



# Agenda

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

**Monday, February 15, 2016**  
**at 6:00 p.m.**

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Adoption of Minutes:**
  - 4.1 Minutes of the February 1, 2016 Public Hearing 1-2 Receive
  - 4.2 Minutes of the February 1, 2016 Regular Council Meeting 3-10 Adopt
  - 4.3 Minutes of the February 9, 2016 Special Council Meeting 11-12 Adopt
5. **Presentations:**
6. **Delegations:**
  - 6.1 DPA – Kerri Milton 13  
Re: Canada Day Event
  - 6.2 Local Immigration Partnership – Nora Hunt-Haft & Jean Makosz 14  
Re: Share results and updates on relevant research and program development
  - 6.3 Winery Owner Coalition – Rob Ingram & Kim Pullen 15-28
7. **Reconsideration of Bylaws and Permits:**
  - 7.1 Fees and Charges Amendment Bylaw No. 2016-02 29-83 Adopt
  - 7.2 MTI Amendment Bylaw No. 2016-04 84-90 Adopt
  - 7.3 Irrigation, Sewer and Water Amendment Bylaw No. 2016-05 91-92 Adopt
8. **Staff Reports:**
  - 8.1 Development Variance Permit PL 2016-7590 93-104 Del/Sub  
Re: 796 Lakeshore Drive West (Lakawanna Park)  
*Staff Recommendation: THAT Council approve Development Variance Permit PL2016-7590 for Parcel A (SEE KT24099) District Lot 2 Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 4937 located at*

DDS

796 Lakeshore Drive West, a permit to reduce the front yard and exterior side yards to accommodate the patio and entrance arch and to increase the height of a fence in the front yard from 1.2m to 1.7m;  
AND THAT staff be directed to issue Development Variance Permit PL2016-7590.

|                                        |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |         |
|----------------------------------------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|
| DDS                                    | 8.2  | Development Variance Permit PL 2015-7581<br>Re: 1176 Queen Street<br><i>Staff Recommendation: THAT Council approve Development Variance Permit PL2015-7581 for Lot 69, District Lot 250, SDYD, Plan 842 Except Plans B5063 and KAP79618, located at 1176 Queen Street, a permit to reduce the minimum lot width from 13m to 9.1m, reduce the minimum lot area from 390m<sup>2</sup> to 221m<sup>2</sup> and reduce the minimum interior yard setback from 1.5m to 1.2m;<br/>AND THAT staff be directed to issue Development Variance Permit PL2015-7581.</i>                                                                                                                                                                                                                                                                                                                                                                      | 105-116 | Del/Sub |
| PM                                     | 8.3  | Liquor Sales in Grocery Stores<br><i>Staff Recommendation: THAT Council after consideration to the information provided in this report select from the following options:</i><br><ol style="list-style-type: none"> <li>1. That the City of Penticton takes no action with respect to the Zoning Bylaw and relies on the Provincial requirements for the sale of alcohol in grocery stores;</li> <li>2. That Council direct staff to draft an amendment to Zoning Bylaw No. 2011-23 to regulate liquor sales in grocery stores to limit it to the sale of 100% BC wines. (This will require a Public Hearing and 4 readings of the Bylaw amendment);</li> <li>3. That Council offer an opportunity for interested parties to present delegations to a special Council meeting and following hearing from all delegations, determine which course of action to pursue to regulate the sale of liquor in grocery stores.</li> </ol> | 117-150 |         |
| WQS                                    | 8.4  | Okanagan Basin Water Board Grant Application<br><i>Staff Recommendation: THAT Council support staff making an application to the Okanagan Basin Water Board Water Conservation and Quality Improvement (WCQI) grant program for a grant in the amount of \$12,500 to develop a Drought Management Plan; AND THAT Council commits matching funds from the water reserve to complete the study.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 151-152 |         |
| CFO                                    | 8.5  | 2016-2020 Five Year Financial Plan Bylaw No. 2016-07<br><i>Staff Recommendation: THAT Council give first, second and third reading to "2016-2020 Five Year Financial Plan Bylaw No. 2016-07".</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 153-157 |         |
| <b>9. Correspondence</b>               |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |         |
|                                        | 9.1  | School District no. 67<br>Re: Possible School Closures and Alternate Use of Facilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 158-173 |         |
| <b>10. Committee and Board Reports</b> |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |         |
|                                        | 10.1 | Affordable Community Task Force meeting of January 29, 2016<br><i>Recommendation: THAT Council receive the minutes of the Affordable Community Task Force meeting of January 29, 2016.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 174-176 |         |
|                                        | 10.2 | Community Sustainability Committee meeting of February 2, 2016<br><i>Recommendation: THAT Council receive the minutes of the Community Sustainability Committee meeting of February 2, 2016.</i><br><br><i>Recommendation: THAT Council direct staff to develop options for developers to increase the tree canopy cover percentage for new developments within the City of Penticton.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 177-179 |         |

- 10.3 Agriculture Advisory Committee meeting of February 3, 2016 180-182  
*Recommendation: THAT Council receive the minutes of the Agriculture Advisory Committee meeting of February 3, 2016.*
- 10.4 Waterfront Revitalization Committee meeting of February 4, 2016 183-184  
*Recommendation: THAT Council receive the minutes of the Waterfront Revitalization Committee meeting of February 4, 2016.*

11. **Notice of Motion**

12. **Other Business**

13. **RDOS Update**

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

*THAT Council direct staff to issue a request for proposals for parking services, separating out the proposal for coin collection from full service.*

15. **Media and Public Question Period**

16. **Adjournment**

# Minutes

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

**Monday, February 1, 2016**  
**at 6:00 p.m.**

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

**Staff:** Mitch Moroziuk, Acting Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Colin Fisher, Chief Financial Officer  
Jules Hall, Director of Development Services  
Lori Mullin, Recreation and Culture Manager  
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. 2016-03". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw and related DVP PL007547 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 bylaws 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. 2016-03" (451 Churchill Avenue)**

The purpose of "Zoning Amendment Bylaw No. 2016-03" is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot 4, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 2444, located and 451 Churchill Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

The Corporate Officer advised that 2 letters of opposition has been received after the printing of the agenda and distributed to Council.

### **DELEGATIONS**

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

- Rob Linder, Penrose Court, owner of Freestyle Development, sent 33 letters to the neighbourhood, received only one reply. Proposal falls within OCP. Believe development will be more aesthetically pleasing and makes the area accessible to more families.
- Robert Duncan, Churchill Avenue, many only have access to their property through back alley, it funnels out near playground and other end a blind four way stop. In the summer time Churchill Avenue is a zoo and congestion in that area is horrendous and potentially harmful to someone.

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

- Sandra Smith, Churchill Avenue, submitted letter of opposition, feel like we are never being heard, don't think it's appropriate, if continue to develop every lot there will be no trees left. One accident with bicycle, many incidents and near misses of children and people almost being hit. Think densification has gone too far and ruining the essence of the neighbourhood for money.
- Lynn Kelsey, Oakville Street, worked in the area, in summer horrendous on Churchill Avenue, have seen a bus back up in order to turn around, pay parking on Lakeshore will make the problem worse.

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

- Garth Bathgate, Churchill Avenue, submitted a letter of opposition, the lots are too small, no room on them, variance is a concern, losing 10ft off of a small lot, if kept 40ft would be a nicer package with decent size building and lot, roof top deck is intrusive, would like to see no paid parking anywhere in Penticton.
- Rob Linder, Penrose Court, following zoning bylaw and providing parking as required, submitted landscape plan to city, trees and some planting and grass around the area, plan to blend into the neighbourhood, variance for 30ft and area has been given throughout the city.
- Robert Duncan, Churchill Avenue, asked for clarification regarding variances only when claiming hardship.

The public hearing for "Zoning Amendment Bylaw No. 2016-03" was terminated at 6:30 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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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, February 1, 2016**  
**Following the Public Hearing at 6:00 p.m.**

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

**Staff:** Mitch Moroziuk, Acting Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Colin Fisher, Chief Financial Officer  
Jules Hall, Director of Development Services  
Lori Mullin, Recreation and Culture Manager  
Angie Collison, Deputy Corporate Officer

### **1. Call to Order**

The Mayor called the Regular Council meeting to order at 6:30 p.m.

### **2. Introduction of Late Items**

### **3. Adoption of Agenda**

48/2016

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

THAT Council adopt the agenda for the Regular Council meeting held on February 1, 2016 as amended to include delegations from Spectra and the Lacrosse Association and to alter the order of the agenda by moving item 9.5 to item 9.1.

**CARRIED UNANIMOUSLY**

### **4. Adoption of Minutes**

#### **4.1 Minutes of the January 18, 2016 Committee of the Whole**

49/2016

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

THAT Council receive the minutes of the January 18, 2016 Committee of the Whole as presented.

**CARRIED UNANIMOUSLY**

4.2 Minutes of the January 18, 2016 Public Hearing

50/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the January 18, 2016 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

4.3 Minutes of the January 18, 2016 Regular Council Meeting

51/2016

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the January 18, 2016 Regular Council Meeting as presented.

**CARRIED UNANIMOUSLY**

**5. Presentations**

5.1 Introduction of new City staff

Mayor Jakubeit introduced and welcomed Fire Chief Larry Watkinson and Bregje Kozak, Manager of Facilities to the City of Penticton.

**6. Delegations**

6.1 Okanagan Similkameen Healthy Living Coalition – Angelique Wood and Julie Steffler

Angelique Wood and Julie Steffler, Okanagan Similkameen Healthy Living Coalition, provided Council with an update on Healthy Living Initiatives.

6.2 Lacrosse

Miranda Halliday, parent of two lacrosse players, and Chris Danby, President of Lacrosse, explained that Lacrosse is a volunteer program with 178 local kids. Requested to speak to Council because of the diminished access to City facilities. Suggested that the City provide access to Memorial Arena from Mid-March to Mid-July. Penticton Lacrosse is willing to continue to compliment the access in Penticton with the Summerland Arena in order to meet the needs of all local kids. Would like to see a coordinated approach for using and booking all recreation facilities in Penticton.

**7. Community Partner Delegations**

7.1 Regional District of Okanagan Similkameen  
Re: Financial Plan

Sandy Croteau, Finance Manager for the Regional District of Okanagan Similkameen, provided Council with an overview of the RDOS Financial Plan and the impact on the City of Penticton.

7.2 Spectra – Penticton Trade and Convention Centre

Laura Hunt and Paul O'Beirn, Spectra – Penticton Trade and Convention Centre, requested Council support an application to host the Federation of Canadian Municipalities (FCM) Board of Directors meeting in March or September 2018.

52/2016

**It was MOVED and SECONDED**

THAT Council support the bid application to host the Federation of Canadian Municipalities (FCM) Board of Directors meeting in 2018 and commit participatory and financial resources.

**CARRIED UNANIMOUSLY**

**8. Reconsideration of Bylaws and Permits**

8.1 Zoning Amendment Bylaw No. 2016-03

Re: 451 Churchill Avenue

53/2016

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2016-03".

**CARRIED UNANIMOUSLY**

8.2 Blasting Control Bylaw No. 2016-01

54/2016

**It was MOVED and SECONDED**

THAT Council adopt "Blasting Control Bylaw No. 2016-01".

**CARRIED UNANIMOUSLY**

**9. Staff Reports**

The agenda was altered to address item 9.5 Dry Floor Space in Penticton.

9.5 Dry Floor in Penticton

55/2016

**It was MOVED and SECONDED**

THAT Council receive the Dry Floor Space in Penticton report dated February 1, 2016 as information; AND THAT Council direct Spectra staff to provide dry floor in Memorial Arena at a minimum for same amount of time as was provided in 2015 (mid-April to the end of June) and recommend that Spring ice user groups utilize ice at McLaren Arena.

**CARRIED**

**Mayor Jakubeit, Opposed**

9.1 Development Variance Permit PL007582

Re: 619 Burns Street

Delegations/Submissions: Cory Parsons, Evergreen Drive, spoke on behalf of the developer, clarified that they are only moving the staircase into the setback.

56/2016

**It was MOVED and SECONDED**

THAT Council approve Development Variance Permit PL007582 for Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, a permit to decrease the minimum side yard setback from 1.5m to 0.6m, allowing a staircase to project into this yard and facilitating the construction of a front-to-back duplex; AND THAT staff be directed to issue Development Variance Permit PL007582.

**CARRIED UNANIMOUSLY**

9.2 Development Variance Permit PL007570  
Re: 292 South Beach Drive

Delegations/Submissions: nil

57/2016

**It was MOVED and SECONDED**

THAT Council approve Development Variance Permit PL007570 for Lot A, District Lot 189, Similkameen Division Yale District, Plan EPP54210, located at 292 South Beach Drive, a permit to allow a carriage house to be located in front of the principal dwelling, decrease the minimum front yard setback from 6.0m to 4.5m, and increase the maximum height from 7.0m to 7.5m to allow for the construction of a carriage house on the subject property; AND THAT staff be directed to issue "Development Variance Permit PL007570".

**CARRIED**  
**Councillor Sentes, Opposed**

9.3 2016 Vending

58/2016

**It was MOVED and SECONDED**

THAT Council directs staff to implement the following changes to the Vending Program:

1. Reduce the number of Beach Vending locations to 25 as shown in Attachment "A" and "B".
2. Implement 2016 Beach Vending rates for 2016 as shown in Attachment "C" which have been increased for CPI and include a tiered pricing structure.
3. Move some of the Vendors near the Beach from the beach to the concrete plaza.
4. Add 6 new Mobile Food Truck Vending locations and a "Mobile Vendor Hub" between Martin and Main St. is created.
5. Implement 2016 Street Vending rates as shown in Table 1 which have been adjusted to reflect CPI.
6. Amend the Fees and Charges Bylaw to reflect all rate changes.

**CARRIED UNANIMOUSLY**

9.4 Irrigation, Sewer and Water Amendment Bylaw No. 2016-05

59/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to Irrigation, Sewer and Water Amendment Bylaw No. 2016-05, a bylaw to include the addition of properties that have requested sanitary sewer services.

**CARRIED UNANIMOUSLY**

9.6 Zoning Amendment Bylaw No. 2016-06  
Re: 166 & 172 Cambie Place

60/2016

**It was MOVED and SECONDED**

THAT Zoning Amendment Bylaw No. 2016-06, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3 and Lot 4, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 and 172 Cambie Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing), be given first reading and be forwarded to the February 15, 2016 Public Hearing;

AND THAT delegations and submissions be heard for Development Variance Permit PL2015-0769 for Lot 3, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 Cambie Place, a permit to reduce the minimum rear yard setback from 6m to 4.8m during the February 15, 2016 Public Hearing.

**CARRIED UNANIMOUSLY**

9.7 New Building Canada Fund – Small Communities

61/2016

**It was MOVED and SECONDED**

THAT Council rescind Council Resolution 13/2016, (Attachment "A") supporting an application to the Building Canada – Small Communities Grant program for a project to install agricultural water meters and replace it with the following resolution;

THAT Council support an application to the Building Canada – Small Communities Grant program for a project to install water meters to meter agricultural water users, valued at \$1,400,000;

AND THAT the agricultural water meter project be included in the 2016 Capital Budget funded with \$933,333 in grant funding and \$466,667 in Water Reserve funds or borrowed funds;

AND FURTHER THAT the Mayor and Corporate Officer be authorized to sign any grant related documents as required.

**CARRIED UNANIMOUSLY**

9.8 2016-2020 Financial Plan and the Fee and Charges and MTI Amendment Bylaws

62/2016

**It was MOVED and SECONDED**

THAT Council receive the 2016-2020 Financial Plan report dated February 1, 2016 for information and direct the preparation of the 2016-2020 Financial Plan with a 5.5% tax increase for 2016;

AND THAT Council review any capital projects in the Capital Plan presented to Council November 30, 2015 and advise staff of any project changes to the 2016-2020 Financial Plan.

**CARRIED**

**Councillor Konanz, Opposed**

63/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2016-02".

AND THAT Council give first, second and third reading to "MTI Amendment Bylaw No. 2016-04".

**CARRIED UNANIMOUSLY**

9.9 SILGA Resolutions

64/2016

**It was MOVED and SECONDED**

THAT Council endorse the following resolutions for submission to SILGA:

#### Fire Wage Arbitration

1. WHEREAS recent firefighter wage arbitrations have awarded wage parity with lower mainland municipalities regardless of local circumstances of the subject municipality; AND WHEREAS the Fire and Police Services Collective Bargaining Act requires an arbitrator to have regard for the need to maintain internal consistency and equity amongst employees and the terms and conditions of employment for other groups of employees who are employed by the employer; NOW THEREFORE BE IT RESOLVED that UBCM advocates to the Minister of Jobs, Tourism, and Skills Training to exercise its statutory authority to specify that arbitrators are to give consideration to local conditions.

#### DNA Analysis Costs

2. WHEREAS the costs of DNA analysis services are steadily increasing; AND WHEREAS the Province of BC has announced it will only contribute 1.36 million per annum, regardless of the actual costs; NOW THEREFORE BE IT RESOLVED that UBCM advocate on behalf of all local governments for the Province of British Columbia to index their contribution to the rising costs of DNA analysis services.

#### Vacant Land Taxation

3. WHEREAS vacant lands detract from the vibrancy of communities; AND WHEREAS vacant lands contribute less property tax and utility billing revenues, no employment or other value to their community; NOW THEREFORE BE IT RESOLVED that the UBCM advocate on behalf of all local governments for an amendment to the Prescribed Classes of Property Regulation 438/81 to include prescribed classes for vacant land and vacant contaminated land that allows for a higher tax rate and / or flat taxes.

**CARRIED UNANIMOUSLY**

### **10. Correspondence**

- 10.1 Okanagan Nation Alliance  
Re: Okanagan Basin Water Board Grant Application

65/2016

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

THAT Council send a letter of support to the Okanagan Nation Alliance (ONA) endorsing their proposal to the Okanagan Basin Water Board (OBWB) regarding water flow monitoring based on Eurasian Milfoil in the Okanagan River Channel.

**CARRIED UNANIMOUSLY**

### **11. Committee and Board Reports**

- 11.1 Arts, Creative & Culture Innovations Committee meeting of January 14, 2016

66/2016

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

THAT Council receive the minutes of the Arts, Creative and Culture Innovations Committee meeting of January 14, 2016.

**CARRIED UNANIMOUSLY**

11.2 Parks & Recreation Master Plan Steering Committee meeting of January 19, 2016

67/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee meeting of January 19, 2016.

**CARRIED UNANIMOUSLY**

68/2016

**It was MOVED and SECONDED**

THAT Council acknowledge the resolution made by the Parks and Recreation Master Plan Committee to support the Request for Proposal as presented to the committee with the addition of clauses to include a date requesting proponents to contact the City if the schedule timeline is too restrictive, notification that shortlisted proponents will be interviewed by the committee and include an introduction to the Request for Proposal outlining the need for a geographical analysis of greenspace, best practices and gaps.

**CARRIED UNANIMOUSLY**

11.3 Heritage & Museum Committee meeting of January 21, 2016

69/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Heritage & Museum Committee meeting of January 21, 2016.

**CARRIED UNANIMOUSLY**

11.4 Tourism Development Task Force meeting of January 21, 2016

70/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Tourism Development Task Force meeting of January 21, 2016.

**CARRIED UNANIMOUSLY**

11.5 Waterfront Revitalization Sub-Committee meeting of January 26, 2016

71/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Waterfront Revitalization Sub-Committee meeting of January 26, 2016.

**CARRIED UNANIMOUSLY**

72/2016

**It was MOVED and SECONDED**

THAT Council approves finalizing the detail design for the first phase of the SS Sicamous Project including the following design elements:

- Use of a timber board walk for the Jetty Walkway surface;
- Place the utilidor under the Jetty Walkway;
- Place benches on the Jetty;
- Place a railing on the west side of the Jetty;
- Design the end of the Jetty to support future development initiatives;
- Use of stamped concrete with a wood boardwalk pattern for the internal walkways;
- Use of a heritage theme for lighting and street furniture.

**CARRIED UNANIMOUSLY**

12. Notice of Motion
13. Other Business
14. RDOS Update
15. Business Arising from In-Camera
16. Media and Public Question Period
17. Adjournment

73/2016

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Monday, February 1, 2016 at 10:01 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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Andrew Jakubeit  
Mayor

# Minutes

penticton.ca

## **Special Meeting of Council** held in City of Penticton, Council Chambers 171 Main Street, Penticton, B.C.

**Tuesday, February 9, 2016**  
**at 10:00 a.m.**

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

**Staff:** Mitch Moroziuk, Acting Chief Administrative Officer  
Colin Fisher, Chief Financial Officer  
Dana Schmidt, Corporate Officer  
Lori Mullin, Recreation and Culture Manager  
Jules Hall, Director of Development Services  
Angie Collison, Deputy Corporate Officer

### **1. Call to Order**

Mayor Jakubeit called the Special Meeting of Council to order at 10:00 a.m.

### **2. Adoption of Agenda**

74/2016

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

THAT Council adopt the agenda for the February 9, 2016 Special Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

### **3. Staff Reports:**

#### **3.1 Downtown Revitalization Sub-Committee Meeting of February 5, 2016**

75/2016

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

THAT Council receive the minutes of the Downtown Revitalization Sub-Committee Meeting of February 5, 2016

**CARRIED UNANIMOUSLY**

### 3.2 2016 Main Street Budget

76/2016

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

THAT Council proceed with the 100 and 200 block of Main Street Project;

AND THAT Council amend the 2016 Draft Capital Budget to:

- Remove the \$2,421,333 in Grant Funds from the Main Street Project;
- Delete the LED Light Canopy from the Main Street Project and reallocate the \$394,000 budget to partially fund the loss of the grant;
- Include the use of 2015 Carry Forward Funds in the amount of \$146,000 in the Main Street Project;
- Include Gas Tax Funds in the amount of \$1,300,000 for the Main Street Project;

AND THAT Council authorize the use of inter fund reserve borrowing in the amount of \$875,000 to bridge the gap between 2016 construction expenses and the passage of the 2017 Budget;

AND THAT Council commit sufficient funds for the repayment of the borrowing from a combination of 2016 Carry Forward funds and/or 2017 Gas Tax funds and/or 2017 General Capital funds;

AND FURTHER THAT Council authorize staff to proceed to tender the 100 and 200 Block of Main Street project as one project with the 200 block being constructed in the spring of 2016 and the 100 block being constructed in the fall of 2016.

**CARRIED**  
**Councillor Konanz, Opposed**

#### **4. Media and Public Question Period**

#### **5. Adjournment**

77/2016

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

THAT the Special Council meeting adjourn at 11:02 a.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* sections 90 (1) as follows:

- 2(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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Andrew Jakubeit  
Mayor

## Request to Appear as a Delegation

Preferred Council Meeting Date:

Second choice(s): Canada Day Event update

Subject matter: \_\_\_\_\_

Name of person(s) making presentation:

Kerni Milton

Address: #209-212 Main St  
Penticton

Phone:

Email:

Please provide details of your presentation:

|                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Update Council on the July 1 <sup>st</sup> + 2 <sup>nd</sup> weekend;<br>many activities underway including an exciting new<br>event that will need Council's endorsement in order<br>to move it forward. |
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Please note:

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

**Corporate Office**

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

Phone: 250-490-2405

Fax: 250-490-2402

[dana.schmidt@penticton.ca](mailto:dana.schmidt@penticton.ca)



## Request to Appear as a Delegation

Preferred Council Meeting Date: February 15<sup>th</sup>, 2016

Second choice(s): March 7<sup>th</sup>, 2016

Subject matter: Local Immigration Partnership

Name of person(s) making presentation:

Nora Hunt-Haft (LIP Project Coordinator) & Jean Makosz (SOICS Board Chair)

Address: SOICS

Phone:

508 Main Street, Penticton

Email:

Please provide details of your presentation:

|                                                                               |
|-------------------------------------------------------------------------------|
| The Local Immigration Partnership Council is a collaboration of 50 community  |
| leaders from across the region with a shared goal to blend the aspirations of |
| newcomers with the aspirations of our region. LIP Working Groups have         |
| formulated action plans to address key conditions for change. We would        |
| appreciate the opportunity to share some of our results with Penticton City   |
| Council, including updates on relevant research and program development.      |
|                                                                               |
|                                                                               |

### Please note:

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

### Corporate Office

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

Phone: 250-490-2405

Fax: 250-490-2402

[dana.schmidt@penticton.ca](mailto:dana.schmidt@penticton.ca)

## Responsible Liquor Alliance

*“wine in grocery ~ impacts &  
uncertainties to Penticton  
area wineries & public  
health”*

February 15, 2016

Penticton City Council

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# Who is the *Responsible Liquor Alliance*?

