees and contribute to the cost of facility rentals, equipment and officials through various sport fees.

A Bid Document Package has been included. The deadline for bid proposals is 12 noon on June 26, 2015 to be received at 2069 Vallis Place, Sidney, BC V8L 2L3

If you have any questions regarding the bid process, please contact Wayne Naka, BCSGS President at 250.352.0552 or the BCSGS office at 778.426.2940.

We look forward to receiving your bid proposal.

Sincerely

A handwritten signature in dark ink, appearing to read "Wayne Naka", is written over a light blue horizontal line.

Wayne Naka, President
BC Seniors Games Society

"For Life, Sport and Friends"

Attachment B



2017, 2018 and 2019 Bid Package

The BC Seniors Games Society invites you to apply to host

The 2017 55+ BC Games

August 22 to 26
or September 12 to 16

The 2018 55+ BC Games

or August 21 to 25
or September 11 to 15

The 2019 55+ BC Games

August 20 to 24
or September 10 to 14

Email: admin@55plusbcgames.org
Website: www.55plusbcgames.org

Revised: 2015

55+ BC Games

INTRODUCTION

Purpose

The BCSGS is an important member of the provincial sport sector, supporting the *Active for Life* stage of the *Canadian Sport for Life* model in British Columbia by championing life-long participation and by providing zone and provincial level competitive opportunities that are distinct from the Masters' level sport competitions offered by Provincial Sport Organizations.

The BCSGS has carved out a unique niche within the sector by offering a multi-sport event "designed for seniors by seniors". The annual Games are widely recognized for being:

Friendly – offering lively competition in the spirit of fun and camaraderie.

Welcoming – presenting competitive opportunities that are inclusive of all levels and abilities.

Supportive - featuring modified competition rules, where appropriate, to accommodate 55+ participants.

Transformative - participants, volunteers and host communities come away from the Games experience with an inspiring image of what a healthy, active 55+ lifestyle can be in British Columbia.

Structure

There are three organizations involved in organizing the Games: The BC Seniors Games Society (BCSGS), the BC Games Society (BCGS) and the Host Society.

The BCSGS is the Policy Governance Authority for the 55+ BC Games. It sets the policies and procedures under which the Games are run and oversees the rules for each Sport. The BCSGS is a volunteer-led non-profit Society that has representation from 12 Zones in the province, as well as an elected Executive. The BCSGS has a service agreement with the BCGS to provide event management support to the local Host Community volunteers. Two Event Managers are assigned to guide and assist in producing a successful annual event.

Once the 55+ BC Games have been awarded to a community, an Organizing Committee must be formed and registered as a separate non-profit Society, and register for GST. The Host Community will establish this Society, which will operate on the basis of an agreement with the BCSGS. The Host Society will be led by a volunteer Board of Directors. The Host Society will employ an Operations Manager. The remuneration for this position and other employees will come from the budget of the Host Society.

Number of Participants and Sports

The 55+ BC Games could involve 3,500 to as many as 4,000 registered participants and non-participants from across BC. These athletes will compete in 20 to 31 different sports over four days of competition to be held from Wednesday to Saturday of the Games week. Accreditation for some sports takes place on the Tuesday.

Participants in the 55+ BC Games are responsible for their own travel to and from the Games. They are also responsible for their own accommodation expenses (hotels, motels, and campgrounds) and meal expenses while at the Games.

History of Host Communities with Total Number of Registrants

The Games have been or will be hosted by the following Communities:

1988	Vernon	650	2003	Chilliwack	2658
1989	Trail	1000	2004	Penticton	3258
1990	Comox Valley	1400	2005	Cowichan	3058
1991	Coquitlam	1750	2006	Abbotsford	2938
1992	Dawson Creek	1450	2007	Nanaimo	3575
1993	Cranbrook	1723	2008	Prince George	2561
1994	Prince Rupert	1275	2009	Richmond	3865
1995	Oliver/Osoyoos	2032	2010	Comox Valley and Campbell River	3518
1996	Kamloops	2150	2011	West Kootenay	3186
1997	New Westminster	2097	2012	Burnaby	3652
1998	Port Alberni	1935	2013	Kamloops	3745
1999	Elk Valley	1878	2014	Langley City and Township	3940
2000	Kelowna	2475	2015	North Vancouver	TBD
2001	Surrey	2722	2016	Coquitlam	TBD
2002	Prince George	2487			