“a coalition of Penticton area winery owners advocating for small business health in a post BC Liquor Review market with pending trade challenges and potential negative consequences”

Winery owner spokespersons ~ Rob Ingram, Kim Pullen

## Local winery owners in the *Responsible Liquor Alliance*

1. Bench 1775 Winery
2. Church & State Winery
3. Elephant Island Winery
4. Fairview Cellars
5. Howling Bluff Winery
6. Intersection Winery
7. Kanazawa Winery
8. Lang Vineyards
9. Lock & Worth Winery
10. Nichol Vineyards
11. Noble Ridge Winery
12. Painted Rock Winery
13. Perseus Winery
14. Quidini Winery
15. Ruby Blues Winery
16. The Hatch Winery
17. Tightrope Winery
18. Upper Bench Winery
19. Van Westen Winery

## Small & medium sized wineries & the BC Liquor Review

- Rob Ingram, owner: TerraBella Wines (Perseus & The Hatch Winery),
  - 5 healthy retail sales channels to possibly two
    - We need a strong private and public liquor retail system in the event small and medium sized wineries are shut out of food stores down the road.
  - Currently, BC's three largest wineries have 87% market share in what is called BC wine.
  - Private liquor stores have been critical to the successful launch of many new BC wineries and craft breweries.
    - they are often a new winery's first retail customer
    - they are frequently our largest customer
- While popular with consumer's "wine in grocery" requires more research before implementation due to potential unintended consequences
  - for example, NAFTA & GATT trade challenges could result in a small number of international and domestic wineries having a dominating presence in grocery (as has happened in other jurisdictions)
  - see Appendix A & B & <http://winedrops.ca/blog/?p=83>

## Small & medium sized wineries & the BC Liquor Review

- Kim Pullen, owner: Church & State Winery
  - Private liquor stores may be our only sales channel who can “relationship sell” vs. “shelf sell” in grocery
  - Negative unintended consequence of BC Liquor Review
    - BC Liquor Review in post trade challenge environment may result in small to medium sized wineries losing their unique ability to “sell directly” to retailers
    - Grocery dominates the market when wine is sold in grocery
      - the entire Australian wine industry is controlled by two grocers.
      - 23 of top 25 wines sold in US grocers are not small to medium sized wineries (e.g. Gallo Wine owns 10 of top 23 wines in US grocers)
    - See:  
<http://time.com/money/4199609/beers-wine-supermarket-kroger>
  - Hospitality channel changes ~ LDB policy effective Feb 1, 2016 allows wineries to negotiate directly on pricing with restaurants, hotels and pubs which gives an unfair competitive advantage to large wineries to gain listings on wine lists. “

## BC's municipalities taking local action in response BC liquor review changes

- In the last 12 months the *eight BC municipalities* below have changed or are in the process of changing zoning bylaws to implement a 1km liquor retail separation rule (VQA, public and private liquor stores) or liquor specific zoning rules for all liquor retail (VQA, private and public liquor stores) which would require public hearings:
  - Coquitlam, Kamloops, Nanaimo, North Vancouver, Pitt Meadows, Richmond, Vancouver
- The eight municipalities have listed the below reasons for making liquor retail zoning changes:
  - Level planning field for existing small businesses
  - Medium and long term health of BC's small to medium sized wineries
  - Secure municipal land control over exactly what controlled substances are sold on which municipal properties
  - Feedback from public health officials

# Our recommendations

1. Implement 1 km separation rule for all liquor retailers in Penticton immediately.
2. Council direct staff to amend the Zoning Bylaw to include the sales of VQA wines in grocery stores.

# Thank you for your time

- Winery owner spokespersons:  
Rob Ingram & Kim Pullen

## Appendix A



March 12, 2015

The Honourable Christy Clark, Premier  
Government of British Columbia  
Victoria, British Columbia, Canada

Subject: Grocery sales of 100% British Columbia wines

Dear Premier Clark:

We are writing to follow up on our letter to you of January 21, 2015. Wine Institute has since met with the B.C. Ministry of International Trade, private counsel, B.C. wineries and retailers, importers, agents and other stakeholders to learn the details and impacts of the government's wine in grocery store initiative. While your efforts to modernize retail distribution channels and promote the sale of B.C. wines are highly commendable, the initiative as currently outlined remains problematic for California wineries.

Our primary concern is the plan to relocate or move any existing or new VQA licenses to a shelf within grocery stores. Wine Institute believes that the Government's desire to promote B.C. wines can reasonably be achieved by modifying the initiative so that all wines, both local and imported, can equally access grocery store shelves. Although there are a number of other preferential benefits received by B.C. wineries that are concerning, our primary focus is on equal access.

For these reasons, we request that prior to April 1, the plan be modified to ensure equal access for imported wines on grocery store shelves and that VQA licenses not be relocated to grocery stores.

Thank you very much for your consideration for this request. We look forward to working with you in the coming days on this important matter.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Koch".

Robert P. Koch  
President and CEO

cc: Hon. Suzanne Anton MLA, Minister of Justice  
Hon. Teresa Wat MLA, Minister of International Trade  
Hon. Rich Coleman MLA, Deputy Premier and Minister of Energy  
Hon. John Yap MLA, Parliamentary Secretary to the Minister of Justice  
Hon. Ed Fast, Minister of International Trade, Government of Canada

601 13th St., NW, Suite 330 South, Washington, D.C. 20005 • (202) 408-0870

## Appendix B



## Appendix B

remain in line with international trade commitments.

I respectfully urge you to implement, and possibly amend, the current initiatives to allow for equal treatment of imported liquor products.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Marie-Anne Coninx', written over a light blue horizontal line.

Marie-Anne Coninx

Cc: The Honorable Mr. Ed Fast, Minister for International Trade  
Mr. Jay Allen, Acting Director Technical Barriers and Regulations, DFATD  
Mr. Douglas Scott, Assistant Deputy Minister, Ministry of Justice, BC



February 1, 2016

Attention: Penticton Mayor and Councillors

I wanted to reach out to you personally before my concerns about the serious economic threats to our small and medium sized winery sector become more public.

The stakeholders of the Responsible Liquor Alliance (RLA) are reasonable and responsible and not alarmist. They are intelligent small business people that have valid claims about their livelihood being extinguished over time.

The winery members of the Responsible Liquor Alliance have made significant investments (approximately \$1 million to \$25 million per winery) and want to protect those interests by ensuring multiple healthy retail sales channels exist for their products. I believe you would take the same public action if your business or investment was threatened like ours are. Private liquor stores, in addition to the great work they have done in establishing our brands, are our most secure long-term channel. Our business will depend on their financial strength.

Our BC government has long supported the interests of the local winery sector (e.g. setting up guaranteed access to markets with VQA stores) and the private liquor stores (e.g. limit on licenses and a 1 km separation rule) but the BC Liquor Review has created unintended negative consequences that threaten wineries and private liquor stores.

The unintended major negative consequences are the imminent trade challenges from international wine producers (see: <http://winedrops.ca/blog/?p=83>) and a loophole that allows VQA stores to locate within 1 km of another liquor retailer.

The BC Liquor Review introduced two new liquor retail models. The first being a full liquor store "within a grocery store" that must abide by a 1 km separation rule and the second being a "VQA wine on grocery shelf" model that does not have to abide by a 1 km separation rule.

The VQA licenses are actually owned by the BC Wine Institute and grocery or smaller VQA retail operators have 3<sup>rd</sup> party operating agreements with the BC Wine Institute. The move of these VQA operating agreements to within grocery stores has endangered

their grandfathered status under free trade agreements dating back to 1988. As a result foreign wine producers are threatening a NAFTA and GATT trade challenge.

Expert legal opinion from Canada's top international trade law firm (Fasken Martineau's Ottawa office) has indicated that the BC government will lose a trade challenge from international wine companies and as a result international wines will eventually be sold on grocery shelves as well.

Private liquor stores and local wineries support Save On and grocers ability to sell wine if they have to operate with the same 1 km separation rule as the rest of the private liquor stores in B.C. Wineries need the private liquor store sector to remain strong and vibrant.

Due to the unintended negative consequences of changes to liquor policy the five retail sales channels of wineries will be significantly reduced.

Please see below the 5 present retail sales channels for BC wineries and notes how each one will be affected if wine enters grocery.

1. *On site winery* (in house online and wine clubs) – sales will decline, more wine retailers will result in more competition and less incentive to buy directly from the manufactures as retailers have more flexibility to “mix & match” multiple wine brands
2. *Licensees* (pubs, hotels, restaurants) – changes in legislation have weakened the ability of government to limit incentives that the largest wineries use to incent *licensees* to list their products on their wine lists
3. *Private liquor stores* – their market share will drop and if their sales drop 10%-20% their profits will be eliminated (as they have considerable fixed building and other costs). Many of the 671 private stores will close or be sold at reduced prices which will enable grocers to expand full liquor stores (e.g. store within store) which will sell international & domestic wine, beer and spirits.
4. *Government liquor stores* – these are high cost retail operators that offer a lower margin retail channel to wineries, thus small and medium wineries businesses do normally not list in government liquor stores
5. *VQA stores* – these will be gone over time and there may be as few as 4 left out of the original 21 as they move into grocery stores (hopefully 1 km away from other liquor retailers)

The grocery business is very competitive and operators have razor thin margins.

Although they have expressed strong verbal support for BC wineries, Save On Foods has offered no long-term written assurances that small to medium sized wineries will have access to their shelves when a trade challenge is lost and they have to decide between BC's smaller wineries or lower cost international wines. When other grocers potential

begin selling wine and possibly focus on low cost international wine then Save On will likely change their retail wine practices to compete with their grocery colleagues.

Large grocers require their suppliers to pay ten's to hundreds of thousands of dollars in listing fees to gain access to their shelves. The largest food and pharmaceutical suppliers pay these listing fees to grocer stores. Why would we be any different with wine suppliers in BC? This recent story demonstrates what could happen to wineries in the uncertain new environment we could enter. <http://time.com/money/4199609/beers-wine-supermarket-kroger/>

What we do know is that all countries that have allowed wine on grocery shelves have seen sales at grocery stores consolidated to 2 or 3 large wineries supplying virtually all the wine. Why would we be any different? Thus, we need a strong and healthy private liquor store channel to ensure small and medium sized wineries have access to retail shelves when grocers eliminate small wineries in post trade challenge environment.

Please consider that many tourists love Penticton for the diversity of its winery sector (new, small and medium sized). We need you to protect our wine making sector and the diversity of retail sales options that currently exist for us.

Preferential liquor licensing treatment (no 1 km rule) for BC's biggest grocery retailers will trigger a trade challenge and give them dominate share market share for wine. As a result, the current diversity of sales channels that exist for BC start up, small and medium sized wineries to get their products to consumers will dry up over time.

We ask for additional time for our wine manufacturing industry to understand the long-term implications of wine on grocery shelves. We ask you that ensure that VQA wine licenses in grocery stores abide by a 1-kilometre separation rule.

We support Save On but please allow us time to negotiate properly and consider the risk of a trade challenge.

Private liquor stores have been and continue to be great supporters of BC wine (e.g. 70 private liquor stores are currently dedicating a special section to BC wine) and we need them to be a long-term healthy retail channel for BC wineries.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rob Ingram', is positioned above the typed name.

Rob Ingram  
President and CEO  
Terrabella Wineries Ltd.

**Bylaw No. 2016-02***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 Municipal 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. 2016-02".

2. **Amendment:**

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

- Appendix 3 – Arena Rates (McLaren)
- Appendix 4 – Building Department Fees
- Appendix 5 – Business Licence Fees
- Appendix 6 – Cemetery
- Appendix 8 – Equipment Rates
- Appendix 9 – Fire Department
- Appendix 10 – Fitness Room
- Appendix 16 – Meeting Rooms/Activity Spaces
- Appendix 17 – Museum
- Appendix 18 - Parking
- Appendix 19 – Parks & Sports Fields
- Appendix 20 – Planning and Development
- Appendix 21 – Pool/Aquatics
- Appendix 22 – Public Works
- Appendix 24 – Recreation – Miscellaneous
- Appendix 26 - Theatre

2.2 Unless noted, all applicable taxes will be applied at time of sale/invoicing.

2.3 Appendices 3, 4, 5, 6, 8, 9, 10, 16, 17, 18, 19, 20, 21, 22, 24, 26 attached hereto forms part of this bylaw.

READ A FIRST time this                      1    day of                      February, 2016

READ A SECOND time this                      1    day of                      February, 2016

READ A THIRD time this                      1    day of                      February, 2016

ADOPTED this                                      day of                                      , 2016

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

## Appendix 3

| <b>Arena Rates (McLaren)</b> | <b>Effective April 1, 2015</b> | <b>Effective April 1, 2016</b> |
|------------------------------|--------------------------------|--------------------------------|
|------------------------------|--------------------------------|--------------------------------|

### Ice in

#### Non Profit/Local/Regular

|                                 |          |          |
|---------------------------------|----------|----------|
| Child/Youth                     | \$80.70  | \$82.31  |
| Adult                           | \$152.45 | \$155.50 |
| Non School District 67 Schools* | \$40.35  | \$41.16  |

#### Non Profit/Local/Non-Regular

|                                 |          |          |
|---------------------------------|----------|----------|
| Child/Youth                     | \$90.15  | \$91.95  |
| Adult                           | \$152.45 | \$155.50 |
| Non School District 67 Schools* | \$45.08  | \$45.98  |

|                  |          |          |
|------------------|----------|----------|
| Local Private    | \$152.45 | \$155.50 |
| Local Commercial | \$184.56 | \$188.25 |
| Non Resident     | \$154.04 | \$157.12 |

### Ice Out (Dry Floor)

#### Non Profit/Local Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$33.89 | \$34.57 |
| Adult                           | \$50.80 | \$51.82 |
| Non School District 67 Schools* | \$16.95 | \$17.28 |

#### Non Profit/Local/Non-Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$33.89 | \$34.57 |
| Adult                           | \$50.80 | \$51.82 |
| Non School District 67 Schools* | \$16.95 | \$17.28 |

| <b>Appendix 3</b>            |                                |                                |
|------------------------------|--------------------------------|--------------------------------|
| <b>Arena Rates (McLaren)</b> | <b>Effective April 1, 2015</b> | <b>Effective April 1, 2016</b> |
| Local Private                | \$50.80                        | \$51.82                        |
| Local Commercial             | \$131.66                       | \$134.29                       |
| Non Resident                 | \$53.30                        | \$54.37                        |

## **Admission Rates - Public Skating**

### **Single Admission**

|                           |         |         |
|---------------------------|---------|---------|
| Preschool                 | \$1.19  | \$1.19  |
| Child                     | \$2.14  | \$2.14  |
| Youth                     | \$3.10  | \$3.10  |
| Adult                     | \$4.05  | \$4.05  |
| Senior                    | \$3.10  | \$3.10  |
| Super Senior              | \$2.14  | \$2.14  |
| Family                    | \$10.48 | \$10.48 |
| Adult Noon hour skate     | \$2.14  | \$2.14  |
| Parent & Tot -Adult       | \$2.14  | \$2.14  |
| Parent & Tot -preschooler | \$1.19  | \$1.19  |
| Skate Rentals             | \$3.10  | \$3.10  |
| Skate Rentals preschooler | \$2.14  | \$2.14  |
| Skate rentals - school    | \$2.14  | \$2.14  |

### **10 Tickets**

|           |         |         |
|-----------|---------|---------|
| Preschool | \$10.48 | \$10.48 |
| Child     | \$19.05 | \$19.05 |
| Youth     | \$27.62 | \$27.62 |
| Adult     | \$36.19 | \$36.19 |

| <b>Appendix 3</b>            |                                |                                |
|------------------------------|--------------------------------|--------------------------------|
| <b>Arena Rates (McLaren)</b> | <b>Effective April 1, 2015</b> | <b>Effective April 1, 2016</b> |
| Senior                       | \$27.62                        | \$27.62                        |
| Super Senior                 | \$19.05                        | \$19.05                        |
| Family                       | \$94.29                        | \$94.29                        |
| Adult Noon hour skate        | \$19.05                        | \$19.05                        |
| Parent & Tot -Adult          | \$19.05                        | \$19.05                        |
| Parent & Tot -preschooler    | \$10.48                        | \$10.48                        |

### **Community Centre/McLaren Arena Meeting Room**

#### **Non Profit/Local/ Regular**

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$11.10 | \$11.32 |
| Adult                           | \$11.10 | \$11.32 |
| Non School District 67 Schools* | \$8.33  | \$8.49  |

#### **Non Profit/Local/ Non-Regular**

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$11.10 | \$11.32 |
| Adult                           | \$14.04 | \$14.32 |
| Non School District 67 Schools* | \$8.33  | \$8.49  |

|                  |         |         |
|------------------|---------|---------|
| Local Private    | \$14.04 | \$14.32 |
| Local Commercial | \$24.57 | \$25.06 |
| Non-Resident     | \$35.10 | \$35.80 |

Non School District 67 Schools\* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands. The Non School District 67 Schools rates are applicable during school hours.

## Appendix 4

| BUILDING DEPARTMENT FEES | 2015 | 2016 |
|--------------------------|------|------|
|--------------------------|------|------|

### Building Application Fees

|                                                                                                                           |                                                      |                                                      |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|
| A non-refundable deposit is required at time of building permit application (credited towards end of Building Permit Fee) | \$130.00                                             | \$150.00                                             |
| \$1.00 - \$25,000 (Flat Fee)                                                                                              | \$130.00                                             | \$150.00                                             |
| \$25,000.01 - \$500,000                                                                                                   | \$130.00 + \$12.00 per \$1,000 of Construction Value | \$150.00 + \$12.00 per \$1,000 of Construction Value |
| \$500,001 and above                                                                                                       | \$5,830 + \$10.00 per \$1,000 of Construction Value  | \$5,850 + \$10.00 per \$1,000 of Construction Value  |

### Plumbing Fees

|                                                                                |          |          |
|--------------------------------------------------------------------------------|----------|----------|
| Minimum application (up to 10 Fixtures)                                        | \$65.00  | \$75.00  |
| Per Fixture thereafter                                                         | \$8.00   | \$10.00  |
| For Alteration to an existing system where there are no fixture count changes  | \$100.00 | \$100.00 |
| Per Fixture for connection for existing plumbing fixtures to City Sewer System | \$100.00 | \$100.00 |
| Per Fixture for connection for existing plumbing fixtures to City Water System | \$100.00 | \$100.00 |

### Sprinkler Permits (Plumbing)

|                                                                   |          |          |
|-------------------------------------------------------------------|----------|----------|
| For first ten (10) sprinkler heads                                | \$130.00 | \$150.00 |
| For each additional sprinkler head                                | \$2.00   | \$2.00   |
| For each Siamese connection, standpipe, hose cabinet, hose outlet | \$20.00  | \$20.00  |

### Mechanical Permits (Building)

|                                                                                           |          |          |
|-------------------------------------------------------------------------------------------|----------|----------|
| New or Replacement of Mechanical System in a Single or Two Family Dwelling                | \$130.00 | \$75.00  |
| New installation or replacement of a spray booth or commercial cooking ventilation system | \$130.00 | \$250.00 |

### Demolition Fees

|                                                                                                                                          |          |          |
|------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| Removal of Building(s) on a property                                                                                                     | \$130.00 | \$150.00 |
| Security Deposit - refunded upon completion of works and confirmation of hazardous material assessment and appropriate disposal of waste | \$500.00 | \$500.00 |

### Locating/Relocating a Building or Structure

|                                                                                         |                                                   |                                                   |
|-----------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|
| Minimum Fee for relocating/placement of mobile home or accessory structure, plus        | \$250.00                                          | \$250.00                                          |
| Minimum Fee for relocating/placement of an existing building or manufactured home, plus | \$250.00                                          | \$1,000.00                                        |
| Additional Building Permit Fee for new work on site for foundations, cribbing, etc.     | Calculated as per building application fees above | Calculated as per building application fees above |

| Appendix 4               |      |      |
|--------------------------|------|------|
| BUILDING DEPARTMENT FEES | 2015 | 2016 |

#### Permit Reductions and Additional Charges

##### Reductions

|                                                                            |                                                                                                                                                    |                                                                                                                                                           |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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) | 5% for Registered Coordinating Professional 5% per Registered Professional discipline up to a maximum of <b>15%</b> (including RPC if used as well as RP) |
| 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                    | 5% for every Registered Professional Discipline up to 10% maximum <del>5% for HPO Registered Builders for Single Family Construction</del>                |
| Plumbing Permit Homeowner Surcharge                                        | \$50 or 25% (whichever is greater) surcharge for Single Family new construction and renovation projects completed by home owners                   | \$50 or 25% (whichever is greater) surcharge for Single Family new construction and renovation projects completed by home owners                          |

##### Additional Fees

|                                                                                                                                                                                                                                |                                                                                                                                                                |                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                                  | <b>\$150.00</b> for first hour and <b>\$75.00</b> for every subsequent hour                                                                                           |
| 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. | <b>\$150.00</b> where more than two inspections have been called for. Fee must be paid in full prior to any additional inspections or completion certificate granted. |
| Alternative Building Code Solutions Review                                                                                                                                                                                     | \$130.00 per alternate solution or substantial revision to approved alternate solution                                                                         | <b>\$200.00</b> per alternate solution or substantial revision to approved alternate solution                                                                         |
| After hours inspections (minimum one hour)                                                                                                                                                                                     | \$130.00 for first hour and \$65.00 for every subsequent hour                                                                                                  | <b>\$150.00</b> for first hour and <b>\$75.00</b> for every subsequent hour                                                                                           |
| Preliminary Application Reviews - For Stratifications and potential change of use inquiries, file searches and / or site inspections prior to permit applications.                                                             |                                                                                                                                                                | \$250.00                                                                                                                                                              |
| Earthworks                                                                                                                                                                                                                     | \$250.00                                                                                                                                                       | \$250.00                                                                                                                                                              |
| Blasting Permit                                                                                                                                                                                                                |                                                                                                                                                                | \$250.00                                                                                                                                                              |

##### Other Miscellaneous Building Permit Fees

|                                                                           |                     |          |
|---------------------------------------------------------------------------|---------------------|----------|
| Permit to install a fireplace/stove or chimney                            | \$130.00            | \$150.00 |
| Swimming Pool Permit (Private)                                            | \$130.00            | \$150.00 |
| <del>Re-Roofing Permit (Other than single and two family buildings)</del> | <del>\$130.00</del> |          |

## Appendix 4

| <b>BUILDING DEPARTMENT FEES</b>                                                 | <b>2015</b>                                                  | <b>2016</b>                                                         |
|---------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------|
| Foundation Permit - Additional Application to above grade Building Permit, plus | \$130.00                                                     | \$150.00                                                            |
| Additonal Fee shall be charged based on the estimated cost of construction      | Calculated as per Section 1                                  | Calculated as per Section 1                                         |
| Secondary Suite                                                                 | \$500.00                                                     | \$300.00                                                            |
| Crane Permits                                                                   | \$130.00                                                     | \$150.00                                                            |
| Change of Use or Occupancy when a Building Permit is not required               | \$130.00                                                     | \$150.00                                                            |
| Permit Extension Fee - when existing Building Permit has expired                | \$130 or 10% of original permit fee(s), whichever is greater | <b>\$150</b> or 10% of original permit fee(s), whichever is greater |
| Permit Transfer Fee                                                             | \$130.00                                                     | \$150.00                                                            |

### 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:

|                                                    |                                                                |                                                                               |
|----------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------|
| For Single Family, Duplex and smaller developments | \$440.00 plus \$100.00 for each Alternative Solution requested | <b>\$500.00</b> plus <b>\$200.00</b> for each Alternative Solution requested  |
| For all other larger developments                  | \$690.00 plus \$100.00 for each Alternative Solution Requested | <b>\$1000.00</b> plus <b>\$200.00</b> 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:

|                                                    |                                                                |                                                                              |
|----------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------|
| For Single Family, Duplex and smaller developments | \$540.00 plus \$100.00 for each Alternative Solution Requested | <b>\$750.00</b> plus <b>\$200.00</b> for each Alternative Solution Requested |
| For all other larger developments                  | \$970.00 plus \$100.00 for each Alternative Solution           | <b>\$1500.00</b> plus <b>\$200.00</b> for each Alternative Solution          |

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

#### City infrastructure<sup>1</sup> 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:

|                                                    |          |          |
|----------------------------------------------------|----------|----------|
| For Single Family, Duplex and smaller developments | \$470.00 | \$470.00 |
| For all other larger developments                  | \$990.00 | \$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:

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

| Appendix 4               |      |      |
|--------------------------|------|------|
| BUILDING DEPARTMENT FEES | 2015 | 2016 |

|                                                                                                                                                                                                                                                                                                                                                                                       |                       |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| 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             | No Refund             |
| 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 consideration |

Council will consider the matter and may by resolution:

- authorize the density bonus refund subject to conditions as; or
- refuse the request for a density bonus refund;
- refer the matter to staff or a future Council meeting; or
- 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.

|                                                                                                                                                                           |           |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| Admin. Fee for Single Family, Duplex, Triplex and small Development                                                                                                       | \$470.00  | \$470.00  |
| For all larger Developments will be held                                                                                                                                  | \$990.00  | \$990.00  |
| 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 | No Refund |

**Notes:**

**1. City Infrastructure is defined as:**

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

**Sidewalk Uses**

|                                                                                              |          |          |
|----------------------------------------------------------------------------------------------|----------|----------|
| Type 1 Sidewalk Café- Annual Fee                                                             | \$300.00 | \$300.00 |
| Type 2 Sidewalk Café - Annual Fee                                                            | \$300.00 | \$300.00 |
| For each parking space or portion thereof occupied by a temporary sidewalk café - Annual Fee | \$105.00 | \$200.00 |
| Sidewalk Sales Area or sidewalk seating area - (maximum of 2 tables and 8 seats)             | \$100.00 | \$100.00 |
| Martin Street and Westminster Avenue Revitalization Project Area                             | n/c      | n/c      |

| VACANT BUILDING REGISTRATION FEES                                                 |                         |                         |
|-----------------------------------------------------------------------------------|-------------------------|-------------------------|
| Fee for special safety inspection prior to registration permit                    | \$500.00                | \$501.00                |
| Fee for subsequent inspections not related to Vacant Building Registration Permit | \$130.00 per inspection | \$150.00 per inspection |

| Appendix 4                                                                                                                                         |                                                                                                                                  |                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| BUILDING DEPARTMENT FEES                                                                                                                           | 2015                                                                                                                             | 2016                                                                                                                             |
| Fee for Vacant Building Registration Permit (12 months maximum) for each building or structure located on a single and two family zoned properties | \$1,500.00                                                                                                                       | \$1,500.00                                                                                                                       |
| Fee for Vacant Building Registration Permit (24 months maximum) for each building or structure located on all other zoned properties.              | \$3,500.00                                                                                                                       | \$3,500.00                                                                                                                       |
| Fee for additional Vacant Building Registration (12 month maximum)                                                                                 | \$1,500.00                                                                                                                       | \$1,500.00                                                                                                                       |
| Attendance by City of Penticton Fire Services                                                                                                      | Actual costs incurred by the City for related labour, materials and equipment                                                    | Actual costs incurred by the City for related labour, materials and equipment                                                    |
| Refund                                                                                                                                             | 75% of Vacant Building Permit Fee may be refunded if it is remediated or demolished within first six (6) months of registration. | 75% of Vacant Building Permit Fee may be refunded if it is remediated or demolished within first six (6) months of registration. |

| Appendix 5                                               |                                              |                                              |
|----------------------------------------------------------|----------------------------------------------|----------------------------------------------|
| BUSINESS LICENCE FEES                                    | 2014                                         | 2016                                         |
| Business Licence Base Fee                                | \$165.00                                     | \$175.00                                     |
| Accommodation                                            | Base Fee plus \$2.00 per room                | Base Fee plus \$2.00 per room                |
| Adult Only                                               | Base Fee plus Criminal Record Check          | Base Fee plus Criminal Record Check          |
| Criminal Records Checks                                  | As set out in the RCMP section of this bylaw | As set out in the RCMP section of this bylaw |
| Vacation Rental & Bed and Breakfast                      | Base Fee plus Tourism Fee                    | Base Fee plus Tourism Fee                    |
| Tourism Fee (per year)                                   | \$200.00                                     | \$200.00                                     |
| Seasonal - Six month maximum                             | \$100.00                                     | \$100.00                                     |
| Seasonal - Short Term 30 day - no location               | \$35.00                                      | \$35.00                                      |
| Change of Owner Fee                                      | \$35.00                                      | \$0.00                                       |
| Change of Location Fee                                   | \$35.00                                      | \$65.00                                      |
| Penalty (late payment)                                   | \$35.00                                      | \$50.00                                      |
| Secondary Suites and Carriage houses (Base Fee Annually) | \$165.00                                     | \$165.00                                     |
| House Rental (long term)                                 |                                              | \$175.00                                     |
| Agricultural Business (seasonal)                         |                                              | \$100.00                                     |
| Downtown Farmers Market                                  | \$400.00/per yr.                             | \$400.00/per yr.                             |
| Downtown Community Market                                | \$1,000.00/per yr.                           | \$1,000.00/per yr.                           |

## Appendix 6

| CEMETERY | 2014 | 2015 | 2016 |
|----------|------|------|------|
|----------|------|------|------|

### Grave Space

#### Standard Size Plot

|                                                         |            |            |            |
|---------------------------------------------------------|------------|------------|------------|
| Residents (including Care Fund contribution of 25%)     | \$971.25   | \$1,000.39 | \$1,250.48 |
| Non-Residents (including Care Fund contribution of 25%) | \$1,286.25 | \$1,324.84 | \$1,656.05 |

#### Small Size Plot (includes infants less than 2 years)

|                                                         |          |          |          |
|---------------------------------------------------------|----------|----------|----------|
| Residents (including Care Fund contribution of 25%)     | \$332.50 | \$342.48 | \$428.09 |
| Non-Residents (including Care Fund contribution of 25%) | \$630.00 | \$648.90 | \$811.13 |

#### Cremation Size Plot

|                                                         |          |          |          |
|---------------------------------------------------------|----------|----------|----------|
| Residents (including Care Fund contribution of 25%)     | \$297.50 | \$306.43 | \$383.03 |
| Non-Residents (including Care Fund contribution of 25%) | \$595.00 | \$612.85 | \$766.06 |

Any plots reserved as per The Corporation of the City of Penticton Cemetery Management Bylaw No. 2010-09, may be bought back by the Corporation at 80% of the purchase price.

### Services Internment

|                      |          |          |          |
|----------------------|----------|----------|----------|
| Standard size        | \$680.00 | \$700.40 | \$875.50 |
| Small size           | \$337.50 | \$347.63 | \$434.53 |
| Infant under 2 years | \$337.50 | \$347.63 | \$434.53 |
| Cremation size       | \$201.25 | \$207.29 | \$259.11 |

### Opening and Closing Grave for Exhumation

|                      |            |            |            |
|----------------------|------------|------------|------------|
| Standard size        | \$1,355.00 | \$1,395.65 | \$1,744.56 |
| Small size           | \$545.00   | \$561.35   | \$701.69   |
| Infant under 2 years | \$545.00   | \$561.35   | \$701.69   |
| Cremation size       | \$287.50   | \$296.13   | \$370.16   |

|                                                  |          |          |          |
|--------------------------------------------------|----------|----------|----------|
| Extra Deep to Permit Second Burial in Same Grave | \$315.00 | \$324.45 | \$405.56 |
|--------------------------------------------------|----------|----------|----------|

|                                    |          |          |          |
|------------------------------------|----------|----------|----------|
| Less than 24 Hours Notice – Charge | \$172.50 | \$177.68 | \$222.09 |
|------------------------------------|----------|----------|----------|

|                                                                                 |          |          |          |
|---------------------------------------------------------------------------------|----------|----------|----------|
| Installation of Memorials (each time) - including care fund contribution of 25% | \$195.00 | \$200.85 | \$251.06 |
| Reset Fee                                                                       | \$132.25 | \$136.22 | \$170.27 |

| Appendix 6 |      |      |      |
|------------|------|------|------|
| CEMETERY   | 2014 | 2015 | 2016 |

**Reservation of Side by Side Graves for Extended Family**

|                             |         |         |         |
|-----------------------------|---------|---------|---------|
| One time Administration Fee | \$52.50 | \$54.08 | \$67.59 |
| Annual Reservation Fee      | \$19.25 | \$19.83 | \$24.78 |

**Fairview Internment**

|                       |          |          |          |
|-----------------------|----------|----------|----------|
| Fairview Cemetery Fee | \$262.50 | \$270.38 | \$337.97 |
|-----------------------|----------|----------|----------|

**Goods**

|                            |          |          |          |
|----------------------------|----------|----------|----------|
| Grave Liners – Regular     | \$352.00 | \$362.56 | \$453.20 |
| Grave Liners – Child       | \$148.50 | \$152.96 | \$191.19 |
| Concrete Slab for Lanterns | \$148.75 | \$153.21 | \$191.52 |

**Columbarium**

Resident

|           |            |            |            |
|-----------|------------|------------|------------|
| Level I   | \$3,150.00 | \$3,150.00 | \$3,150.00 |
| Level II  | \$3,045.00 | \$3,045.00 | \$3,045.00 |
| Level III | \$2,940.00 | \$2,940.00 | \$2,940.00 |

Non-Resident

|           |            |            |            |
|-----------|------------|------------|------------|
| Level I   | \$4,200.00 | \$4,200.00 | \$4,200.00 |
| Level II  | \$4,095.00 | \$4,095.00 | \$4,095.00 |
| Level III | \$3,990.00 | \$3,990.00 | \$3,990.00 |

The rates include a one-time opening/closing rate, and initial engraving

**Care Fund Per Niche Sold**

|             |          |          |          |
|-------------|----------|----------|----------|
| Columbarium | \$340.00 | \$340.00 | \$340.00 |
| Marker      | \$25.00  | \$25.00  | \$25.00  |

**Other Charges**

|                                                     |          |          |          |
|-----------------------------------------------------|----------|----------|----------|
| Additional Opening/closing (includes 2nd engraving) | \$210.00 | \$216.30 | \$270.38 |
| Niche Flower Vase                                   | \$60.00  | \$61.80  | \$77.25  |
| Exhumation                                          | \$231.25 | \$238.19 | \$297.73 |
| Overtime                                            | \$304.75 | \$313.89 | \$392.37 |

## Appendix 6

| CEMETERY | 2014 | 2015 | 2016 |
|----------|------|------|------|
|----------|------|------|------|

### Mausoleum

Basic Rate per unit

Resident

|           |             |             |             |
|-----------|-------------|-------------|-------------|
| Level I   | \$19,110.00 | \$19,110.00 | \$19,110.00 |
| Level II  | \$18,375.00 | \$18,375.00 | \$18,375.00 |
| Level III | \$17,640.00 | \$17,640.00 | \$17,640.00 |

Non-Resident

|           |             |             |             |
|-----------|-------------|-------------|-------------|
| Level I   | \$25,725.00 | \$25,725.00 | \$25,725.00 |
| Level II  | \$24,990.00 | \$24,990.00 | \$24,990.00 |
| Level III | \$24,255.00 | \$24,255.00 | \$24,255.00 |

The rates include a one-time opening/closing rate, and initial engraving

### Care Fund Per Unit Sold

|             |          |          |          |
|-------------|----------|----------|----------|
| Columbarium | \$340.00 | \$340.00 | \$340.00 |
| Marker      | \$25.00  | \$25.00  | \$25.00  |

### Opening and Closing for Exhumation

|           |            |            |            |
|-----------|------------|------------|------------|
| Level I   | \$1,365.00 | \$1,405.95 | \$1,757.44 |
| Level II  | \$1,155.00 | \$1,189.65 | \$1,487.06 |
| Level III | \$945.00   | \$973.35   | \$1,216.69 |

### Ossuary and Memorial

Basic Rate per Unit:

|              |          |          |          |
|--------------|----------|----------|----------|
| Resident     | \$330.75 | \$340.67 | \$425.84 |
| Non-resident | \$441.00 | \$454.23 | \$567.79 |

Lakeview Cemetery – Cost of Saturday burials is the same as on weekdays

Fairview Cemetery – cost of Saturday burials is subject to additional labour charges

No Sunday or Statutory Holiday Burials

| Appendix 8                    |         |          |
|-------------------------------|---------|----------|
| EQUIPMENT RATES               | 2015    | 2016     |
| Passenger Vehicle (<5,500 kg) | \$6.00  | \$6.00   |
| Single / Tandem Dump          | \$33.25 | \$39.75  |
| Trailers                      | \$4.00  | \$5.00   |
| Small Aerial                  | \$32.50 | \$35.00  |
| 1 Ton Dump                    | \$8.00  | \$9.00   |
| 1 Ton with Utility Box        | \$8.00  | \$9.00   |
| Litter Truck                  | \$14.50 | \$18.85  |
| AWWTP - Crane Truck           | \$8.00  | \$9.00   |
| parks Tractor                 | \$13.00 | \$18.75  |
| Electrical Line Truck         | \$32.50 | \$34.00  |
| Grader                        | \$77.50 | \$77.50  |
| Back Hoe                      | \$25.75 | \$30.50  |
| Sewer Flush Truck             | \$63.25 | \$53.00  |
| Street Sweeper                | \$55.00 | \$60.00  |
| Wheel Loader                  | \$48.00 | \$45.00  |
| Rotary Mower - Large          | \$27.00 | \$30.20  |
| Rotary Mower - Small          | \$13.00 | \$16.50  |
| Chipper                       | \$26.00 | \$26.00  |
| Tractor                       | \$13.00 | \$13.00  |
| Fork Lift                     | \$14.00 | \$40.37  |
| Beach Cleaner                 | \$60.25 | \$60.00  |
| Air Compressor                | \$21.50 | \$15.50  |
| Large Sander & Blade          | \$37.25 | \$37.25  |
| Small Sander & Blade          | \$18.50 | \$21.51  |
| Ice Resurfacer                | \$5.25  | \$6.50   |
| Leaf Vac                      | \$27.00 | \$25.00  |
| utility Truck (Water/Sewer)   | \$13.00 | \$13.00  |
| Passenger Van (15 Passenger)  | \$7.25  | \$8.00   |
| ATV                           | \$6.00  | \$6.00   |
| Compost Screener - Trommel    | \$8.75  | \$100.00 |

| Appendix 8            |         |         |
|-----------------------|---------|---------|
| EQUIPMENT RATES       | 2015    | 2016    |
| Small Equipment       | \$3.00  | \$4.00  |
| Valve Machine         | \$4.00  | \$10.00 |
| Flat Deck Crane Truck | \$32.75 | \$35.00 |
| Barge - Water Craft   | \$42.00 | \$32.00 |
| Pick-Up Utility Box   | \$7.25  | \$7.25  |

## Appendix 9

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| FIRE DEPARTMENT | 2014 | 2015 | 2016 |
|-----------------|------|------|------|
|-----------------|------|------|------|

The fees hereinafter specified shall be paid to the City by all applicants for any permit required by this bylaw, or under the Code adapted by this bylaw, or by the regulations passed pursuant to the provisions of the Fire Services Act, as amended from time to time, and for inspection of any work or thing for which the said permit is required:

### Installation of compressed gas systems, gasoline tanks, oil tanks, diesel tanks and dispensing pumps or refuelling station:

|                                                  |          |          |          |
|--------------------------------------------------|----------|----------|----------|
| 2,300L (500 I.G.)                                | \$15.75  | \$15.75  | \$15.75  |
| 2,301 to 4,600L (501-1,000 I.G.)                 | \$21.00  | \$21.00  | \$21.00  |
| 4,601 to 23,000L (1,001 to 5,000 I.G.)           | \$31.50  | \$31.50  | \$31.50  |
| 23,001 to 46,000L (5,001 to 10,000 I.G.)         | \$42.00  | \$42.00  | \$42.00  |
| 46,001 to 115,000L (10,001 to 25,000 I.G.)       | \$63.00  | \$63.00  | \$63.00  |
| 115,001 to 230,000L (25,001 to 50,000 I.G.)      | \$105.00 | \$105.00 | \$105.00 |
| 230,001L to 460,000L (50,001 to 100,000 I.G.)    | \$157.50 | \$157.50 | \$157.50 |
| 460,001 to 920,000L (100,001 to 200,000 I.G.)    | \$210.00 | \$210.00 | \$210.00 |
| 920,001L to 2,300,000L (200,001 to 500,000 I.G.) | \$262.50 | \$262.50 | \$262.50 |
| Each dispensing pump                             | \$26.25  | \$26.25  | \$26.25  |

### Inspection and installation of domestic and commercial oil burners:

|                              |         |         |         |
|------------------------------|---------|---------|---------|
| each domestic installation   | \$15.75 | \$15.75 | \$15.75 |
| each commercial installation | \$26.25 | \$26.25 | \$26.25 |

### Permits

#### Public Fireworks Display permit

|                                                        |          |          |          |
|--------------------------------------------------------|----------|----------|----------|
| Low Hazard                                             | \$26.25  | \$26.25  | \$26.25  |
| High Hazard                                            | \$100.00 | \$100.00 | \$100.00 |
| Burning Permit as allowed by bylaw                     | \$50.00  | \$50.00  | \$50.00  |
| Site Inspection - for Burning Permit/Outdoor Fireplace | \$26.25  | \$26.25  | \$26.25  |

### Emergency Assist Calls

|                                       |                                                        |                                                        |                                                        |
|---------------------------------------|--------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|
| Charge for responding to Jaws of Life | as per Provincial<br>Emergency Program<br>Fee Schedule | as per Provincial<br>Emergency Program<br>Fee Schedule | as per Provincial<br>Emergency Program<br>Fee Schedule |
| Ambulance Assist                      | as per Provincial<br>Emergency Program<br>Fee Schedule | as per Provincial<br>Emergency Program<br>Fee Schedule | as per Provincial<br>Emergency Program<br>Fee Schedule |
| Public Service                        | Actual Cost                                            | Actual Cost                                            | Actual Cost                                            |
| False Alarms                          | Actual Cost                                            | 1st - n/c 2nd - \$200<br>3rd - \$300 4th+ \$400        | 1st - n/c 2nd - \$200<br>3rd - \$300 4th+ \$400        |

### Other Fees

|                                                                                                                                                      |               |               |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|---------------|
| File Search for Building Deficiencies/Incident Reports/Investigations                                                                                | \$165.00      | \$165.00      | \$165.00      |
| Fire Investigation (for Fire Damage greater than \$5,000.00)                                                                                         | \$500.00      | \$500.00      | \$500.00      |
| Requested on-site inspection/consultation for commercial purposes                                                                                    | Actual Cost   | Actual Cost   | Actual Cost   |
| Fire Extinguisher Training (per person)                                                                                                              | \$42.00       | \$5.00        | \$5.00        |
| Failure to keep fire under control and Fire Dept must attend pursuant to Fire and Life Safety Bylaw 2004-57 Section 9.04(g) as amended or superceded | \$450.00/hour | \$450.00/hour | \$450.00/hour |

## Appendix 9

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| FIRE DEPARTMENT                                                                                                                 | 2014                                          | 2015                                          | 2016                                          |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| Drive over fire hose pursuant to Fire and Life Safety Bylaw 2004-57 Section 8.01 as amended or superceded                       | Actual cost to repair or replace damaged hose | Actual cost to repair or replace damaged hose | Actual cost to repair or replace damaged hose |
| Flat rate per fill for both Self Contained Breathing Apparatus (SCBA) and Self Contained Underwater Breathing Apparatus (SCUBA) | \$8.40                                        | \$10.00                                       | \$10.00                                       |
| Fire Flow Testing                                                                                                               | Actual Cost                                   | Actual Cost                                   | Actual Cost                                   |
| Re-Inspection after Order                                                                                                       |                                               | \$100 / hour                                  | \$100 / hour                                  |
| Fire Safety Plan Review - Initial                                                                                               |                                               | \$100.00                                      | \$100.00                                      |
| Fire Safety Plan Review - Subsequent                                                                                            |                                               | \$50.00                                       | \$50.00                                       |

### Training Centre Rental Rates

|                                                             |         |             |             |
|-------------------------------------------------------------|---------|-------------|-------------|
| Classroom (projector/screen/TV/sound/flipcharts) / day      | \$118   | \$118       | \$118       |
| Live Fire Burn Building / day                               | \$531   | \$531       | \$531       |
| Search Building / day                                       | \$118   | \$118       | \$118       |
| Engine / day                                                | \$236   | \$236       | \$236       |
| Full Facility - one day (including Engine)                  | \$826   | \$826       | \$826       |
| Full Facility - two days (including Engine)                 | \$1,652 | \$1,652     | \$1,652     |
| Instructor                                                  | \$300   | \$300       | \$300       |
| Safety Officer                                              | \$250   | \$250       | \$250       |
| Technician (Rehab/Fire Control/Pump Operator)               | \$200   | \$200       | \$200       |
| Consumables (artificial smoke, generator, pallets, propane) | \$50    | \$50        | Actual Cost |
| SCBA Rental per pack/per day                                | \$10    | \$25        | \$25        |
| Natural Gas/Fuels                                           |         | Actual Cost | Actual Cost |
| Student User Fee (Consumable Supplies) / day / student      |         | \$6         | \$6         |
| Bunker Gear Rental (per set per day)                        |         |             | \$25        |
| Fog Machine / per day                                       |         |             | \$50        |

## Appendix 10

| FITNESS ROOM | Effective April 1,<br>2015 | Effective April 1,<br>2016 |
|--------------|----------------------------|----------------------------|
|--------------|----------------------------|----------------------------|

### Single Admission

|              |        |        |
|--------------|--------|--------|
| Youth        | \$4.05 | \$4.29 |
| Adult        | \$5.95 | \$6.19 |
| Senior       | \$4.05 | \$4.29 |
| Super Senior | \$3.10 | \$3.33 |

### 10 Tickets

|              |         |         |
|--------------|---------|---------|
| Youth        | \$36.19 | \$38.10 |
| Adult        | \$53.33 | \$55.24 |
| Senior       | \$36.19 | \$38.10 |
| Super Senior | \$27.62 | \$29.52 |

### 1 Month

|              |         |         |
|--------------|---------|---------|
| Youth        | \$36.19 | \$38.10 |
| Adult        | \$53.33 | \$55.24 |
| Senior       | \$36.19 | \$38.10 |
| Super Senior | \$27.62 | \$29.52 |

### 3 Months

|              |          |          |
|--------------|----------|----------|
| Youth        | \$99.05  | \$102.86 |
| Adult        | \$139.05 | \$144.76 |
| Senior       | \$99.50  | \$102.86 |
| Super Senior | \$79.05  | \$81.90  |

## Appendix 10

| <b>FITNESS ROOM</b> | <b>Effective April 1, 2015</b> | <b>Effective April 1, 2016</b> |
|---------------------|--------------------------------|--------------------------------|
|---------------------|--------------------------------|--------------------------------|

### 6 Months

|              |          |          |
|--------------|----------|----------|
| Youth        | \$169.52 | \$176.19 |
| Adult        | \$239.05 | \$248.57 |
| Senior       | \$169.52 | \$176.19 |
| Super Senior | \$139.00 | \$144.76 |