Financial Support

The Ministry of Community, Sport, and Cultural Development, through the Sport and Recreation Branch, provides funding to BCSGS, which in turn provides funding to the Host Society towards the successful operation of the 55+ BC Games. The BCSGS also provides, to the Host Society, Registration Fees for its members who participate (including non-participants) in the 55+ BC Games. Other funding for the Games includes municipal financing and support in-kind. Other funding sources include Host Society fund raising initiatives including Corporate Sponsorships and Friends of the Games.

- BCSGS Grant (See Note 1. below) \$ 85,000.00
- BCSGS Legacy Grant \$ 5,000.00
- Participant/Non-Participant Registration Fees \$ 105,000.00
(See Note 2. Below)
- Sports Fees (paid by participants) \$ 45,000.00
- Municipal Financial Support (not including support in kind) \$ 60,000.00
- Other funding sources TBD

Support in Kind (free rental of venue etc.) is estimated at \$ 55,000.00.

Note 1. The BCSGS Grant represents Provincial Government funding provided by the Ministry of Community, Sport and Cultural Development and is subject to change based on Provincial budgetary amounts.

Note:2. Participant registration fees (collected by the BCSGS), forwarded to the Host Community, can be budgeted based on an estimated 3,300 registered participants and 300 non-participants. Should the actual number of registered participants or non-participants change, the amount forwarded will increase or decrease by \$30.00 per participant or \$20.00 per non-participant.

Financial Benefits to the Community

This occurs in two ways: the economic impact and the Games financial legacy

Economic Impact

Cumulative dollars spent in your community during the 55+ BC Games by:

- ☐ Participants and Non-Participants
- ☐ Spectators (including participants family members as well as friends who accompany the participants)
- ☐ BCSGS and BCGS official and spouses, Corporate and Funding Partners and Friends of the Games representative and invited guests
- ☐ Volunteers
- ☐ Host Society (approximate expenditure budget of \$390,000.00)

Dollars are spent on:

- ☐ Accommodation
- ☐ Meals
- ☐ Transportation (fuel, public transit, and taxis)
- ☐ Shopping (includes souvenirs)
- ☐ Entertainment (shows, movies, golf fees, cultural exhibits, etc.)
- ☐ Host Community needs (for ceremonies, administration, communications, security, lunch venues and dance, etc.)

All of the above, and more, contribute to the financial success of each community's numerous businesses and other activities; i.e. – the Economic Impact..

Many communities have the methodology to calculate the economic impact from hosting the 55+ BC Games. If not, or as an alternative, the Chamber of Commerce can assist by making available the Sports Tourism Economic Assessment Model (STEAM).

The Economic Impact completed after the Nanaimo BC Seniors Games in 2007 showed an Economic Impact of \$2 million. In 2009 the Economic Impact on completion of the Richmond BC Seniors Games was \$2.1 million.

Games Financial Legacy

The excess of revenue over expenditures as set out in the audited financial statements becomes the financial Legacy. The Legacy is distributed by the Host Society Legacy Committee in accordance with the BC Seniors Games Society's Legacy Policy. The Legacy Policy includes the provision that 50% of the Legacy be forwarded to the BC Seniors Games Society to go towards the staging of future annual 55+ BC Games. The Host Society's legacy will be spent primarily on the development of facilities or services for the 55+ population to promote an Active Healthy Lifestyle within the boundaries of the Host Society.

In the past, total revenues have exceeded expenditures by \$0 to \$ 75,000.00.

Insurance

The BCSGS carries some insurance that is used for the benefit of the Host Society. This is a \$10 million Commercial General Liability (CGL) policy and the Directors and Officers (D&O) Liability policy which provides coverage to the Host Society. There is also property insurance in place against theft, fire and damage of the travelling Games inventory. The Host Society is expected to acquire some additional insurance such as ICBC Third Party Legal Liability top up.