### 12 Month Annual Pass

|              |          |          |
|--------------|----------|----------|
| Youth        | \$269.52 | \$280.00 |
| Adult        | \$379.05 | \$394.29 |
| Senior       | \$269.52 | \$280.00 |
| Super Senior | \$219.05 | \$227.62 |

### Fitness Room/Pool Combined

#### Single Admission

|              |         |         |
|--------------|---------|---------|
| Youth        | \$7.14  | \$7.38  |
| Adult        | \$10.00 | \$10.24 |
| Senior       | \$7.14  | \$7.38  |
| Super Senior | \$6.19  | \$6.43  |

### 10 Tickets

|        |         |         |
|--------|---------|---------|
| Youth  | \$63.81 | \$65.71 |
| Adult  | \$89.52 | \$91.43 |
| Senior | \$63.81 | \$65.71 |

## Appendix 10

| <b>FITNESS ROOM</b> | <b>Effective April 1, 2015</b> | <b>Effective April 1, 2016</b> |
|---------------------|--------------------------------|--------------------------------|
| Super Senior        | \$55.24                        | \$57.14                        |

### 1 Month

|              |         |         |
|--------------|---------|---------|
| Youth        | \$63.81 | \$65.71 |
| Adult        | \$89.52 | \$91.43 |
| Senior       | \$63.81 | \$65.71 |
| Super Senior | \$55.24 | \$57.14 |

### 3 Months

|              |          |          |
|--------------|----------|----------|
| Youth        | \$169.52 | \$173.33 |
| Adult        | \$229.52 | \$234.29 |
| Senior       | \$169.52 | \$173.33 |
| Super Senior | \$139.05 | \$141.90 |

### 6 Months

|              |          |          |
|--------------|----------|----------|
| Youth        | \$299.05 | \$304.76 |
| Adult        | \$399.05 | \$406.67 |
| Senior       | \$299.05 | \$304.76 |
| Super Senior | \$239.05 | \$243.81 |

### 12 Month Annual Pass

|              |          |          |
|--------------|----------|----------|
| Youth        | \$469.52 | \$479.05 |
| Adult        | \$629.52 | \$641.90 |
| Senior       | \$469.52 | \$479.05 |
| Super Senior | \$379.05 | \$386.67 |

## Appendix 10

| <b>FITNESS ROOM</b> | <b>Effective April 1, 2015</b> | <b>Effective April 1, 2016</b> |
|---------------------|--------------------------------|--------------------------------|
|---------------------|--------------------------------|--------------------------------|

### **FITNESS ROOM / PUBLIC SWIMMING DAY PASS - Admission Rates**

#### **Single Admission**

|              |         |         |
|--------------|---------|---------|
| Youth        | \$10.48 | \$10.95 |
| Adult        | \$14.29 | \$14.76 |
| Senior       | \$10.48 | \$10.95 |
| Super Senior | \$8.57  | \$9.05  |

### **Clinic Rates**

#### **Weekly Fitness**

|        |         |         |
|--------|---------|---------|
| Senior | \$10.00 | \$10.48 |
| Adult  | \$14.76 | \$15.24 |

#### **Weekly Fitness/Pool**

|        |         |         |
|--------|---------|---------|
| Senior | \$17.62 | \$18.10 |
| Adult  | \$24.76 | \$25.24 |

#### **Monthly Fitness**

|        |         |         |
|--------|---------|---------|
| Senior | \$27.62 | \$28.57 |
| Adult  | \$40.24 | \$41.43 |

#### **Monthly Fitness/Pool**

|        |         |         |
|--------|---------|---------|
| Senior | \$48.33 | \$49.29 |
| Adult  | \$67.62 | \$68.57 |

## Appendix 16

| Meeting Rooms/Activity Spaces | Effective<br>April 1, 2014 | 2015 | Effective<br>April 1, 2016 |
|-------------------------------|----------------------------|------|----------------------------|
|-------------------------------|----------------------------|------|----------------------------|

### Community Centre/McLaren Arena Meeting Room

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$10.57 | \$10.78 | \$11.00 |
| Adult                           | \$10.57 | \$10.78 | \$11.00 |
| Non School District 67 Schools* |         | \$8.09  | \$8.25  |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$10.57 | \$10.78 | \$11.00 |
| Adult                           | \$13.37 | \$13.64 | \$13.91 |
| Non School District 67 Schools* |         | \$8.09  | \$8.25  |

|                  |         |         |         |
|------------------|---------|---------|---------|
| Local Private    | \$13.37 | \$13.64 | \$13.91 |
| Local Commercial | \$23.40 | \$23.87 | \$24.35 |
| Non-Resident     | \$33.43 | \$34.10 | \$34.78 |

### Community Centre Large Meeting Room

Note: Meeting Room #4, Meeting Room #7, and Combined #2 & #3 Rate is 1.75X Meeting Room Rate

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$18.50 | \$18.87 | \$19.25 |
| Adult                           | \$18.50 | \$18.87 | \$19.25 |
| Non School District 67 Schools* |         | \$14.15 | \$14.44 |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$18.50 | \$18.87 | \$19.25 |
| Adult                           | \$23.40 | \$23.87 | \$24.34 |
| Non School District 67 Schools* |         | \$14.15 | \$14.44 |

|                  |         |         |         |
|------------------|---------|---------|---------|
| Local Private    | \$23.40 | \$23.87 | \$24.50 |
| Local Commercial | \$40.94 | \$41.77 | \$42.61 |
| Non-Resident     | \$58.49 | \$59.67 | \$60.86 |

### Community Centre Conference Room

Note: Conference Room Rate is 75% X Meeting Room Rate

Non Profit/Local/ Regular

|                                 |        |        |        |
|---------------------------------|--------|--------|--------|
| Child/Youth                     | \$7.93 | \$8.09 | \$8.25 |
| Adult                           | \$7.93 | \$8.09 | \$8.25 |
| Non School District 67 Schools* |        | \$6.07 | \$6.19 |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$7.93  | \$8.09  | \$8.25  |
| Adult                           | \$10.03 | \$10.23 | \$10.43 |
| Non School District 67 Schools* |         | \$6.07  | \$6.19  |

|               |         |         |         |
|---------------|---------|---------|---------|
| Local Private | \$10.03 | \$10.23 | \$10.43 |
|---------------|---------|---------|---------|

## Appendix 16

| Meeting Rooms/Activity Spaces | Effective<br>April 1, 2014 | 2015    | Effective<br>April 1, 2016 |
|-------------------------------|----------------------------|---------|----------------------------|
| Local Commercial              | \$17.54                    | \$17.90 | \$18.26                    |
| Non-Resident                  | \$25.07                    | \$25.57 | \$26.08                    |

### Library/Museum Auditorium

Note - Security premium of \$10.50 added to base rates. To be increased by CPI.

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$16.44 | \$16.77 | \$17.11 |
| Adult                           | \$23.09 | \$23.55 | \$24.02 |
| Non School District 67 Schools* |         | \$12.58 | \$12.83 |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$18.98 | \$19.36 | \$19.75 |
| Adult                           | \$27.19 | \$27.73 | \$28.28 |
| Non School District 67 Schools* |         | \$14.52 | \$14.81 |

|                  |         |         |         |
|------------------|---------|---------|---------|
| Local Private    | \$27.19 | \$27.73 | \$8.28  |
| Local Commercial | \$47.59 | \$48.54 | \$49.51 |
| Non-Resident     | \$67.99 | \$69.35 | \$70.74 |

### Activity Spaces

#### Community Centre Dance Studio

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$18.50 | \$18.87 | \$19.25 |
| Adult                           | \$18.50 | \$18.87 | \$19.25 |
| Non School District 67 Schools* |         | \$14.15 | \$14.44 |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$18.50 | \$18.87 | \$19.25 |
| Adult                           | \$23.40 | \$23.87 | \$24.35 |
| Non School District 67 Schools* |         | \$14.15 | \$14.44 |

|                  |         |         |         |
|------------------|---------|---------|---------|
| Local Private    | \$23.40 | \$23.87 | \$24.35 |
| Local Commercial | \$40.94 | \$41.77 | \$42.61 |
| Non-Resident     | \$58.49 | \$59.67 | \$60.86 |

#### Community Centre Gymnasium

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$16.17 | \$16.49 | \$16.82 |
| Adult                           | \$33.50 | \$34.17 | \$34.85 |
| Non School District 67 Schools* |         | \$12.37 | \$12.61 |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$22.33 | \$22.77 | \$23.23 |
| Adult                           | \$44.67 | \$45.56 | \$46.47 |
| Non School District 67 Schools* |         | \$17.08 | \$17.42 |

## Appendix 16

| Meeting Rooms/Activity Spaces | Effective<br>April 1, 2014 | 2015 | Effective<br>April 1, 2016 |
|-------------------------------|----------------------------|------|----------------------------|
|-------------------------------|----------------------------|------|----------------------------|

|                  |          |          |          |
|------------------|----------|----------|----------|
| Local Private    | \$44.67  | \$45.56  | \$46.47  |
| Local Commercial | \$78.16  | \$79.73  | \$81.32  |
| Non-Resident     | \$111.66 | \$113.89 | \$116.17 |

### Community Centre 1/2 Gymnasium

Note: 1/2 Gymnasium Rate 66.7% X Gymnasium Rate

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$10.78 | \$11.00 | \$11.22 |
| Adult                           | \$22.34 | \$22.79 | \$23.25 |
| Non School District 67 Schools* |         | \$8.25  | \$8.42  |

Non Profit/Local/ Non-Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$14.89 | \$15.19 | \$15.49 |
| Adult                           | \$29.79 | \$30.39 | \$31.00 |
| Non School District 67 Schools* |         | \$11.39 | \$11.62 |

|                  |         |         |         |
|------------------|---------|---------|---------|
| Local Private    | \$29.79 | \$30.39 | \$31.00 |
| Local Commercial | \$52.13 | \$53.18 | \$54.24 |
| Non-Resident     | \$74.47 | \$75.97 | \$77.49 |

### Community Centre Viewing Room

Note: Viewing Room Rate is 1.667% X Meeting Room Rate

Non Profit/Local/ Regular

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$17.62 | \$17.97 | \$18.33 |
| Adult                           | \$17.62 | \$17.97 | \$18.33 |
| Non School District 67 Schools* |         | \$13.48 | \$13.75 |

Non Profit/Local/ Non-Regular

|                                |         |         |         |
|--------------------------------|---------|---------|---------|
| Child/Youth                    | \$17.62 | \$17.97 | \$18.33 |
| Adult                          | \$22.29 | \$22.73 | \$23.18 |
| Non School District 67 Schools |         | \$13.48 | \$13.75 |

|                  |         |         |         |
|------------------|---------|---------|---------|
| Local Private    | \$22.29 | \$22.73 | \$23.18 |
| Local Commercial | \$39.00 | \$39.79 | \$40.59 |
| Non-Resident     | \$55.71 | \$56.84 | \$57.98 |

Non School District 67 Schools\* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands.  
The Non School District 67 Schools rates are applicable during school hours.

## Appendix 17

| MUSEUM | 2013 | Effective April 1, 2014 | Effective April 1, 2016 |
|--------|------|-------------------------|-------------------------|
|--------|------|-------------------------|-------------------------|

### Museum Exhibits

|                  |                                                               |                                                               |                                                               |
|------------------|---------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|
| Entrance Fee     | By Donation - suggested donations: Adult \$2.00, Child \$1.00 | By Donation - suggested donations: Adult \$2.00, Child \$1.00 | By Donation - suggested donations: Adult \$2.00, Child \$1.00 |
| Exhibit Openings | By Donation - suggested donations: Adult \$2.00, Child \$1.00 | By Donation - suggested donations: Adult \$2.00, Child \$1.00 | By Donation - suggested donations: Adult \$2.00, Child \$1.00 |

### Museum Programs

#### School & group visits (guided)

|                                                   |         |         |         |
|---------------------------------------------------|---------|---------|---------|
| Public & Private schools - per student            | \$2.10  | \$2.10  | \$3.00  |
| - maximum per group                               | \$52.50 | \$52.50 | \$52.50 |
| Service Groups, Clubs & Societies - per person    | \$2.10  | \$2.10  | \$3.00  |
| - maximum per group                               | \$52.50 | \$52.50 | \$52.50 |
| School & group visits (self-guided) - per student | \$1.05  | \$1.05  | \$1.05  |
| - per adult                                       | \$2.10  | \$2.10  | \$3.00  |

#### Curator Kid Program

|                                                         |                              |                              |                              |
|---------------------------------------------------------|------------------------------|------------------------------|------------------------------|
| Curator Kid Yearly Membership - individuals             | \$21.00                      | \$21.00                      | \$21.00                      |
| - per family                                            | \$52.50                      | \$52.50                      | \$52.50                      |
| Curator Kid Programs - drop-in; non-members - per child | \$5.25                       | \$5.25                       | \$5.25                       |
| - per family                                            | \$21.00                      | \$21.00                      | \$21.00                      |
| Curator Kid Programs - offsite                          | Cost dependent on activities | Cost dependent on activities | Cost dependent on activities |
| Curator Kid Programs - summer specials - per child      | \$5.25                       | \$5.25                       | \$5.25                       |
| - per family                                            | \$21.00                      | \$21.00                      | \$21.00                      |

#### Adult Programs

|                                 |  |                               |                               |
|---------------------------------|--|-------------------------------|-------------------------------|
| Onsite - Museum                 |  | \$25/per person + Supplies    | \$25/per person + Supplies    |
| Offsite - Smith Works / Outdoor |  | \$25 min.; activity dependent | \$25 min.; activity dependent |

#### Lectures

|                        |                           |                           |                           |
|------------------------|---------------------------|---------------------------|---------------------------|
| Brown Bag - per person | \$2.10                    | \$2.10                    | \$3.10                    |
| Custom Guest           | Cost dependent on lecture | Cost dependent on lecture | Cost dependent on lecture |

## Appendix 17

| MUSEUM | 2013 | Effective April 1, 2014 | Effective April 1, 2016 |
|--------|------|-------------------------|-------------------------|
|--------|------|-------------------------|-------------------------|

### Archives

|                      |                                            |                                         |                                         |
|----------------------|--------------------------------------------|-----------------------------------------|-----------------------------------------|
| Self-guided research | By donation<br>(suggested min.<br>\$10/ph) | By donation -<br>suggested min. \$10/ph | By donation - suggested<br>min. \$10/ph |
|----------------------|--------------------------------------------|-----------------------------------------|-----------------------------------------|

### Staff-assisted research

|                                                  |         |         |         |
|--------------------------------------------------|---------|---------|---------|
| Non-commercial clients - first 30 minutes        | Free    | Free    | Free    |
| - each additional hour                           | \$26.25 | \$26.25 | \$26.25 |
| Commercial clients (first 90 minutes) - per hour | \$52.50 | \$52.50 | \$52.50 |
| (every additional 60 minutes) - per hour         | \$31.50 | \$31.50 | \$31.50 |

### Photograph Reproductions (Print format)

|                                                              |             |             |             |
|--------------------------------------------------------------|-------------|-------------|-------------|
| From existng digital file (up to 8x10 only)                  | \$5.25      | \$5.25      | \$5.25      |
| Outsource (paper type and size dependent)                    | Actual Cost | Actual Cost | Actual Cost |
| From negative or print, requiring scanning (up to 8x10 only) | \$8.40      | \$8.40      | \$9.40      |
| Outsource (paper type and size dependent)                    | Actual Cost | Actual Cost | Actual Cost |

### Photographic reproductions (digital format only - 300dpi jpg)

|                               |         |         |         |
|-------------------------------|---------|---------|---------|
| By email                      | \$10.50 | \$10.50 | \$10.50 |
| By mail (+ disc) plus postage | \$15.75 | \$15.75 | \$15.75 |

### Non-photographic reproductions (maps, plans, manuscripts)

|                                                                        |             |             |             |
|------------------------------------------------------------------------|-------------|-------------|-------------|
| From existng digital file - In House (up to 32" only)                  | \$10.50     | \$10.50     | \$10.50     |
| Outsource (paper type and size dependent)                              | Actual Cost | Actual Cost | Actual Cost |
| From negative or print, requiring scanning - In House (up to 32" only) | \$15.75     | \$15.75     | \$16.75     |
| Outsource (paper type and size dependent)                              | Actual Cost | Actual Cost | Actual Cost |

### Publication & Commercial Fees (supplement)

|                                                                                                                    |                                        |                                        |                                        |
|--------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| Print, negative or digital copies for : Reports, calendars, brochures, magazines, newsletter, websites - per image | \$10.50                                | \$10.50                                | \$10.50                                |
| Print, negative or digital copies for : Books, films, videos - per image                                           | \$21.00                                | \$21.00                                | \$21.00                                |
| Print, negative or digital copies for : Postcards, T-shirts, mugs etc merchandise - per image                      | \$52.50                                | \$52.50                                | \$52.50                                |
| Photocopy Fees (black and white only)                                                                              | see Administration<br>services for fee | see Administration<br>services for fee | see Administration<br>services for fee |
| Archival Supplies (boxes, tissue, encapsulation etc)                                                               | Retail price plus 35%                  | Retail price plus 35%                  | Retail price plus 35%                  |

### Gift shop

|                            |                             |                                               |                                               |
|----------------------------|-----------------------------|-----------------------------------------------|-----------------------------------------------|
| Books & other Publications | Retail suggested price      | Retail suggested price;<br>minimum 35% markup | Retail suggested price;<br>minimum 35% markup |
| Souvenirs & crafts         | Wholesale price plus<br>35% | Wholesale price plus<br>35%                   | Wholesale price plus<br>35%                   |

| Appendix 17                           |                            |                            |                            |
|---------------------------------------|----------------------------|----------------------------|----------------------------|
| MUSEUM                                | 2013                       | Effective April 1, 2014    | Effective April 1, 2016    |
| Photographic posters & postcard books | Style and format dependent | Style and format dependent | Style and format dependent |

**Museum Curatorial Services & Presentations**

|                       |                                                 |                                                 |                                              |
|-----------------------|-------------------------------------------------|-------------------------------------------------|----------------------------------------------|
| On-site consultation  | By donation<br>(suggested: \$35/ph)             | By donation<br>(suggested: \$35/ph)             | By donation (suggested: \$35/ph)             |
| Off-site consultation | By donation<br>(suggested: \$35/ph plus travel) | By donation<br>(suggested: \$35/ph plus travel) | By donation (suggested: \$35/ph plus travel) |

**Library/Museum Auditorium**

Note - Security premium of \$10.50 added to base rates. To be increased by CPI.

Non Profit/Local/ Regular

|                                |         |         |         |
|--------------------------------|---------|---------|---------|
| Child/Youth                    | \$16.12 | \$16.44 | \$17.11 |
| Adult                          | \$22.64 | \$23.09 | \$24.02 |
| Non School District 67 Schools |         | \$12.58 | \$12.83 |

Non Profit/Local/ Non-Regular

|                                |         |         |         |
|--------------------------------|---------|---------|---------|
| Child/Youth                    | \$18.61 | \$18.98 | \$19.75 |
| Adult                          | \$26.66 | \$27.19 | \$28.28 |
| Non-School District 67 Schools |         | \$14.52 | \$14.81 |
| Local Private                  | \$26.66 | \$27.19 | \$28.29 |
| Local Commercial               | \$46.66 | \$47.59 | \$49.51 |
| Non-Resident                   | \$66.66 | \$67.99 | \$70.74 |

## Appendix 18

| <b>PARKING</b>                                             | <b>2014</b>   | <b>2015</b>   | <b>Effective April 1, 2016</b> |
|------------------------------------------------------------|---------------|---------------|--------------------------------|
| Off Street Scramble Parking permit (unassigned stall lots) | \$25.00/month | \$25.00/month | \$30.00/mth                    |
| Off Street Reserved Parking Permit - monthly rate          | \$42.00       | \$42.00       | \$42.00                        |
| Meters Bagged, No Parking or Reserved Parking - first day  | \$10.50       | \$10.50       | \$10.50                        |
| - each day thereafter                                      | \$6.30        | \$6.30        | \$6.30                         |
| Off-Street Parking Rental - first day                      | \$10.50       | \$10.50       | \$50.00                        |
| - each day thereafter                                      | \$6.30        | \$6.30        | \$50.00                        |

### Resident Only Parking Areas

|                                                            |          |          |          |
|------------------------------------------------------------|----------|----------|----------|
| Resident Parking Only Application - non refundable deposit | \$157.50 | \$157.50 | \$157.50 |
| Resident Parking Only Sign and Each Timed Parking Sign     | \$84.00  | \$84.00  | \$84.00  |
| Resident Parking Only Permit                               | \$15.00  | \$15.00  | \$15.00  |
| Replacement Parking Only Permit                            | \$15.00  | \$15.00  | \$15.00  |

### Parking Meters

|                                                        |        |        |        |
|--------------------------------------------------------|--------|--------|--------|
| For each six (6) minutes                               | \$0.10 | \$0.10 | \$0.10 |
| For each 1/2 hour up to the maximum time on the meter  | \$0.50 | \$0.50 | \$0.50 |
| For two (2) hours -up to the maximum time on the meter | \$2.00 | \$2.00 | \$2.00 |

### Ticket Spitters

|                                                                                                                                                 |        |        |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|
| Martin Street Extension Lot, 200, 300, 400 and 500 Blocks of Main Street parking Lots (first one (1) hour free and for each 1/2 hour thereafter | \$0.50 | \$0.50 | \$0.50 |
| For all other ticket spitters, for each 1/2 hour up to the maximum time on ticket                                                               | \$0.50 | \$0.50 | \$0.50 |

### Boat Trailer Parking (South Main & Skaha Parking Lot)

|                                          |         |          |          |
|------------------------------------------|---------|----------|----------|
| Half Day Permit (up to 5 hours)          | \$5.00  | \$5.00   | \$5.00   |
| Full Day Permit (5 or more hours)        | \$10.00 | \$10.00  | \$10.00  |
| Annual Permit for Residents of Penticton | \$70.00 | \$70.00  | \$70.00  |
| Annual Permit for Non-Residents          |         | \$105.00 | \$105.00 |

## Appendix 18

| PARKING | 2014 | 2015 | Effective April 1, 2016 |
|---------|------|------|-------------------------|
|---------|------|------|-------------------------|

### Parking Violations

|                                                                                                            |                                                                       |                                                                       |                                                                       |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------|
| Towing and Impound Charges (made payable to the "Contractor" as designed in the Municipal Towing Contract) | As set under: Motor Vehicle Act Regulations, or ICBC Payment Schedule | As set under: Motor Vehicle Act Regulations, or ICBC Payment Schedule | As set under: Motor Vehicle Act Regulations, or ICBC Payment Schedule |
| Administration Fee: collected by the "Contractor" payable to the City of Penticton                         | \$35.00                                                               | \$35.00                                                               | \$50.00                                                               |
| Storage of Materials or Impounding per 30 days                                                             | \$35.00                                                               | \$35.00                                                               | \$50.00                                                               |

### Permit Parking Sign Installation Fees

|                                                                       |            |            |            |
|-----------------------------------------------------------------------|------------|------------|------------|
| Supply of Placard                                                     | \$2.00 ea  | \$2.00 ea  | \$2.00 ea  |
| Supply of sign post                                                   | \$20.00 ea | \$20.00 ea | \$20.00 ea |
| Supply of sign post sleeve                                            | \$10.00 ea | \$10.00 ea | \$10.00 ea |
| Supply of Residential Parking Only or Special Event Parking Only sign | \$10.50 ea | \$10.50 ea | \$10.50 ea |
| Labour to erect a sign and post                                       | \$21.00 ea | \$21.00 ea | \$21.00 ea |
| Labour to erect and remove a sign from existing infrastructure        | \$7.00 ea  | \$7.00 ea  | \$7.00 ea  |

Note: i) In all instances Public Works Staff will endeavor to erect permit Parking Signs on existing sign posts; ii) In instances where Special Event Permit Parking signs are being erected in areas where it is likely that multiple or re-occurring Special Events will occur there will be no charge for the sign, or post of sleeve. The only charge will be for the labor to erect and remove the sign.

## Appendix 19

| Parks & Sports Fields | Effective<br>April 1, 2015 | Effective<br>April 1,<br>2016 |
|-----------------------|----------------------------|-------------------------------|
|-----------------------|----------------------------|-------------------------------|

### Sports Fields

Non Profit/Local/ Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$3.53  | \$3.60  |
| Adult                           | \$10.58 | \$10.79 |
| Non School District 67 Schools* | \$2.65  | \$2.70  |

Non Profit/Local/ Non-Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$7.05  | \$7.19  |
| Adult                           | \$14.11 | \$14.39 |
| Non School District 67 Schools* | \$5.29  | \$5.39  |

|                  |         |         |
|------------------|---------|---------|
| Local Private    | \$14.11 | \$14.39 |
| Local Commercial | \$24.69 | \$25.18 |
| Non-Resident     | \$35.26 | \$35.97 |

### Kings Park

Non Profit/Local/ Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$4.29  | \$4.38  |
| Adult                           | \$11.01 | \$11.23 |
| Non School District 67 Schools* | \$3.22  | \$3.28  |

Non Profit/Local/ Non-Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$8.59  | \$8.76  |
| Adult                           | \$16.53 | \$16.86 |
| Non School District 67 Schools* | \$6.44  | \$6.57  |

|                  |         |         |
|------------------|---------|---------|
| Local Private    | \$16.53 | \$16.86 |
| Local Commercial | \$28.93 | \$29.51 |
| Non-Resident     | \$41.34 | \$42.17 |

### Major Event Park

## Appendix 19

| <b>Parks &amp; Sports Fields</b> | <b>Effective<br/>April 1, 2015</b> | <b>Effective<br/>April 1,<br/>2016</b> |
|----------------------------------|------------------------------------|----------------------------------------|
|----------------------------------|------------------------------------|----------------------------------------|

### Non Profit/Local/ Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$5.65  | \$5.76  |
| Adult                           | \$16.93 | \$17.27 |
| Non School District 67 Schools* | \$4.24  | \$4.32  |

### Non Profit/Local/ Non-Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$11.29 | \$11.52 |
| Adult                           | \$22.58 | \$23.03 |
| Non School District 67 Schools* | \$8.47  | \$8.64  |

|                  |         |         |
|------------------|---------|---------|
| Local Private    | \$22.58 | \$23.03 |
| Local Commercial | \$39.50 | \$40.29 |
| Non-Resident     | \$56.44 | \$57.57 |

### Minor Event Park

#### Non Profit/Local/ Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$5.03  | \$5.13  |
| Adult                           | \$15.08 | \$15.38 |
| Non School District 67 Schools* | \$3.77  | \$3.85  |

#### Non Profit/Local/ Non-Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$10.06 | \$10.26 |
| Adult                           | \$20.10 | \$20.50 |
| Non School District 67 Schools* | \$7.55  | \$7.70  |

|                    |         |         |
|--------------------|---------|---------|
| Local Private      | \$20.10 | \$20.50 |
| Local Commercial   | \$35.18 | \$35.88 |
| Non-Resident       | \$50.26 | \$51.27 |
| *Major event users | \$21.23 | \$21.65 |

## Appendix 19

| Parks & Sports Fields | Effective<br>April 1, 2015 | Effective<br>April 1,<br>2016 |
|-----------------------|----------------------------|-------------------------------|
|-----------------------|----------------------------|-------------------------------|

**Major Event Parks:** Okanagan Lake Park, Gyro Park/Bandshell, Rotary Park, Skaha East

**Minor Event Parks:** Penticton Youth Park, Lakawanna, Gyro South Lawn, Rose Garden and Marina Way

|                                                                                                |          |          |
|------------------------------------------------------------------------------------------------|----------|----------|
| Wedding Ceremony Rate - Minimum 4 hour booking (additional hours subject to hourly park rates) | \$208.08 | \$212.24 |
|------------------------------------------------------------------------------------------------|----------|----------|

### Passive Parks and Play Courts

Passive Parks

Non Profit/Local/ Regular

|                                 |        |        |
|---------------------------------|--------|--------|
| Child/Youth                     | \$3.06 | \$3.12 |
| Adult                           | \$9.18 | \$9.36 |
| Non School District 67 Schools* | \$2.30 | \$2.34 |

Non Profit/Local/ Non-Regular

|                                 |         |         |
|---------------------------------|---------|---------|
| Child/Youth                     | \$6.11  | \$6.23  |
| Adult                           | \$12.22 | \$12.46 |
| Non School District 67 Schools* | \$4.58  | \$4.67  |

|                  |         |         |
|------------------|---------|---------|
| Local Private    | \$12.22 | \$12.46 |
| Local Commercial | \$21.38 | \$21.81 |
| Non-Resident     | \$30.56 | \$31.17 |
| Admin Rate User  | \$8.35  | \$8.52  |

Passive Parks: Neighbourhood parks, Parking lots, Riverside and Beaches

|                                                  |        |        |
|--------------------------------------------------|--------|--------|
| Parking Space Rental (per parking space/per day) | \$5.20 | \$5.30 |
|--------------------------------------------------|--------|--------|

### Play Courts

Non Profit/Local/ Regular

|             |        |        |
|-------------|--------|--------|
| Child/Youth | \$1.60 | \$1.63 |
|-------------|--------|--------|

## Appendix 19

| <b>Parks &amp; Sports Fields</b> | <b>Effective<br/>April 1, 2015</b> | <b>Effective<br/>April 1,<br/>2016</b> |
|----------------------------------|------------------------------------|----------------------------------------|
| Adult                            | \$4.80                             | \$4.90                                 |
| Non School District 67 Schools*  | \$1.20                             | \$1.22                                 |

Non Profit/Local/ Non-Regular

|                                 |        |        |
|---------------------------------|--------|--------|
| Child/Youth                     | \$3.19 | \$3.25 |
| Adult                           | \$6.39 | \$6.52 |
| Non School District 67 Schools* | \$2.39 | \$2.44 |

|                  |         |         |
|------------------|---------|---------|
| Local Private    | \$11.18 | \$11.40 |
| Local Commercial | \$12.79 | \$13.05 |
| Non-Resident     | \$15.98 | \$16.30 |

### Misc Park Fees

|                                                                     |             |             |
|---------------------------------------------------------------------|-------------|-------------|
| Garbage Removal                                                     | Actual Cost | Actual Cost |
| Double Cut and Tournament Preparation for Sports Fields on Weekends | Actual Cost | Actual Cost |
| Field Mowing - Regular Time - Soccer / Field                        | \$78.03     | \$79.59     |
| Field Mowing - Over Time - Soccer / 2 Fields - First 2 Fields       | \$235.13    | \$239.83    |
| Field Mowing - Over Time - Soccer / Additional Field                | \$117.57    | \$119.92    |
| Field Lining - Regular Time - Soccer / First Field                  | \$194.55    | \$198.44    |
| Field Lining - Regular Time - Soccer / Additional Field             | \$146.70    | \$149.63    |
| Field Lining - Over Time - Soccer / First Field                     | \$275.71    | \$281.22    |
| Field Lining - Over Time - Soccer / Additional Field                | \$187.27    | \$191.02    |

Rates listed are per day

|                                            |         |         |
|--------------------------------------------|---------|---------|
| Picnic Table (per table)                   | \$7.80  | \$7.96  |
| Picnic Table Delivery & Return (per table) | \$31.21 | \$31.83 |

Mobile Washroom Unit Rental

|                  |         |         |
|------------------|---------|---------|
| Non Profit/Local | \$31.20 | \$31.82 |
|------------------|---------|---------|

## Appendix 19

| <b>Parks &amp; Sports Fields</b>                      | <b>Effective<br/>April 1, 2015</b> | <b>Effective<br/>April 1,<br/>2016</b> |
|-------------------------------------------------------|------------------------------------|----------------------------------------|
| Local Private/ Commercial                             | \$72.82                            | \$74.28                                |
| Gyro Park Connect & Disconnect                        | \$52.01                            | \$53.05                                |
| All other Parks Delivery, Connect, Disconnect, Return | \$468.17                           | \$477.53                               |

Note: Additional washroom cleaning charges are applied (when required for an event) as set by contracted cleaning company.

Rates listed are per day

### Three - Five Tiered Bleacher Rental

|                                |          |          |
|--------------------------------|----------|----------|
| Non Profit/Local               | \$9.35   | \$9.54   |
| Local Private/ Commercial      | \$20.80  | \$21.22  |
| Moving and Set Up One Time Fee | \$187.26 | \$191.01 |

Rates listed are per day

### Ten Tiered Bleacher Rental

|                                |          |          |
|--------------------------------|----------|----------|
| Non Profit/Local               | \$20.80  | \$21.22  |
| Local Private/ Commercial      | \$46.81  | \$47.75  |
| Moving and Set Up One Time Fee | \$395.34 | \$403.25 |

\*Moving and set up costs are in addition to rental fees. Actual Costs of labour and equipment to be added. Prior to confirmation of the booking, users will receive a quote for the estimated moving charges. Users may receive permission to move on their own. A damage deposit may be required.

Rates listed are per day

### Mobile Stage

|                                |          |          |
|--------------------------------|----------|----------|
| Non Profit/Local               | \$145.65 | \$148.56 |
| Local Private/ Commercial      | \$312.11 | \$318.35 |
| Moving and Set Up One Time Fee | \$187.26 | \$191.01 |

Rates listed are per day

### Mobile Stage with Awning

|                           |          |          |
|---------------------------|----------|----------|
| Non Profit/Local          | \$166.45 | \$169.78 |
| Local Private/ Commercial | \$395.34 | \$403.25 |

## Appendix 19

| <b>Parks &amp; Sports Fields</b> | <b>Effective<br/>April 1, 2015</b> | <b>Effective<br/>April 1,<br/>2016</b> |
|----------------------------------|------------------------------------|----------------------------------------|
| Moving and Set Up One Time Fee   | \$1,040.39                         | \$1,061.20                             |

\*\*Mobile stage daily rates to be calculated annually as part of the City Fleet and approved by Council. Moving and set up costs are in addition to rental fees. Actual Costs of labour and equipment to be added. Prior to confirmation of the booking, users will receive a quote for the estimated moving charges. Users may receive permission to move on their own. A damage deposit may be required.

|                                                              |  |             |
|--------------------------------------------------------------|--|-------------|
| Delivery/Removal 1-10 Baricades/Signs*** (one-time fee)      |  | \$86.00     |
| Delivery/Removal 11-20 Baricades/Signs*** (one-time fee)     |  | \$129.00    |
| Delivery/Removal 21-40 Baricades/Signs*** (one-time fee)     |  | \$172.00    |
| Delivery/Removal 40+ Baricades/Signs*** (one-time fee)       |  | Actual Cost |
| Delivery/Removal 1-5 Water Stands (Gyro Only) (one-time fee) |  | \$100.00    |
| Delivery/Removal Garbage Cans & Bags (one-time fee)          |  | \$50.00     |

\*\*\*No charge if paying for delivery/removal of picnic table or bleachers; or no charge if event organizer picks up and returns on their own.

### Park Donation Program

|                                                                                                                                      |                         |                         |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| Park Bench Donation - New Bench - 15 year - Council Policy 1037 - December 17, 2012 as ammended from time to time.                   | \$2,500.00              | \$2,550.00              |
| Park Bench Donation - Refurbished Bench - 10 year renewal - Council Policy 1037 - December 17, 2012 as ammended from time to time.   | 50% of current donation | 50% of current donation |
| Picnic Table Donation - New Table - 15 year - Council Policy 1037 - December 17, 2012 as ammended from time to time.                 | \$3,000.00              | \$3,050.00              |
| Picnic Table Donation - Refurbished Table - 10 year renewal - Council Policy 1037 - December 17, 2012 as ammended from time to time. | 50% of current donation | 50% of current donation |
| Plaque Addition or Replacement                                                                                                       | \$400.00                | \$410.00                |
| Tree Donation                                                                                                                        | \$400.00                | \$410.00                |
| Bike Rack - New Rack - 15 year - Council Policy 1037 - December 17, 2012 as ammended from time to time.                              | \$1,000.00              | \$1,025.00              |
| Bike Rack - Refurbished Rack - 10 year renewal - Council Policy 1037 - December 17, 2012 as ammended from time to time.              | 50% of current donation | 50% of current donation |
| Pet Stand - New Pet Stand - 5 year - Council Policy 1037 - December 17, 2012 as ammended from time to time.                          | \$300.00                | \$310.00                |
| Hanging Basket Sponsor - 1 season - location determined by City                                                                      | \$250.00                | \$250.00                |

## Appendix 19

| <b>Parks &amp; Sports Fields</b>                                              | <b>Effective<br/>April 1, 2015</b> | <b>Effective<br/>April 1,<br/>2016</b> |
|-------------------------------------------------------------------------------|------------------------------------|----------------------------------------|
| Park Stewardship - contribution towards favorite park, trail or beach         | \$200.00                           | \$200.00                               |
| Floral Display Sponsor - 1 season - Sponsor one of the City's garden displays | \$2,500.00                         | \$2,500.00                             |
| Park Improvement Projects - Platinum Sponsor                                  | \$10,000.00                        | \$10,000.00                            |
| Park Improvement Projects - Gold Sponsor                                      | \$2,500.00                         | \$2,500.00                             |
| Park Improvement Projects - Silver Sponsor                                    | \$500.00                           | \$500.00                               |

Non School District 67 Schools\* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands. The Non School District 67 Schools rates are applicable during school hours.

## Appendix 20

### PLANNING AND DEVELOPMENT

**Effective March  
1, 2015**

**Effective March  
1, 2016**

#### Subdivision and Development Costs

Every person who obtains:

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

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

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);

Shall:

1) 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;

2) 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 to 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.

#### OCP Amendments

|                                                                                                                                                        |            |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| a) Stand alone OCP Amendments in Country Residential, Low Density Residential and Agricultural designated areas                                        | \$1,400.00 | \$1,575.00 |
| b) All other stand alone OCP Amendments                                                                                                                | \$1,680.00 | \$1,890.00 |
| c) OCP Amendments in Country Residential, Low Density Residential and Agricultural designated areas (where in conjunction with a Rezoning Application) | \$940.00   | \$1,057.50 |
| d) All other stand alone OCP Amendments (where in conjunction with a Rezoning Application)                                                             | \$1,140.00 | \$1,282.50 |
| e) OCP Text Amendments                                                                                                                                 | \$1,340.00 | \$1,507.50 |

#### Rezoning

|                                                                                                                         |            |            |
|-------------------------------------------------------------------------------------------------------------------------|------------|------------|
| a) Stand alone Rezoning applications in Country Residential, Low Density Residential and Agricultural designated areas. | \$1,080.00 | \$1,215.00 |
| b) All other stand alone Rezoning applications.                                                                         | \$1,480.00 | \$1,665.00 |
| c) Zoning Bylaw Text Amendments                                                                                         | \$1,000.00 | \$1,125.00 |
| d) Comprehensive Development Zone                                                                                       | \$2,000.00 | \$2,250.00 |

#### Public Notice Signs (OCP and Zoning Amendments)

|                                     |          |          |
|-------------------------------------|----------|----------|
| a) Initial OCP or Zoning Bylaw Sign | \$225.00 | \$250.00 |
| b) Repair of Damaged Signs          | \$80.00  | \$80.00  |
| c) Replacement of damaged signs     | \$120.00 | \$80.00  |
| d) Additional Public Hearing Fee    | \$550.00 | \$550.00 |

#### Development Permit Application

|                                                |            |            |
|------------------------------------------------|------------|------------|
| a) Major Development Permit (Council Decision) | \$1,000.00 | \$1,125.50 |
|------------------------------------------------|------------|------------|

## Appendix 20

| PLANNING AND DEVELOPMENT                                         | Effective March 1, 2015 | Effective March 1, 2016 |
|------------------------------------------------------------------|-------------------------|-------------------------|
| b) Minor Development Permit (Staff issuable)                     | \$600.00                | \$675.00                |
| c) Major Amendments to Development Permits (Council Decision)    | \$500.00                | \$562.50                |
| d) Minor Amendments to Development Permits (Staff issuable)      | \$300.00                | \$337.50                |
| e) Appeal to Council of a Staff Decision on a Development Permit | \$600.00                | \$675.00                |
| f) Reissuance of an expired Development Permit                   | \$400.00                | \$450.00                |
| g) Riparian / Environmental Assessment Development Permit        | \$225.00                | \$225.00                |

### Development Variance Permit Application or Board of Variance Application

|                                                                                                                                     |            |            |
|-------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| a) Major Variance (3+ Variances per development)                                                                                    | \$1,000.00 | \$1,125.00 |
| b) Major Variance (3+ Variances per development) if in conjunction with a Development Permit Application                            | \$600.00   | \$675.00   |
| c) Minor Variance (1 or 2 Variances per development)                                                                                | \$600.00   | \$600.00   |
| d) Minor Variance (1 or 2 Variances per development) if in conjunction with a Development Permit Application                        | \$400.00   | \$450.00   |
| e) Reissuance of expired Development Variance Permit                                                                                | \$400.00   | \$450.00   |
| 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> . |            |            |
| g) Board of Variance                                                                                                                |            | \$500.00   |

### Temporary Use Permit

|                                 |          |          |
|---------------------------------|----------|----------|
| a) Temporary Use Permit         | \$800.00 | \$800.00 |
| b) Temporary Use Permit Renewal | \$400.00 | \$400.00 |

### Subdivision (Fee Simple & Bareland Strata)

#### a) Preliminary Layout Approval Review

|            |                                                    |                                                    |
|------------|----------------------------------------------------|----------------------------------------------------|
| 1-2 Lots   | \$330.00                                           | \$330.00                                           |
| 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    |
| 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 |

## Appendix 20

| PLANNING AND DEVELOPMENT                                                | Effective March 1, 2015                               | Effective March 1, 2016                               |
|-------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| 21-30 Lots                                                              | \$5,085.00 + \$190.00<br>per lot in excess of 20 lots | \$5,085.00 + \$190.00<br>per lot in excess of 20 lots |
| 31-40 Lots                                                              | \$7,010.00 + \$165.00<br>per lot in excess of 31 lots | \$7,010.00 + \$165.00<br>per lot in excess of 31 lots |
| 41 Lots or Greater                                                      | \$8,660.00 + \$110.00<br>per lot in excess of 40 lots | \$8,660.00 + \$110.00<br>per lot in excess of 40 lots |
| b) Preliminary Layout Approval Renewal or Amendment                     | \$110.00                                              | \$150.00                                              |
| c) Legal Plan Approval Fee                                              | \$60.00                                               | \$60.00                                               |
| d) Early Registration Agreement (Applicable to Fee Simple Subdivisions) | \$750.00                                              | \$750.00                                              |

### Strata Conversion

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

### Phased Strata

|                                                      |          |          |
|------------------------------------------------------|----------|----------|
| a) Phasing Approval Fee                              | \$400.00 | \$450.00 |
| b) Legal Plan Approval Fee                           | \$60.00  | \$60.00  |
| c) Form P Approval                                   | \$100.00 | \$100.00 |
| d) Preliminary Layout Approval, Renewal or Amendment |          | \$150.00 |

### ALR

|                                                  |          |          |
|--------------------------------------------------|----------|----------|
| ALR Exclusion/Inclusion/Subdivision/Non Farm Use | \$600.00 | \$600.00 |
|--------------------------------------------------|----------|----------|

### Other Administrative Fees

|                                                  |          |          |
|--------------------------------------------------|----------|----------|
| b) Boulevard Trees                               | \$472.50 | \$472.50 |
| c) Ministry of Environment-Site Profile Referral | \$100.00 | \$100.00 |

## Appendix 20

| PLANNING AND DEVELOPMENT                                        | Effective March 1, 2015 | Effective March 1, 2016 |
|-----------------------------------------------------------------|-------------------------|-------------------------|
| d) Address Number Change Request (owner initiated)              | \$150.00                | \$150.00                |
| e) Road Name Change Fee (owner initiated)                       | \$500.00                | \$500.00                |
| f) Land Title Search (when not provided at time of application) | \$20.00                 | \$20.00                 |
| g) File Search or comfort letter initial fee for first hour     | \$160.00                | \$160.00                |
| File search hourly rate (minimum 1/2 hour charge \$30)          | \$60.00                 | \$60.00                 |

### Map and Bylaw Rates

|                                                                                                                                                          |                                                |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| a) Plotter Printing Fees for all documents over 11" X 17"/ per page                                                                                      | \$5.00                                         | \$6.00                                         |
| 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           | \$1200 min or actual cost <sup>1</sup> |
| b) Prepare amended document and register with LTO                         | \$420.00           | \$840 min. or actual cost <sup>1</sup> |
| c) Prepare discharge document and register with LTO                       | \$420.00           | \$840 min. or actual cost <sup>1</sup> |
| d) Prepare document (lease, licence, sub-licence) not registered with LTO | \$290.00           | \$300.00                               |
| e) Amend or renew document (lease, licence, sub-licence)                  | \$150.00           | \$150.00                               |
| f) Location Certificate (Licenced BC Land Surveyor prepared)              | Actual cost        | Actual cost                            |
| g) Use of City Owned Lands                                                | Market Value       | Market Value                           |
| h) Appraisals                                                             | Actual cost        | Actual cost                            |
| i) To raise title on Park or Road for the purposes of Disposition         | \$850.00           | \$1200 min or actual cost <sup>1</sup> |
| j) Road Closure Permit                                                    | \$96.60            | \$96.60                                |
| <del>k) Amended Road Closure Permit</del>                                 | <del>\$25.20</del> |                                        |
| l) <del>Legal Fees and</del> City Survey Costs                            | Actual cost        | Actual cost                            |
| Removal of Section 57 Notice on Title                                     | \$250.00           | \$500.00                               |

<sup>1</sup> 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:

## Appendix 20

### PLANNING AND DEVELOPMENT

**Effective March  
1, 2015**

**Effective March  
1, 2016**

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.

#### Density Bonus Refund:

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.

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:

- authorize the density bonus refund subject to conditions as; or
- refuse the request for a density bonus refund;
- refer the matter to staff or a future Council meeting; or
- such other determination as Council may direct.

|                                                                                                                                                                                                                                                                  |                                                    |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| 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 \$250.00 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------|

#### City infrastructure<sup>1</sup> 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:

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

#### City infrastructure<sup>1</sup> 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:

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

| Appendix 20              |                         |                         |
|--------------------------|-------------------------|-------------------------|
| PLANNING AND DEVELOPMENT | Effective March 1, 2015 | Effective March 1, 2016 |

**Development Variance Permit Application Fee:**

- 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.
- 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
- c. Development variance permit application has been to Council - No refund.

**Development Permit Application Fee:**

- 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
- 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.
- c. Development permit application has been to Council - No refund.

**Rezoning Application Fee:**

- 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
- 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.
- c. Rezoning application has been to Council - No refund.

**Official Community Plan, (OCP) Amendment Application Fee:**

- 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.
- 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.
- c. OCP amendment application has been to Council - No refund.

**Subdivision Application Fee Refund**

- a. Subdivision application has not been scheduled for a Technical Planning Committee meeting - Refund 75% of original application fee.
- b. Subdivision application has been scheduled for a Technical Planning Committee but has not been issued preliminary layout approval - Refund 50% of original application fee.
- c. Subdivision has been issued or refused Preliminary Layout Acceptance - No refund.

**Landscaping Security Refund:**

## Appendix 20

### PLANNING AND DEVELOPMENT

**Effective March  
1, 2015**

**Effective March  
1, 2016**

- a. Development permit has lapsed in accordance with Section 926(1) of the *Local Government Act*, 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.