Volunteers

To stage a successful 55+ BC Games, the Host Society Board of Directors will need to recruit, train, and direct the efforts of approximately 1,200 community volunteers.

Minutes

penticton.ca

Downtown Revitalization Sub-Committee Meeting

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

Thursday, March 5, 2015
at 8:00 a.m.

Present: Andrew Jakubeit, Mayor
Campbell Watt, Councillor
Max Picton, Councillor
Barb Haynes, Member at Large
Tim Scott, Member at Large
Cheryl Watts, Member at Large
Erin Hanson, Member at Large
Kerri Milton, DPA Representative

Staff: Mitch Moroziuk, Director of Operations
Ian Chapman, City Engineer
Tyler Figgitt, Design Supervisor
Blake Laven, Planning Manager
Chuck Loewen, Acting City Manager
Simone Blais, Communications Officer
Lorraine Williston, Corporate Committee Secretary

1. Call to Order

The Community Revitalization Committee was called to order by Mitch Moroziuk at 8:04 a.m.

2. Committee Member Introductions

Roundtable introductions were done by all members.

3. Appointment of Committee Chair

It was **MOVED** and **SECONDED**

THAT Barb Haynes be appointed as Chair for the Downtown Revitalization Sub-Committee for the 2015-2016 term.

CARRIED UNANIMOUSLY

4. Adoption of Agenda

It was MOVED and SECONDED

THAT the Community Revitalization Committee adopt the agenda for the meeting held on March 5, 2015 as circulated.

CARRIED UNANIMOUSLY

5. Confidentiality, Conflict of Interest and Commercial Electronic Message Consent Forms

Confidentiality, Conflict of Interest and Commercial Electronic Message Consent Forms were distributed to members and collected.

6. New Business

6.1 Terms of Reference

Draft Terms of Reference were reviewed and amended to include Judy Sentes as a non-voting consultant to this committee.

6.2 Introduction of Strategic Priorities and Committees' Alignment

Blake Laven provided an overview of the Downtown Plan, history and long term vision. Also policy changes and challenges were outlined. Simone Blais to circulate the briefing notes from the Martin Street project and Ian Chapman to circulate the infrastructure map for information purposes to members.

6.2 Overview of 100 and 200 Block Design

Tyler Figgitt presented a concept and design update for the 100 and 200 Block. Highlights included a 'barrier free' design for the 100 Block. Street furniture including benches, garbage receptacles, bike racks, railings and bollards would be kept the same as what we currently have on Martin Street. Discussion on incorporating art into the bike racks or benches. Staff to bring forth ideas. Timeline schedule was discussed. Interim design to be completed by end of March to present to Committee and stakeholders for review. June – commence final detail designs and present to the public. September - grant funding announcement. After announcement items will be ordered and the project put out to tender. October - award contract to start work in February, 2016. June - summer shut down. September - restart construction. November - project completion.

Staff are looking for direction from the Committee on the following:

LED Light Canopy – Tyler presented examples of light canopies. This idea was not budgeted for. Preliminary estimates \$55,000-\$65,000. Stated changes can be made to existing plans to accommodate these costs.

Surface Treatment Options:

Driving surface: Pavers, concrete, asphalt. Staff recommend asphalt.

Parking: Staff recommend pavers. Pavers would provide a consistent look with the Main Street sidewalks and is part of the original scheme.

City Hall surfacing: Staff recommend concrete.

Westminster/Main – Staff recommend concrete.

200 Block – Staff recommend asphalt for parking/drive surfaces. Sidewalks – staff recommend pavers and concrete for store front use space.

Committee directed staff to proceed with design and cost for park part of 100 Block, the link road and also cost for the 200 Block for LED lighting. Staff will cost out all the different elements and bring forth at a future meeting. Driving surface to be determined based on recommendations regarding LED lighting.

Public Art Installations: Include two by the link street and two by Valley First Credit Union. This item should be brought forth to Art, Creative & Cultural Innovations Committee.

Parking discussion – tabled to the next meeting

7. Next Meeting

The next regularly scheduled meeting of the Downtown Revitalization Sub-Committee will be at the call of the Chair.

8. Adjournment

The Downtown Revitalization Sub-Committee adjourned the meeting at 9:45 a.m.