#### Agriculture Land Reserve (ALR) Application Fee:

- 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.
- 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.

|                                                                                                                                                                          |                    |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|
| for enlargement, conversion, alteration or relocation of a sign for which a permit has been issued                                                                       | \$30.00            | \$30.00            |
| signs with a value of \$1,000 or less (per sign)                                                                                                                         | \$40.00            | \$50.00            |
| for each \$1,000 of part thereof, by which the value exceeds the sum of \$1,000 (per sign)                                                                               | \$8.00             | \$10.00            |
| Variance to the Sign Bylaw                                                                                                                                               | \$600.00           | \$601.00           |
| 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 21   |                           |                           |                              |
|---------------|---------------------------|---------------------------|------------------------------|
| POOL/AQUATICS | Effective April<br>1,2014 | Effective April<br>1,2015 | Effective<br>April<br>1,2016 |

Note: Lifeguard/Instructor wages + 5% Admin Fee to be added to rental rate when appropriate

**1 Lane (minimum 3 lane rental required for booking unless special permission)**

Non Profit/Local/Regular

|             |         |         |         |
|-------------|---------|---------|---------|
| Child/Youth | \$4.87  | \$4.97  | \$5.07  |
| Adult       | \$11.53 | \$11.76 | \$12.00 |

Non Profit/Local/Regular

|                  |         |         |         |
|------------------|---------|---------|---------|
| Child/Youth      | \$8.31  | \$8.48  | \$8.65  |
| Adult            | \$14.60 | \$14.89 | \$15.19 |
| Local Private    | \$14.60 | \$14.89 | \$15.19 |
| Local Commercial | \$25.53 | \$26.04 | \$26.56 |
| Non-Resident     | \$36.48 | \$37.20 | \$37.94 |

**3 Lanes**

Non Profit/Local/ Regular

|             |         |         |         |
|-------------|---------|---------|---------|
| Child/Youth | \$14.62 | \$14.91 | \$15.21 |
| Adult       | \$34.59 | \$35.28 | \$35.99 |

Non Profit/Local/ Non-Regular

|                  |          |          |          |
|------------------|----------|----------|----------|
| Child/Youth      | \$24.94  | \$25.44  | \$25.95  |
| Adult            | \$43.79  | \$44.66  | \$45.55  |
| Local Private    | \$43.79  | \$44.66  | \$45.55  |
| Local Commercial | \$76.59  | \$78.12  | \$79.68  |
| Non-Resident     | \$109.43 | \$111.61 | \$113.84 |

| Appendix 21   |                           |                           |                              |
|---------------|---------------------------|---------------------------|------------------------------|
| POOL/AQUATICS | Effective April<br>1,2014 | Effective April<br>1,2015 | Effective<br>April<br>1,2016 |

**4 Lanes to a Maximum of 13 Lanes Multiply # of Lanes X 1 Lane Rate**

**Leisure Pool**

Note: Leisure Pool Rate is 7 Lane Rate

Non Profit/Local/ Regular

|             |         |         |         |
|-------------|---------|---------|---------|
| Child/Youth | \$34.10 | \$34.79 | \$35.49 |
| Adult       | \$80.70 | \$82.32 | \$83.97 |

Non Profit/Local/ Non-Regular

|                  |          |          |          |
|------------------|----------|----------|----------|
| Child/Youth      | \$58.19  | \$59.35  | \$60.54  |
| Adult            | \$102.17 | \$104.22 | \$106.30 |
| Local Private    | \$102.17 | \$104.22 | \$106.30 |
| Local Commercial | \$178.71 | \$182.29 | \$185.94 |
| Non-Resident     | \$255.33 | \$260.43 | \$265.64 |

**Full Aquatic Facility**

Note: Full Aquatic Facility Rate is 15 Lane Rate

Non Profit/Local/ Regular

|             |          |          |          |
|-------------|----------|----------|----------|
| Child/Youth | \$73.08  | \$74.54  | \$76.03  |
| Adult       | \$172.94 | \$176.39 | \$179.92 |

Non Profit/Local/ Non-Regular

|                  |          |          |          |
|------------------|----------|----------|----------|
| Child/Youth      | \$124.70 | \$127.19 | \$129.73 |
| Adult            | \$218.94 | \$223.32 | \$227.79 |
| Local Private    | \$218.94 | \$223.32 | \$227.79 |
| Local Commercial | \$382.96 | \$390.62 | \$398.43 |
| Non-Resident     | \$547.13 | \$558.07 | \$569.23 |

## Appendix 21

| POOL/AQUATICS | Effective April<br>1,2014 | Effective April<br>1,2015 | Effective<br>April<br>1,2016 |
|---------------|---------------------------|---------------------------|------------------------------|
|---------------|---------------------------|---------------------------|------------------------------|

### Public Swimming

#### Single Admission

|              |         |         |         |
|--------------|---------|---------|---------|
| Preschool    | \$0.95  | \$1.19  | \$1.19  |
| Child        | \$3.81  | \$4.05  | \$4.05  |
| Youth        | \$4.76  | \$5.00  | \$5.00  |
| Adult        | \$5.72  | \$5.95  | \$5.95  |
| Senior       | \$4.76  | \$5.00  | \$5.00  |
| Super Senior | \$3.81  | \$4.05  | \$4.05  |
| Family       | \$14.28 | \$15.24 | \$15.24 |

#### 10 Tickets

|              |          |          |          |
|--------------|----------|----------|----------|
| Preschool    | \$8.58   | \$10.48  | \$10.48  |
| Child        | \$34.28  | \$36.19  | \$36.19  |
| Youth        | \$42.86  | \$44.76  | \$44.76  |
| Adult        | \$51.42  | \$53.33  | \$53.33  |
| Senior       | \$42.86  | \$44.76  | \$44.76  |
| Super Senior | \$34.28  | \$36.19  | \$36.19  |
| Family       | \$128.58 | \$137.14 | \$137.14 |

#### 1 Month

|              |          |          |          |
|--------------|----------|----------|----------|
| Preschool    | \$8.58   | \$10.48  | \$10.48  |
| Child        | \$34.28  | \$36.19  | \$36.19  |
| Youth        | \$42.86  | \$44.76  | \$44.76  |
| Adult        | \$51.42  | \$53.33  | \$53.33  |
| Senior       | \$42.86  | \$44.76  | \$44.76  |
| Super Senior | \$34.28  | \$36.19  | \$36.19  |
| Family       | \$128.58 | \$137.14 | \$137.14 |

## Appendix 21

| POOL/AQUATICS | Effective April<br>1,2014 | Effective April<br>1,2015 | Effective<br>April<br>1,2016 |
|---------------|---------------------------|---------------------------|------------------------------|
|---------------|---------------------------|---------------------------|------------------------------|

### 3 Months

|              |          |          |          |
|--------------|----------|----------|----------|
| Preschool    | \$23.81  | \$25.71  | \$25.71  |
| Child        | \$84.76  | \$89.52  | \$89.52  |
| Youth        | \$94.28  | \$99.05  | \$99.05  |
| Adult        | \$132.38 | \$139.05 | \$139.05 |
| Senior       | \$94.28  | \$99.05  | \$99.05  |
| Super Senior | \$84.76  | \$89.52  | \$89.52  |
| Family       | \$313.33 | \$329.52 | \$329.52 |

### 6 Months

|              |          |          |          |
|--------------|----------|----------|----------|
| Preschool    | \$44.76  | \$47.62  | \$47.62  |
| Child        | \$151.42 | \$159.05 | \$159.05 |
| Youth        | \$170.47 | \$179.05 | \$179.05 |
| Adult        | \$227.62 | \$239.05 | \$239.05 |
| Senior       | \$170.47 | \$179.05 | \$179.05 |
| Super Senior | \$151.42 | \$159.05 | \$159.05 |
| Family       | \$570.47 | \$599.05 | \$599.05 |

### 12 Month Annual Pass

|              |          |          |          |
|--------------|----------|----------|----------|
| Preschool    | \$68.57  | \$72.38  | \$72.38  |
| Child        | \$237.14 | \$249.52 | \$249.52 |
| Youth        | \$265.72 | \$279.05 | \$279.05 |
| Adult        | \$360.95 | \$379.05 | \$379.05 |
| Senior       | \$265.72 | \$279.05 | \$279.05 |
| Super Senior | \$237.14 | \$249.52 | \$249.52 |
| Family       | \$884.76 | \$929.52 | \$929.52 |

### Fitness Room/Pool Combined

#### Single Admission

|              |        |         |         |
|--------------|--------|---------|---------|
| Youth        | \$6.67 | \$7.14  | \$7.38  |
| Adult        | \$9.53 | \$10.00 | \$10.24 |
| Senior       | \$6.67 | \$7.14  | \$7.38  |
| Super Senior | \$5.71 | \$6.19  | \$6.43  |

## Appendix 21

| POOL/AQUATICS | Effective April<br>1,2014 | Effective April<br>1,2015 | Effective<br>April<br>1,2016 |
|---------------|---------------------------|---------------------------|------------------------------|
|---------------|---------------------------|---------------------------|------------------------------|

### 10 Tickets

|              |         |         |         |
|--------------|---------|---------|---------|
| Youth        | \$60.00 | \$63.81 | \$65.71 |
| Adult        | \$84.76 | \$89.52 | \$91.43 |
| Senior       | \$60.00 | \$63.81 | \$65.71 |
| Super Senior | \$51.43 | \$55.24 | \$57.14 |

### 1 Month

|              |         |         |         |
|--------------|---------|---------|---------|
| Youth        | \$60.00 | \$63.81 | \$65.71 |
| Adult        | \$84.76 | \$89.52 | \$91.43 |
| Senior       | \$60.00 | \$63.81 | \$65.71 |
| Super Senior | \$51.43 | \$55.24 | \$57.14 |

### 3 Months

|              |          |          |          |
|--------------|----------|----------|----------|
| Youth        | \$160.95 | \$169.52 | \$173.33 |
| Adult        | \$218.09 | \$229.52 | \$234.29 |
| Senior       | \$160.95 | \$169.52 | \$173.33 |
| Super Senior | \$132.38 | \$139.05 | \$141.90 |

### 6 Months

|              |          |          |          |
|--------------|----------|----------|----------|
| Youth        | \$284.76 | \$299.05 | \$304.76 |
| Adult        | \$380.00 | \$399.05 | \$406.67 |
| Senior       | \$284.76 | \$299.05 | \$304.76 |
| Super Senior | \$227.62 | \$239.05 | \$243.81 |

### 12 Month Annual Pass

|              |          |          |          |
|--------------|----------|----------|----------|
| Youth        | \$446.67 | \$469.52 | \$479.05 |
| Adult        | \$599.05 | \$629.52 | \$641.90 |
| Senior       | \$446.67 | \$469.52 | \$479.05 |
| Super Senior | \$360.95 | \$379.05 | \$386.67 |

### FITNESS ROOM / PUBLIC SWIMMING DAY PASS - Admission Rates

#### Single Admission

|        |         |         |         |
|--------|---------|---------|---------|
| Youth  | \$9.53  | \$10.48 | \$10.95 |
| Adult  | \$13.33 | \$14.29 | \$14.76 |
| Senior | \$9.53  | \$10.48 | \$10.95 |

## Appendix 21

| POOL/AQUATICS                 | Effective April 1,2014                                                                                     | Effective April 1,2015                                                                                     | Effective April 1,2016                                                                                     |
|-------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Super Senior                  | \$7.62                                                                                                     | \$8.57                                                                                                     | \$9.05                                                                                                     |
| Agency Activity Pass - Annual | \$570.47                                                                                                   | \$599.05                                                                                                   | \$599.05                                                                                                   |
| 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 | Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room |

### CLINIC RATES

#### Weekly Pool

|        |         |         |         |
|--------|---------|---------|---------|
| Senior | \$11.67 | \$12.38 | \$12.38 |
| Adult  | \$14.01 | \$14.76 | \$14.76 |

#### Weekly Fitness/Pool

|        |         |         |         |
|--------|---------|---------|---------|
| Senior | \$16.33 | \$17.62 | \$18.10 |
| Adult  | \$23.34 | \$24.76 | \$25.24 |

#### Monthly Pool

|        |         |         |         |
|--------|---------|---------|---------|
| Senior | \$32.14 | \$33.81 | \$33.81 |
| Adult  | \$38.57 | \$40.24 | \$40.24 |

#### Monthly Fitness/Pool

|        |         |         |         |
|--------|---------|---------|---------|
| Senior | \$45.00 | \$48.33 | \$49.29 |
| Adult  | \$63.57 | \$67.62 | \$68.57 |

## Appendix 22

| PUBLIC WORKS | 2014 Fee | 2016 |
|--------------|----------|------|
|--------------|----------|------|

### Concrete Rates:

Note: costs involving concrete will be estimated by the Engineering Department (with the exception being all flat rate fees for water, sewer and storm sewer for which concrete costs are included)

### Asphalt Rates:

Note: costs involving asphalt will be estimated by the Engineering Department (with the exception being all flat rate fees for water, sewer and storm sewer for which concrete costs are included)

### Minimum Work Order Charge:

|                                                 |          |          |
|-------------------------------------------------|----------|----------|
| The minimum charge for any work order shall be: | \$367.50 | \$400.00 |
|-------------------------------------------------|----------|----------|

## Appendix 24

| <b>Recreation - Miscellaneous</b> | <b>2015</b> | <b>Effective April 1, 2016</b> |
|-----------------------------------|-------------|--------------------------------|
|-----------------------------------|-------------|--------------------------------|

### Shower Only

|              |         |         |
|--------------|---------|---------|
| Single Visit | \$3.10  | \$3.10  |
| 10 Pass      | \$27.86 | \$27.86 |

### Gymnasium Drop -In

|              |         |         |
|--------------|---------|---------|
| Single Visit | \$4.05  | \$4.05  |
| Family       | \$10.00 | \$10.00 |

### Service Fees

|                                     |        |        |
|-------------------------------------|--------|--------|
| Membership Card Replacement         | \$2.14 | \$2.14 |
| *Non-Profit Sport/Recreation Groups | \$2.14 | \$2.14 |
| *Non-Profit Theatre Tickets         | \$2.14 | \$2.14 |
| *Commercial Theatre Tickets         | \$2.62 | \$2.62 |

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

|                               |                                                                                                            |                                                                                                            |
|-------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Agency Activity Pass - Annual | \$599.05                                                                                                   | \$599.05                                                                                                   |
| 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 |

| Appendix 24                |                                                                                                                                                                                                                      |                                                                                                                                                                                                                |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recreation - Miscellaneous | 2015                                                                                                                                                                                                                 | Effective April 1, 2016                                                                                                                                                                                        |
| Group Discounts            | 10% off drop-in admission rates for groups of 10 or more.<br>20% off drop-in admission rates for groups of 20 or more.<br>Non School District 67 schools*: 50% off drop-in admission rates for groups of 30 or more. | 10% off drop-in admission rates for groups of 10 or more. 20% off drop-in admission rates for groups of 20 or more. Non School District 67 schools*: 50% off drop-in admission rates for groups of 30 or more. |

#### 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)

|                                                          |         |         |
|----------------------------------------------------------|---------|---------|
| 4x7x10 compartment (per month)                           | \$24.43 | \$24.92 |
| Misc. Storage Rentals/sq feet/month (minimum \$10/month) | \$0.59  | \$0.60  |

#### Piano Rental

|                                                                                             |             |             |
|---------------------------------------------------------------------------------------------|-------------|-------------|
| The Licensee shall be responsible for and shall pay for the tuning of the Piano if required | Actual Cost | Actual Cost |
| Grand/Upright Piano (1/3 of a day)                                                          | \$11.43     | \$11.66     |

#### Concert Steinway Piano

|                                 |          |          |
|---------------------------------|----------|----------|
| Commercial - 1 day of First day | \$176.29 | \$179.82 |
| Commercial - Subsequent Days    | \$88.14  | \$89.90  |
| Non-Profit 1 day or first day   | \$88.14  | \$89.90  |
| Non-profit - Subsequent days    | \$44.07  | \$44.95  |

#### Specialty Items

|                                    |              |              |
|------------------------------------|--------------|--------------|
| Community Centre Equipment Rentals | market value | market value |
|------------------------------------|--------------|--------------|

| Appendix 24                                                                                                                                                                                                            |                                                   |                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|
| Recreation - Miscellaneous                                                                                                                                                                                             | 2015                                              | Effective April 1,2016                            |
| Community Centre Retail Merchandise                                                                                                                                                                                    | mark up at Retail<br>Price to reflect 25%-<br>50% | mark up at Retail<br>Price to reflect 25%-<br>50% |
| 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. | \$28.53                                           | \$29.10                                           |

#### McLaren Arena Advertising

|                        |  |          |
|------------------------|--|----------|
| Floor Decals           |  | \$299.00 |
| Standard Rink Boards   |  | \$350.00 |
| Ice Resurfacing Decals |  | \$499.00 |

Non School District 67 Schools\* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands. The Non School District 67 Schools rates are applicable during school hours.

## Appendix 26

| Theatre                                                                                                                     | Effective<br>April 1,2014 | 2015    | Effective<br>April<br>1,2016 |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|---------|------------------------------|
| Theatre Technician Rate Rate of \$33.00/hr effective April 1, 2014 is included. To be increased by CPI in non-review years. | \$33.00                   | \$33.75 | \$34.50                      |

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.

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

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$45.73 | \$46.64 | \$47.57 |
| Adult                           | \$71.38 | \$72.81 | \$74.26 |
| Non School District 67 Schools* |         | \$43.42 | \$44.29 |

### Non-Profit/ Local Public/ Performance

|                                 |         |         |         |
|---------------------------------|---------|---------|---------|
| Child/Youth                     | \$58.56 | \$59.73 | \$60.92 |
| Adult                           | \$84.20 | \$85.89 | \$87.60 |
| Non School District 67 Schools* |         | \$53.23 | \$54.30 |

|                                                             |            |              |            |
|-------------------------------------------------------------|------------|--------------|------------|
| Local Private/Commercial/ Rehearsal/Set up/Take Down        | \$84.20    | \$85.89      | \$87.60    |
| Convention Rate                                             | \$84.20    | \$85.89      | \$87.60    |
| Local Private/ Commercial/ Performance                      | \$147.36   | \$150.31     | \$153.31   |
| Non-Resident/Private/Commercial: Rehearsal Set Up/Take Down | \$168.41   | \$171.78     | \$175.22   |
| Non-Resident/Private/Commercial: Performance                | \$210.52   | \$214.73     | \$219.02   |
| Non-Resident/Non Profit: Rehearsal Set Up/Take Down         | \$84.20    | \$85.89      | \$87.60    |
| Non-Resident/Non Profit: Performance                        | \$147.37   | \$150.32     | \$153.32   |
| Non-Resident Commercial Day Rate*                           | \$1430/day | \$1460/day   | \$1490/day |
| Non-Resident Non Profit Day Rate*                           | \$799/day  | \$ 815 / day | \$830/day  |

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

### Dark Days

|                                        |         |         |         |
|----------------------------------------|---------|---------|---------|
| Non-profit Child/Youth                 | \$12.82 | \$13.08 | \$13.34 |
| Non School District 67 Schools*        |         | \$9.81  | \$10.00 |
| Adult/Private/ Commercial/Non-Resident | \$25.65 | \$26.17 | \$26.69 |
| Set Shop Only                          | \$6.33  | \$6.46  | \$6.59  |

| Appendix 26                 |                           |        |                              |
|-----------------------------|---------------------------|--------|------------------------------|
| Theatre                     | Effective<br>April 1,2014 | 2015   | Effective<br>April<br>1,2016 |
| *Non-Profit Theatre Tickets | \$1.91                    | \$2.14 | \$2.14                       |
| *Commercial Theatre Tickets | \$2.38                    | \$2.62 | \$2.62                       |

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

Non School District 67 Schools\* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands. The Non School District 67 Schools rates are applicable during school hours.

**Bylaw No. 2016-04**

*A bylaw to amend the Municipal Ticketing Information Bylaw No. 2012-5021*

WHEREAS the Council of the City of Penticton has adopted a Municipal Ticketing Information Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Municipal Ticketing Information Bylaw No. 2012-5021";

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 "MTI Amendment Bylaw No. 2016-04".

2. Amendment:

i. Amend "Municipal Ticketing Information Bylaw No. 2012-5021" by deleting and replacing the following Schedules in their entirety:

- Schedule B1 – Building Bylaw No. 94-45
- Schedule B4 – Business Licence Bylaw No. 2010-90
- Schedule B10 – Traffic Bylaw No. 94-39

ii. Add the following new Schedules:

- Schedule B21 – Bow and Arrow and Firearms Regulations Bylaw No. 2015-37
- Schedule B22 – Blasting Control Bylaw No. 2016-01

iii. Amend Schedule A by adding Schedule B21 and Schedule B22 with enforcement by Director of Development Services, Bylaw Enforcement Officer and RCMP.

iv. Schedules B1, B4, B10, B21 and B22 attached hereto forms part of this bylaw.

READ A FIRST time this 1 day of February, 2016

READ A SECOND time this 1 day of February, 2016

READ A THIRD time this 1 day of February, 2016

ADOPTED this day of , 2016

---

Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

**SCHEDULE B1 to BYLAW 5021**

| <b><u>BUILDING BYLAW NO. 94-45</u></b>                    | <b><u>SECTION</u></b> | <b><u>FINE</u></b> |
|-----------------------------------------------------------|-----------------------|--------------------|
| 1. Fail to obtain a building permit                       | 9.1 (c)               | \$500              |
| 2. Fail to post permit in a conspicuous place             | 9.1 (d)               | \$100              |
| 3. Fail to provide notice for inspection                  | 9.1 (i)               | \$250              |
| 4. Fail to obey an order to cease work                    | 9.1 (k)               | \$250              |
| 5. Doing construction that is at Variance with the permit | 9.1 (l)               | \$150              |
| 6. Fail to obtain and post a completion certificate       | 9.1 (p)               | \$250              |
| 7. Fail to obtain an occupancy permit                     | 9.1 (q)               | \$250              |
| 8. Fail to provide proper fencing around a swimming pool  | 10.1                  | \$250              |

**SCHEDULE B4 to BYLAW 5021**

| <u>BUSINESS LICENCE BYLAW NO. 2010-90</u>                                                        | <u>SECTION</u> | <u>FINE</u> |
|--------------------------------------------------------------------------------------------------|----------------|-------------|
| 1. Carry on business without a licence                                                           | 5.1            | \$500       |
| 2. Failure to notify the Manager prior to transfer, change or cancellation of a business licence | 7.1            | \$100       |
| 3. Fail to display the current business licence licence                                          | 10.2           | \$ 75.00    |

**SCHEDULE B10 to BYLAW 5021**

| <b><u>TRAFFIC BYLAW #94-39</u></b> |                                                                                            | <b><u>SECTION</u></b> | <b><u>FINE</u></b> |
|------------------------------------|--------------------------------------------------------------------------------------------|-----------------------|--------------------|
| 1.                                 | Fail to remove snow                                                                        | 5.11                  | \$ 75.00           |
| 2.                                 | Excessive noise from motor vehicles                                                        | 7.2                   | \$100.00           |
| 3.                                 | Operate a motor vehicle with<br>person riding in the cargo compartment                     | 3.1.24                | \$100.00           |
| 4.                                 | In possession of open liquor                                                               | 3.1.25                | \$100.00           |
| 5.                                 | Loiter (or stand) and obstruct traffic                                                     | 3.1.7                 | \$100.00           |
| 6.                                 | Unsecure load                                                                              | 3.1.20                | \$100.00           |
| 7.                                 | Using a skateboard, skates or<br>other similar means of<br>conveyance in a restricted area | 3.1.3                 | \$ 75.00           |
| 8.                                 | Undue care and attention while<br>using a skateboard or skates                             | 6.7                   | \$ 75.00           |
| 9.                                 | Disobey traffic control device                                                             | 3.1.1                 | \$ 75.00           |
| 10.                                | Drive vehicle in park                                                                      | 3.1.16                | \$100.00           |
| 11.                                | Drive vehicle on sidewalk                                                                  | 3.1.2                 | \$100.00           |
| 12.                                | Passenger not properly seated                                                              | 3.1.26                | \$100.00           |
| 13.                                | Fail to tarp load                                                                          | 12 (A) 9              | \$100.00           |
| 14.                                | Place or permit to be placed<br>merchandise on a highway                                   | 3.1.11                | \$100.00           |
| 15.                                | Solicit business on a street<br>without a licence                                          | 3.1.23                | \$100.00           |
| 16.                                | Ride bicycle on sidewalk                                                                   | 3.1.28                | \$ 50.00           |

- |     |                             |            |                                                |
|-----|-----------------------------|------------|------------------------------------------------|
| 17. | "A" Ticket Overtime Parking | Schedule P | \$20.00 within 14 days<br>\$40.00 over 14 days |
| 18. | "B" Ticket Infractions      | Schedule P | \$40.00 within 14 days<br>\$55.00 over 14 days |

## **SCHEDULE B21 to Bylaw 5021**

### Bow and Arrow and Firearms Regulations Bylaw No. 2015-37

|                                                                                             | SECTION   | FINE   |
|---------------------------------------------------------------------------------------------|-----------|--------|
| 1. Operate a crossbow within the City of Penticton                                          | 4.1       | \$1000 |
| 2. Operate a drawbow contrary to the provisions of the bylaw                                | 4.2       | \$1000 |
| 3. Discharge a firearm within the City of Penticton contrary to the provisions of the bylaw | 5.1 & 5.2 | \$1000 |
| 4. Discharge of firearms or drawbow without a permit                                        | 6.1       | \$1000 |

## **SCHEDULE B22 to Bylaw 5021**

### Blasting Control Bylaw No. 2016-01

|                                                                                                                                             | SECTION | FINE  |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------|-------|
| 1. Blasts within the City without a valid Blasting Permit                                                                                   | 15.     | \$500 |
| 2. Authorize or permits blasting on property owned or controlled within the City without a valid Blasting Permit or valid written exemption | 15.     | \$500 |
| 3. Violates the terms or conditions of a Blasting Permit                                                                                    | 15.     | \$500 |

## **The Corporation of the City of Penticton**

### **Bylaw No. 2016-05**

*A bylaw to amend the Irrigation, Sewer and Water Bylaw No. 2005-02*

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WHEREAS the Council of the City of Penticton has adopted an Irrigation, Sewer and Water Bylaw pursuant to the *Local Government Act* and *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Irrigation, Sewer and Water Bylaw No. 2005-02";

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 "Irrigation, Sewer and Water Amendment Bylaw No. 2016-05".

2. Amendment:

2.1 Amend "Irrigation, Sewer and Water Bylaw No. 2005-02" by updating Schedule 'G' Sanitary Sewer Area map to include the properties identified on Schedule A.

2.2 Schedule A attached hereto forms part of this bylaw.

READ A FIRST time this                      1   day of                      February, 2016

READ A SECOND time this                      1   day of                      February, 2016

READ A THIRD time this                      1   day of                      February, 2016

ADOPTED this                                      day of                                      , 2016

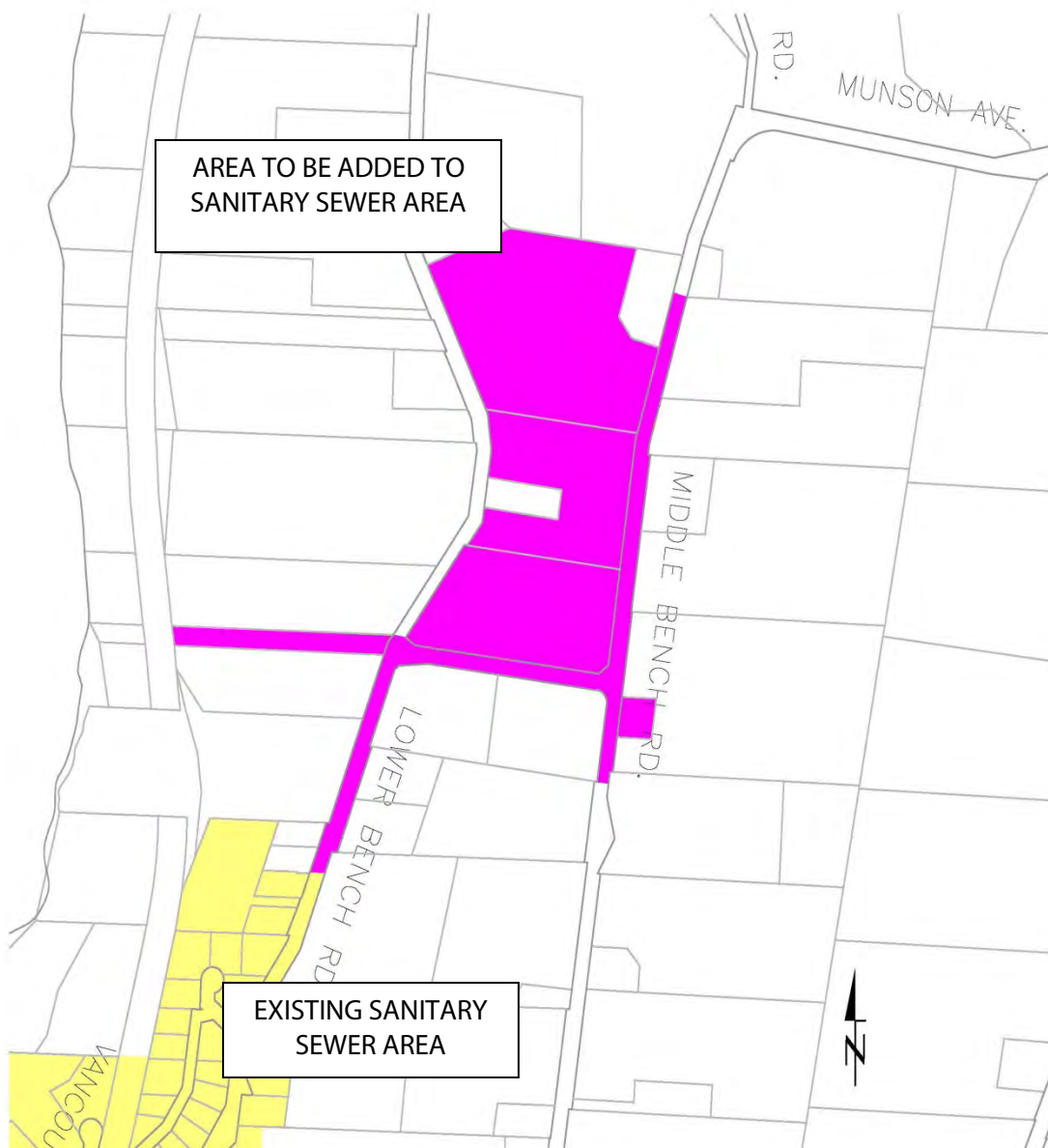
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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

## Schedule A



# Council Report

penticton.ca

**Date:** February 15, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 796 Lakeshore Drive West  
**Subject:** **Development Variance Permit PL2016-7590**

File No: DVP PL2016-7590

## Staff Recommendation

THAT Council approve Development Variance Permit PL2016-7590 for Parcel A (SEE KT24099) District Lot 2 Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 4937 located at 796 Lakeshore Drive West, a permit to reduce the front yard and exterior side yards to accommodate the patio and entrance arch and to increase the height of a fence in the front yard from 1.2m to 1.7m;

AND THAT staff be directed to issue Development Variance Permit PL2016-7590.

## Strategic priority objective

The proposal meets Council's strategic priority of waterfront enhancement and revitalization.

## Background

The subject property (Attachment 'A') is zoned P2 (Parks and Recreation). This zone provides for parks, recreation and open space uses as well as accessory uses. The subject property is designated by the Official Community Plan (OCP) as PR (Parks and Recreation). The OCP encourages small scale tourist commercial operations within the Parks and Recreation designation. Currently, the applicant leases a concession building located in the north west portion of the site (see Attachment 'B'). The applicant intends to renovate and expand the existing concession to enhance the existing building by accommodating washrooms dedicated to the concession and provide a landscaped outdoor patio area for public use of patrons.

## Proposal

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

- Section 13.2.2.5: reduce the minimum front yard from 6m to 0m to allow an outdoor patio
- Section 13.2.2.6 ii: reduce the minimum exterior side yard from 6m to 0.3m to allow an outdoor patio
- Section 13.2.2.5: reduce the minimum front yard from 6m to 3m to allow an entrance arch
- Section 6.5.1 .1: vary the height of a fence from 1.2m to 1.7m in the front yard

## **Financial implication**

The City receives revenue from the concession holder on the following terms:

The lease revenue will be \$23,727/year until April 1, 2022 when the existing prepaid consideration ends and the lease will increase to \$29,588 plus the CPI adjustment that was applied in year 5.

## **Technical review**

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

## **Analysis**

Approve

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 or if the variance request is reasonable.

In this case there are four variances that are being requested. Staff will deal with each separately:

### **Section 13.2.2.5: reduce the minimum front yard setback from 6m to 0m and Section 13.2.2.6 ii. reduce the minimum exterior side yard setback from 6m to 0.3m to allow an outdoor patio**

Under Zoning Bylaw 2011-23, patio seating is allowed in the front yard setback in the tourist commercial areas. The subject property is directly adjacent to the designated tourist development area on Lakeshore Drive where patios presently exist. The applicant is proposing to add 173m<sup>2</sup> (1,861sq<sup>2</sup>) of landscaped planting to enhance the site. In considering these variances, staff have concluded that the proposed patio and landscape area will offer waterfront enhancement on Lakeshore Drive and do not expect that the two variances would have a negative impact on the neighbouring properties and that, for these reasons the request is reasonable.

### **Section 6.5.1 .1: to allow a 1.7m tall glass fence in the front yard**

The applicant is requesting an increase in the maximum height of an allowable glass fence. The reason for the increase in height is partly due to the design of the fence and the patio area. The glass fence is designed to complement the patio and offer weather protection for members of the public who are patrons of the concession. The transparency of the fence allows for pedestrian interest and avoids a monotonous appearance. The increase in height will not have a negative impact on any neighbouring properties and furthermore, compliments the patio.

### **Section 13.2.2.5: reduce the minimum front yard setback from 6m to 3m to allow an entrance arch**

A 3m front setback reduction along Lakeshore Drive for an entrance arch is also requested as part of this application. This design choice creates more architectural variation and interest in the building and the use

on the site, as well as enhancing the existing streetscape. The proposed use on the site is compatible with the character of Lakeshore Drive. Staff does not consider that, given the magnitude of the variance requested, there will be an adverse impact on neighbouring properties.

Considering the above, the proposal submitted by the applicant will continue to enhance this site, does not have a negative impact on surrounding land uses and is reasonable in terms of magnitude and location. Furthermore, the use of this location as a concession is already established. In assessing this application, staff was mindful of the existing concession building, the improvements to that offer promoted through this application, the presence of the existing additional park uses (including children's play area and splash park) that will be unaffected by this application and that a concession is an appropriate accessory use to the park designation. The recommendation is that Council support the application and direct staff to issue the permit.

#### Deny/Refer

Council may feel that the proposal should meet the development regulations as outlined in the zoning bylaw. If this is the case, Council should deny the variances. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

#### **Alternate Recommendations**

1. THAT DVP PL2016-7590 be denied.
2. THAT DVP PL2016-7590 be referred back to staff.

#### **Attachments**

|               |                               |
|---------------|-------------------------------|
| Attachment A: | Subject Property Location Map |
| Attachment B: | Lease Area                    |
| Attachment C: | Zoning Map                    |
| Attachment D: | OCP Map                       |
| Attachment E: | Elevations                    |
| Attachment F: | Site Plan                     |
| Attachment G: | Letter of Intent              |
| Attachment H: | DVP                           |

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

#### Approvals

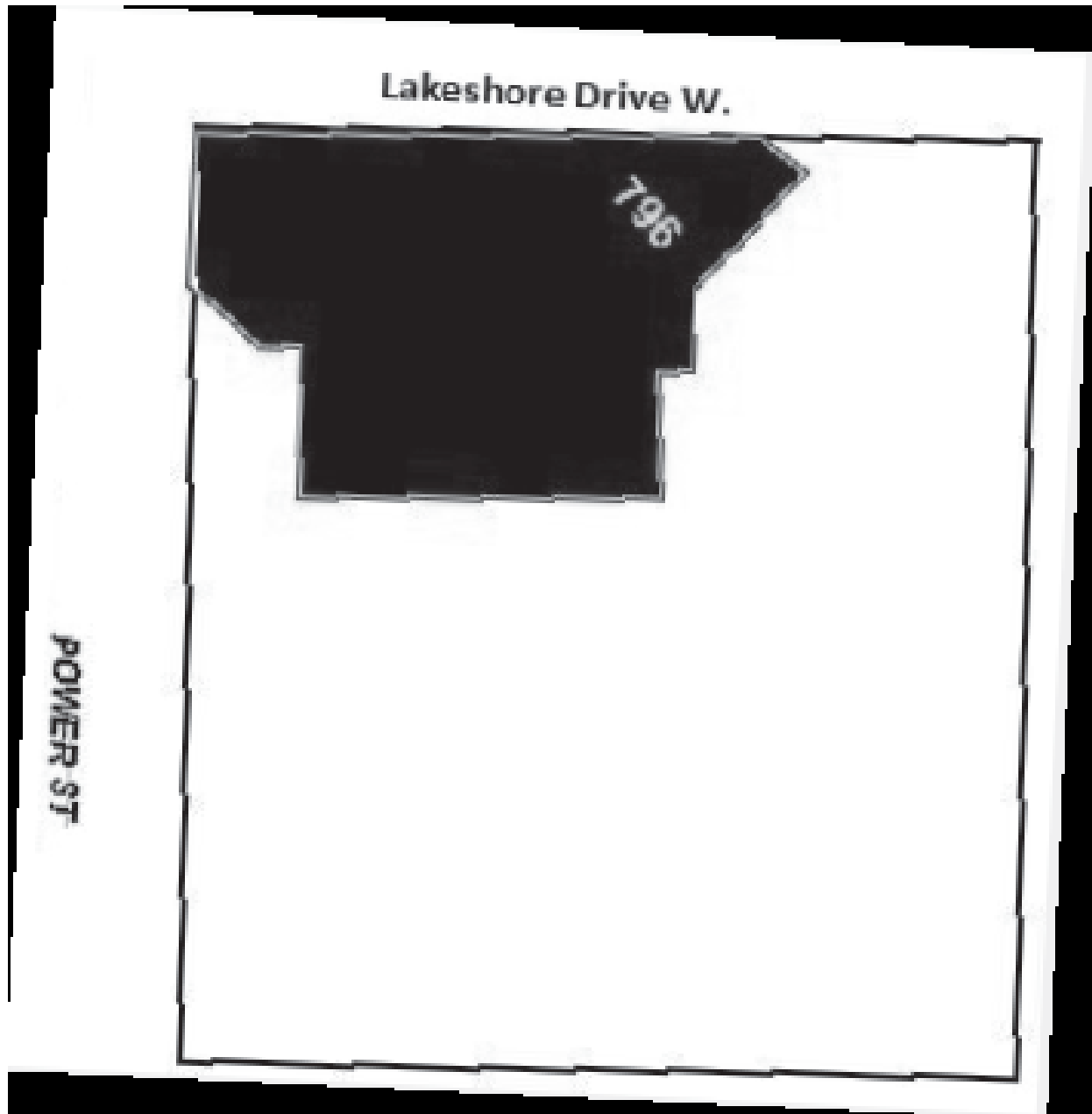
|                     |                |
|---------------------|----------------|
| Director<br><br>JGH | ACAO<br><br>MM |
|---------------------|----------------|

## Attachment A – Subject Property Location Map



**Figure 1: Subject property highlighted in red**

Attachment B – Lease Area



# Attachment C – Zoning Map



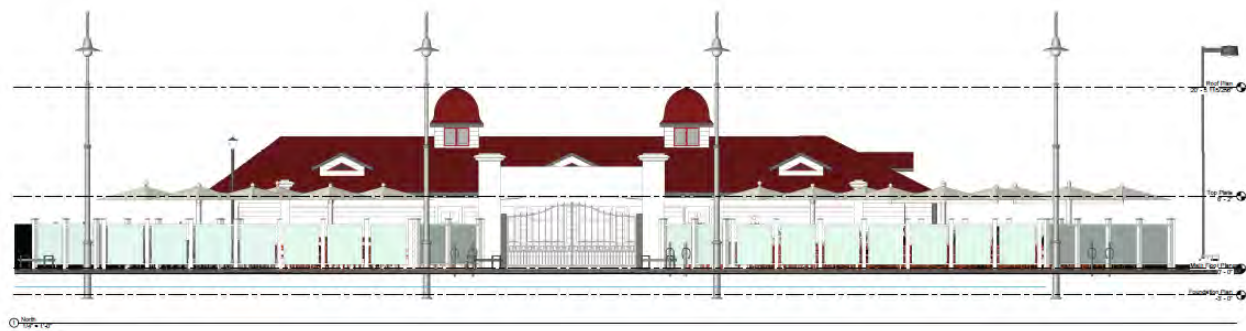
Figure 2: Zoning Map

## Attachment D – OCP Map

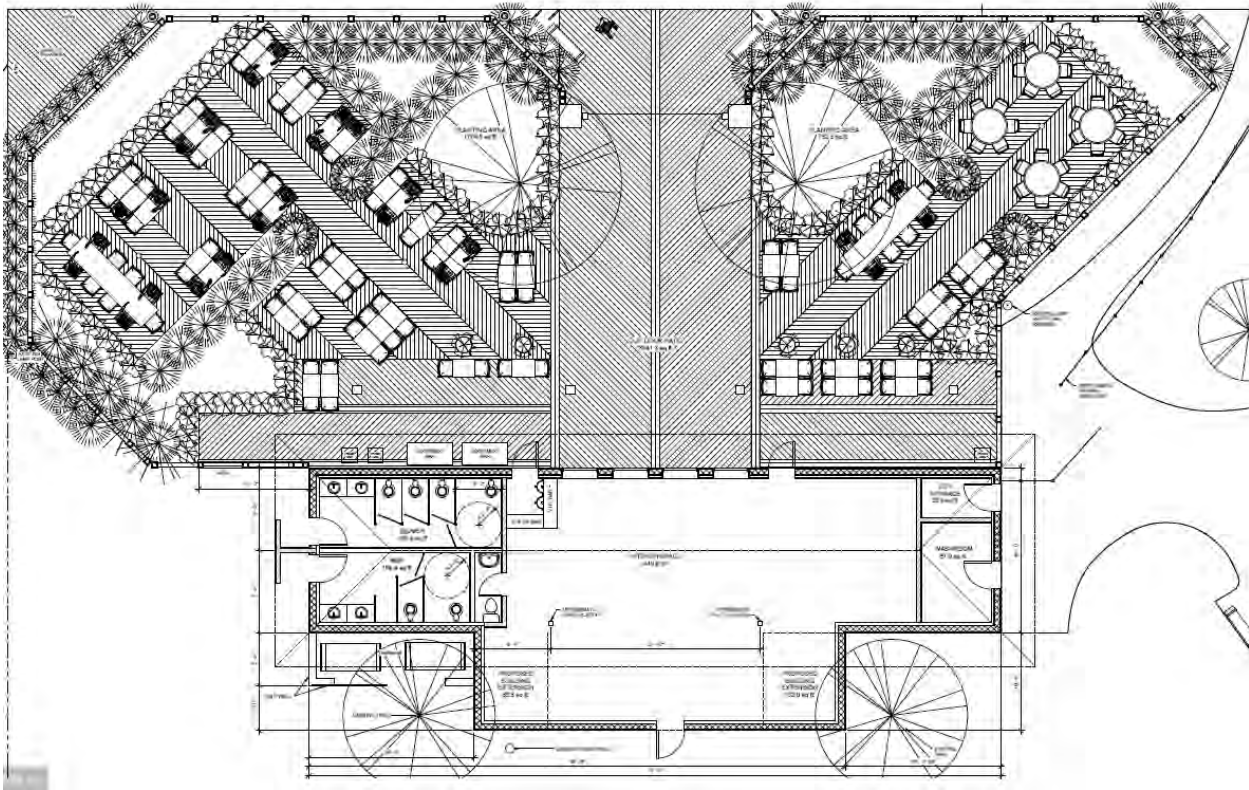


**Figure 3: OCP Map**

Attachment E - Elevations



Attachment F – Site Plan



## Attachment G – Letter of intent

**From:** [Audrey Tanguay](#)  
**To:** [Heather McDonald](#)  
**Subject:** FW: Rationale for a Development Variance Application for 796 Lakeshore Dr.  
**Date:** Tuesday, January 26, 2016 11:19:44 AM

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**From:** Matthew Coady [mailto:[matthew@mjcoady.com](mailto:matthew@mjcoady.com)]  
**Sent:** January-26-16 10:51 AM  
**To:** Audrey Tanguay  
**Subject:** Rationale for a Development Variance Application for 796 Lakeshore Dr.

Audrey -we are writing this letter of rationale for a development variance application for 796 Lakeshore Dr. We are writing it for the following reasons: 1.-to increase the front yard fence height to 1.7 m from 1.2 m. The fence is all glass and is required to allow people to dine when the wind blows off of Okanagan Lake which happens quite often during the dining season. It is totally transparent and will afford weather protection while at the same time allowing a visual connection between the street and the restaurant. 2 -to decrease the front yard setback from 6 m to 3 m for an entrance archway. The archway is freestanding and somewhat decorative but we would like to have a stronger presence closer to the sidewalk . The existing building which we are renovating and re-using is set well back from the street and although the large umbrellas will be exciting and airy, we feel that having a "front door "entrance is still expected by the dining public.

Matthew J. Coady, MAIBC, MRAIC  
M.J. Coady Architect, Inc.  
[matthew@mjcoady.com](mailto:matthew@mjcoady.com)  
370 Lower Bench Road  
Penticton, BC  
V2A 8V4

Phone: 250-487-8103

## Attachment H – DVP



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

### Development Variance Permit

Permit Number: DVP PL2016-7590

#### 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 (SEE KT24099) District Lot 2 Group 7, Similkameen Division Yale (Formerly Yale-Lytton), District Plan 4937  
Civic: 796 Lakeshore Drive W  
PID: 025-329-766

This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2011-23 to facilitate the renovation of the Lakawana concession, as shown in the plans attached in Schedule A:

- Section 13.2.2.5: reduce the minimum front yard from 6m to 0m to allow an outdoor patio
- Section 13.2.2.5: reduce the minimum front yard from 6m to 3m to allow an entrance arch
- Section 13.2.2.6 ii. reduce the minimum exterior side yard from 6m to 0m to allow an outdoor patio
- Section 6.5.1 .1 to allow a glass fence to at 1.7m in the front yard

#### General Conditions

3. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
4. In accordance with Section 504 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.
5. 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.
6. 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.
7. This permit does not include off-site infrastructure costs that may be required at the building

permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the \_\_\_\_\_ day of \_\_\_\_\_, 2016

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016

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Dana Schmidt,  
Corporate Officer

# Council Report

penticton.ca

**Date:** February 15, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 1176 Queen Street

File No: DVP PL2015-7581

**Subject: Development Variance Permit PL2015-7581**

## Staff Recommendation

THAT Council approve Development Variance Permit PL2015-7581 for Lot 69, District Lot 250, SDYD, Plan 842 Except Plans B5063 and KAP79618, located at 1176 Queen Street, a permit to reduce the minimum lot width from 13m to 9.1m, reduce the minimum lot area from 390m<sup>2</sup> to 221m<sup>2</sup> and reduce the minimum interior yard setback from 1.5m to 1.2m;

AND THAT staff be directed to issue Development Variance Permit PL2015-7581.

## Strategic priority objective

N/A

## Background

The subject property is a 0.194 Acre (785m<sup>2</sup>) parcel located on Queen Street. This area of the city is characterised by established older single family dwellings. The lot is comprised of a single dwelling with an attached garage. The subject property is designated LR – Low Density Residential in the City's Official Community Plan (Bylaw 2002-20) and R2 –Small Lot Residential in Zoning Bylaw 2011-23.

In 2004, the lot was subdivided to create a triangular shaped property (1164 Queen Street) to accommodate a new house, leaving the remaining trapezoidal parcel with the pre-existing house and garage (Attachment 'A'). The applicant now wishes to further subdivide the remainder of the lot into two. If Council is minded to approve this Development Variance Permit application, the applicant will be pursuing a subdivision of the lot to provide a new infill parcel. Part of the existing garage will need to be demolished to meet the 1.2m setback between the building and the proposed property line.

## Proposal

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

- Section 10.2.2.1 : To vary the minimum lot width from 13m to 9.1m

- Section 10.2.2.2 : To vary the minimum lot area from 390m<sup>2</sup> to 221m<sup>2</sup>
- Section 10.2.2.6 i : To vary the minimum interior setback from 1.5m to 1.2m for the remainder lot

The eventual aim of the property owners is to subdivide the property to create an additional infill lot and add a new residential dwelling.

### **Development engineering review**

The Engineering Department has reviewed the proposed variances and do not have any concerns at this time. A complete and comprehensive analysis of the proposed development will be completed as part of the subdivision process.

### **Financial implication**

The creation of the new lot will trigger the payment of approximately \$13,000 in Development Cost Charges for roads, parks, the sanitary sewer and water infrastructure. Approval will also create an additional tax parcel.

### **Analysis**

#### Support Variance

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

#### **Section 10.2.2.1 : To vary the minimum lot width from 13m to 9.1m**

The applicant is requesting a minimum lot width reduction to accommodate an additional parcel on the current lot. In other neighborhoods in the downtown area, similar sized lots have been developed successfully with single family and duplex dwellings. The applicant has shown that even with the reduced lot size he can build a small home (800 sq ft footprint) on the newly created lot without the need for variances. The reduction in lot size will not have a negative impact on the existing neighbourhood and, given the approval of similar sized parcels, is considered reasonable.

#### **Section 10.2.2.2 : To vary the minimum lot area from 390m<sup>2</sup> to 221m<sup>2</sup>**

The applicant is requesting a minimum lot area reduction to accommodate an additional parcel. In considering this request for a variance, staff has concluded that the reduction in lot size will facilitate the development of an infill lot (without a need for further variances), while utilizing an area with existing services available without compromising the single family character of the neighborhood. The assessment is that this does not generate a negative impact on surrounding land uses or the City's existing infrastructure.

#### **Section 10.2.2.6 i : To vary the minimum interior setback from 1.5m to 1.2m**

A 0.2m interior setback reduction is also requested. This is required to keep part of the existing garage on the current property. As with other infill projects throughout the City, it is often difficult to build within

required setbacks. The variance to the required interior setback is *de minimis*. The applicant has demonstrated that a dwelling can be provided on the newly created lot and that setback and parking requirements can be met without the need for further variance requests.

Before final approval of a subdivision application, a number of requirements will need to be addressed, as indicated in Subdivision and Development Bylaw 2004-81.

Given the above, staff feels that the variances requested are reasonable and recommend that Council support the application.

#### Deny/Refer

Should Council consider that the proposed variances represent a negative impact on the residential character of the area it should deny the Development Variance Permit. If this is the case, the property will be restricted to one single family use. Alternatively, Council may refer the application back to staff with further instructions.

#### **Alternate Recommendations**

1. THAT Council support DVP PL2015-7581 with conditions.
2. THAT DVP PL2015-7581 be referred back to staff.

#### **Attachments**

Attachment A: Subject Property Location Map  
Attachment B: OCP Map  
Attachment C: Zoning Map  
Attachment D: Images of Subject Property  
Attachment E: Letter of Intent  
Attachment F: Subdivision Plan  
Attachment G: DVP

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

|                     |                |
|---------------------|----------------|
| Director<br><br>JGH | CAAO<br><br>MM |
|---------------------|----------------|

## Attachment A - Subject Property



Figure 1: Location Map



Figure 2: Original property prior to subdivision in 2004

## Attachment B - OCP Map

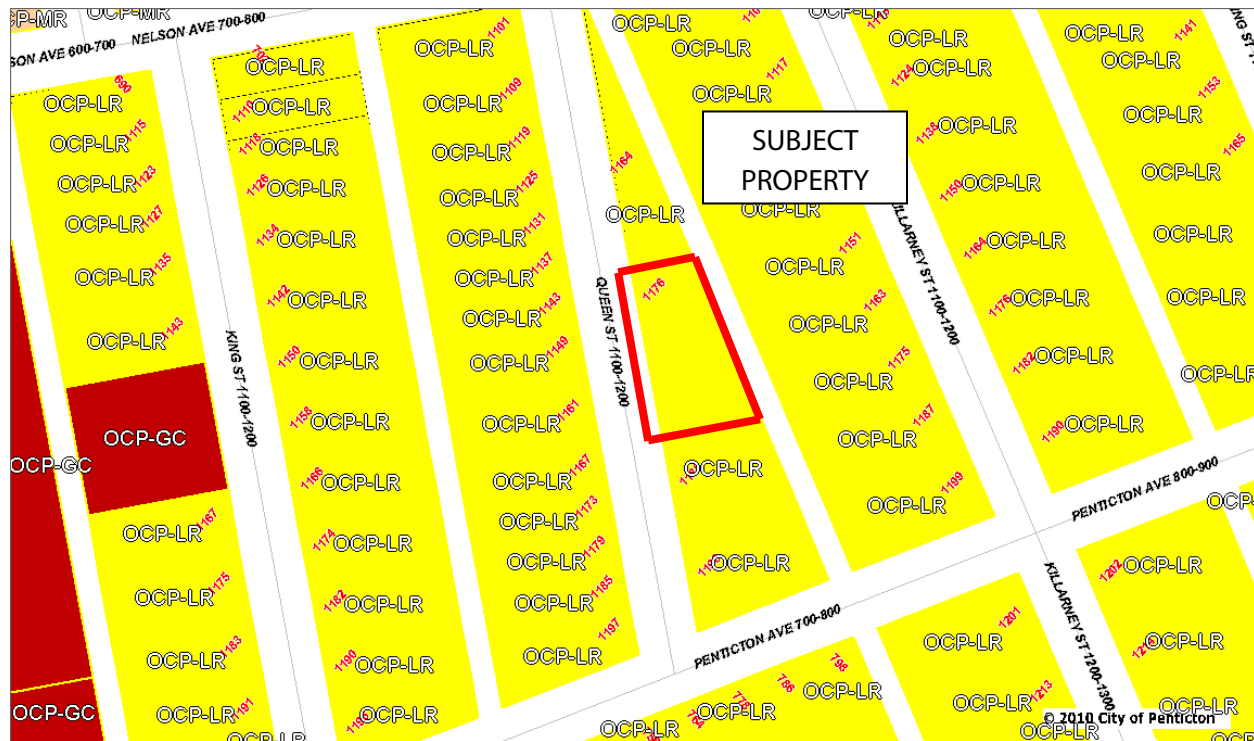


Figure 3: OCP Map

# Attachment C - Zoning Map

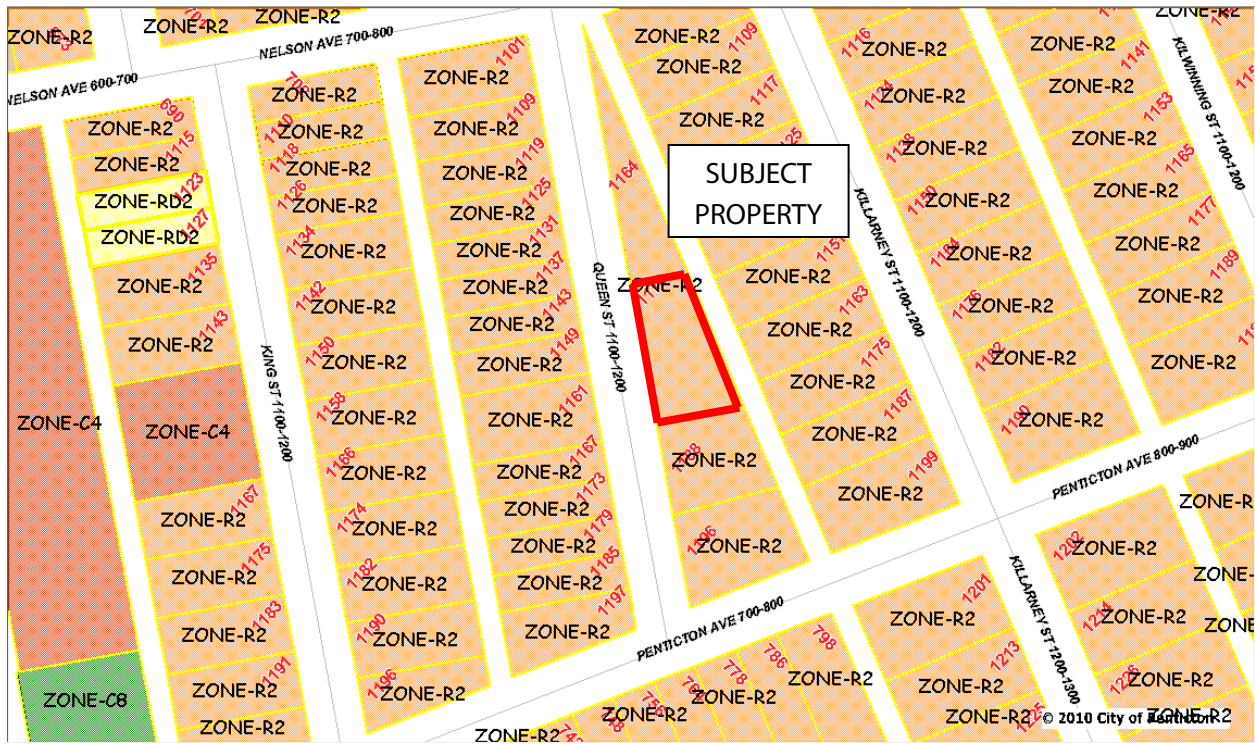


Figure 4: Zoning Map

Attachment D - Images of the Subject Property



Figure 5: View on Queen Street



Figure 6: View from the lane

## Attachment E –

### Letter of Rationale

#### Letter of Intent

The reason for this letter of intent is to see if there was an opportunity to subdivide the area south of my house at 1176 Queen Street Penticton. The area that I would like to subdivide would be approximately 212 m<sup>2</sup>. To attain this area of subdividing, I would have to remove 2/3 of my garage to make this area for the new lot. To make this possible, there will have to be a couple of variances approved by the city of Penticton. The first variance would have to be with regards to the new rezoning of the new lot dimensions. The width would have to be 9.1 meters wide which would be the same as many properties on Burns Street in Penticton. The length of the new lot has two lengths because it is an angled lot. The north side of the new lot would be 22.225 m and the south side would be 24.293 m. The house size at these dimensions with the regular setbacks would give the new owner a house size area of 76.12 m<sup>2</sup> (819sqft). This area can be easily doubled with a full size basement and to have the floor cantilevered over the foundation. The second variance would be to have the south side of the original lot set back from 1.5 m to 1.2 m. The original lot and the new lot will accommodate parking to illuminate street parking and will have enough green space that will be aesthetically appealing and will blend in to the other houses on this street. Thank you for the opportunity for myself to be able to present this letter of intent. David and Damaris Schumack

# Attachment F – Proposed Subdivision

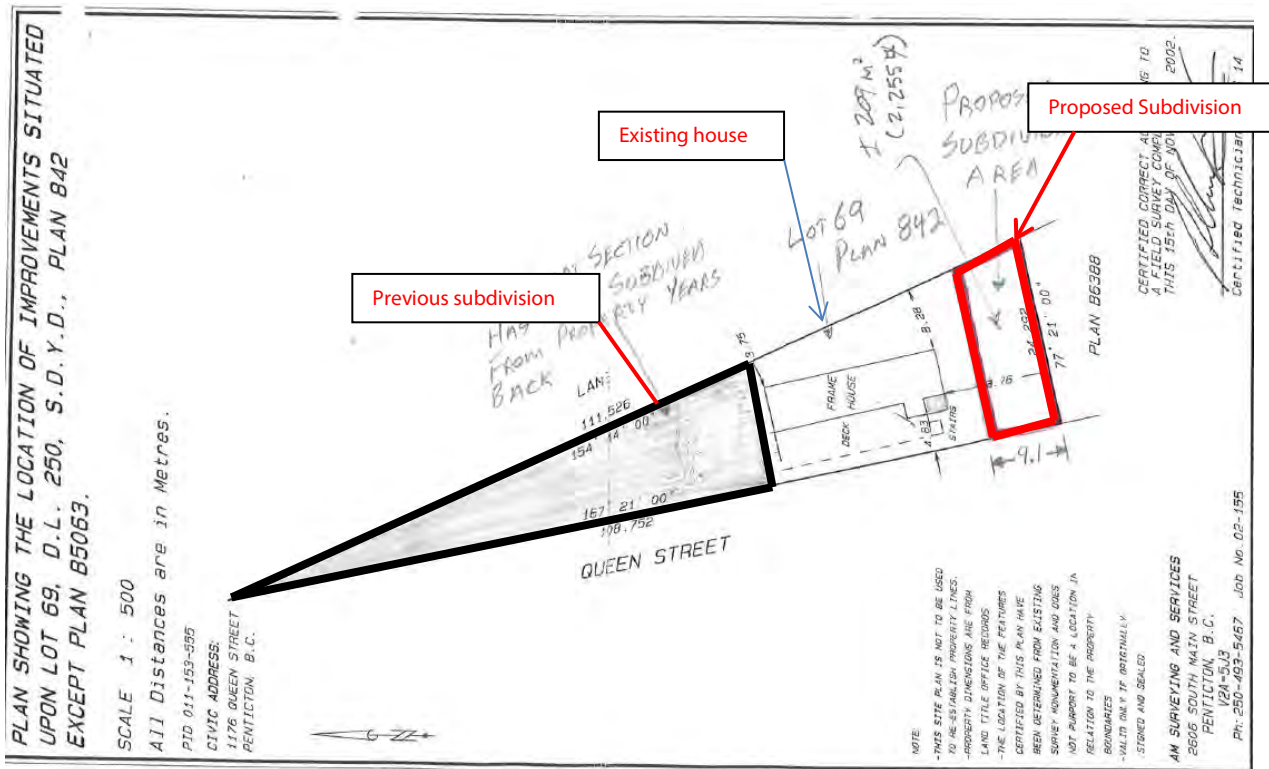


Figure 7: Subdivision Plan

Attachment G: DVP



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

### Development Variance Permit

Permit Number: DVP PL2015-087

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
Legal: Lot 69, District Lot 250, SDYD, Plan 842 Except Plans B5063 and KAP79618  
Civic: 1176 Queen Street  
PID: 011-153-555
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 10.2.2 .1 : To vary the minimum lot width from 13m to 9.1m, Section 10.2.2 .2: To vary the minimum lot area from 390m<sup>2</sup> to 221m<sup>2</sup> and Section 10.2.2 .6 i. :To vary the minimum interior setback from 1.5m to 1.2m as shown in the plans attached in Schedule A.

#### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 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 15<sup>th</sup> of February, 2016

Issued this \_\_\_\_ day of \_\_\_\_\_, 2016

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Dana Schmidt,  
Corporate Officer

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**From:** Glenda MacDonald  
**Sent:** February-11-16 9:08 AM  
**To:** Public Hearings  
**Subject:** Subject Property: 1176 Queen Street

Attention: Corporate Officer, City of Penticton

Re: Subdivision of 1176 Queen Street

I am the property owner of 1173 Queen street. I have resided on Queen street for five years. I am not in favour of the subdivision of 1176 Queen Street due to the concern over street parking along this street. Many Queen Street residents park on the Street and there already has been issues of not having enough parking space on the street.

Thank you for your time.

Sincerely:

Glenda MacDonald  
Property owner  
1173 Queen Street  
V2A 4R6

# Council Report

penticton.ca

**Date:** February 15, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Subject:** **Liquor sales in grocery stores**

File No: 4320-50

## Staff Recommendation

THAT Council after consideration to the information provided in this report select from the following options:

1. That the City of Penticton takes no action with respect to the Zoning Bylaw and relies on the Provincial requirements for the sale of alcohol in grocery stores;
2. That Council direct staff to draft an amendment to Zoning Bylaw No. 2011-23 to regulate liquor sales in grocery stores to limit it to the sale of 100% BC wines. (This will require a Public Hearing and 4 readings of the Bylaw amendment);
3. That Council offer an opportunity for interested parties to present delegations to a special Council meeting and following hearing from all delegations, determine which course of action to pursue to regulate the sale of liquor in grocery stores.

## Strategic priority objective

N/A

## Background

On June 23<sup>rd</sup>, 2015 Council received a letter from the BC Private Liquor Store Association (Attachment D) outlining the Associations opposition to new provincial regulations regarding retail liquor sales in grocery stores. Then on September 8<sup>th</sup>, 2015 a local group being represented by local private liquor store owners and a local winery and brewery made a presentation to Council with similar concerns, from a local perspective. Finally in January of 2016, Council heard from a representative from Overwaitea (Save-on-Foods) who explained to Council their intentions for wine in grocery stores.

Staff have provided an overview of those presentations and attached the overview to this report as Attachment 'A'.

Following these delegations, City Council has directed staff to research the topic and provide options for Council's consideration. That research and recommendations are contained in this report.

## Policy Review

Liquor sales are regulated through provincial statutory authority by the Liquor Control and Licensing Branch (LCLB) of the Ministry of Justice and are outlined by the Liquor Control and Licensing Act. At the municipal level, the City has jurisdiction over land use, and has the ability to make a distinction between liquor retail sales and other forms of retail sales.

In Penticton, however, the regulation of liquor has traditionally been left to the Province, with liquor sales treated like any other retail use in the City's Zoning Bylaw (2011-23). While the City does have the opportunity to comment on the application for new and relocating 'liquor primary licenses' (bars etc.), it does not have any role in the approval of the location of, or relocation of retail liquor licenses. This is in contrast to some other jurisdictions which take a greater role in liquor sales in their communities.

The distribution of liquor is a significant contributor to the provincial economy, contributing more than 1.1 billion dollars to the province yearly.

There are 1,147 liquor retail outlets in the province. Retail liquor sales are limited primarily to the following types of outlets:

- ☐ Government owned and operated 'BC Liquor Stores'
- ☐ Private 'Licensee Retail Stores' (LRS): also known as cold beer and wine stores or private liquor stores
- ☐ Wine Stores: which include sales of wine at wineries (WS), VQA wine stores and independent wine stores (IWS)
- ☐ VQA wine store: Is a wine store operated by the BC Wine Institute and is only permitted to sell BC VQA wines.
- ☐ Rural agency stores

Some additional facts:

- ☐ 48 % of retail liquor sales (by dollar volume) are through the 195 government liquor stores (BC Liquor Store). They sell all types of liquor and are now, under the new regulations recently introduced by the Province, permitted to be open on Sundays and holidays and with extended hours. BC Liquor Stores are not permitted to be located within 1km of a LRS or another BC Liquor Store; this is also a new regulation.
- ☐ Private retail stores (LRSs) were introduced in 1985 and were restricted to sales of only beer and wine until 2002, when they were permitted to begin selling spirits. There are 670 private retail stores in BC and represent 41 percent (by dollar value) of sales provincially. In 2002, the moratorium on new LRS stores was lifted allowing 400 new licences. The moratorium was reintroduced in 2012 and will remain in place until 2022.
- ☐ Private LRS stores are not permitted to be located within 1 km of another LRS (with some exemptions). Under the new regulations, though, LRSs are permitted to be relocated outside of their community (previously a prohibition on relocation outside of the community was in place – commonly referred to as the 5km rule). The removal of this regulation has resulted in several relocations of liquor licenses throughout the province in the past year.

- ☐ There are also 21 separate wine store (WS) licences that the BC Wine Institute owns. The wine store licenses can be transferred throughout the province and are not limited to the 1 km rule. A wine store can be located in close proximity to an LSR or a government owned 'BC Liquor Store'.
- ☐ 221 rural agency store (RAS) licenses provide convenience for people in rural and isolated areas and hold a 4% share of retail market value. They can sell beer, wine and spirits alongside other consumer goods. During the consultation on the changes, many people mentioned the level of convenience that rural residents have with being able to purchase alcohol with their groceries.

In March of 2015, the BC provincial government announced changes to the Liquor Control and Licensing Act and accompanying regulations allowing the sale of liquor in grocery stores under regulated conditions.

The amendments allow for the relocation of an existing wine store (WS) licence or a licensee retail store (LRS) licence into a grocery store in either a 'store-within-a-store' model or a 'wine-on-the-shelf' model (more on this distinction below). At the same time, the Province also announced they would be holding an auction for an additional number of wine store licenses (although the number of new licenses and a date for the auction has not yet been established). These changes were part of 73 recommendations that were made in 2013 to modernize the province's liquor laws.

### **Final Report on BCs Liquor Policy Review**

The 73 recommendations and the ones dealing specifically with sales of liquor in grocery stores stemmed from the "Final Report on B.C.'s Liquor Policy Review", submitted by Parliamentary Secretary John Yap in the autumn of 2013.

While the 2013 review was sweeping, touching on all aspects of liquor in the province, this report will only discuss the issue of liquor sales in grocery stores.

Parliamentary Secretary Yap's report states that during the consultation phase there was "overwhelming interest and support for making liquor available in grocery stores." The report stressed the need to balance this desire for more liquor availability in grocery stores with public safety and with the existing liquor retail environment in mind. The report states that respect must be given to the "mixed private and public marketplace and the significant investment these businesses have made in both terms of direct financial investment and job creation."

Of the 73 recommendations in the report three deal specifically with the retail sale of liquor in grocery stores. Those recommendations are as follows:

- ☐ 19. The Province should develop and implement a retail model that meets consumer demands for more convenience by permitting the sale of liquor in grocery stores. Government should continue to restrict the total number of retail outlets and require separation of grocery products and liquor. This reflects the views of health and safety advocates and the acknowledged safety benefits of restricting minors' access to liquor.
- ☐ 20. Introducing liquor in grocery stores should be phased in, giving public and private liquor stores time to adjust to the new retail model.
- ☐ 22. As a grocery model is developed, government should look at consistency in operating hours for licensed, rural agency and manufacturer retail stores.

Although the government made immediate announcements on changes to the Liquor Control and Licensing Act upon release of the report, including allowing things like wine at farmers markets and more flexibility in pricing (happy hour!), it did not take immediate action on the sale of liquor in grocery stores. Those announcements didn't come until 2015.

### **Policy Directive 2015-01**

In March 2015, the LCLB issued Policy Directive 15-01. This effectively implements Parliamentary Secretary Yap's recommendations with respect to retail liquor sales in grocery stores.

The following changes were outlined in the policy directive:

- ☐ Grocery stores may sell liquor either in a store-within-a-store model or 100% BC wine on the shelf model, but not both at the same location.
- ☐ Licensee Retail Stores (LRS) and BC Liquor Stores (BCLS) may relocate to a store-within-a-store model, subject to distance restrictions.
- ☐ The 1 km distance criteria separating LRS's has been retained and extended to include BCLS's
- ☐ The regulation restricting LRS relocation outside its local government/First Nation jurisdiction (i.e. the 5 km rule) has been repealed.
- ☐ The LRS moratorium has been maintained.
- ☐ Wine stores, other than winery-owned and sacramental wine stores, may relocate to grocery stores in either a store-within-a-store model or for the sale of 100% BC wine off store shelves.
- ☐ LRS's and wine stores owned by or located within eligible grocery stores may co-brand.

Prior to the changes, neither an LRS nor a wine store could make an application to be located within a grocery store (or any other type of store for that matter). LRS stores and wine stores could be located in a strip mall or shared commercial building, but had to have a separate entrance and be separated from any other business by floor to ceiling walls. Wine stores and licensee retail stores could not appear to be 'associated' with another business.

Under the new rules, an LRS licence or a wine store licence can now be located within a grocery store in either a 'store-within-a-store' model or a 'wine-on-the-shelf model' (limited to 100% BC wines only).

For the sake of the changes, a 'grocery store' is defined as a retail business offering a general line of foods, including canned, dry, frozen food, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products and snack food, and non-liquor beverages, intended for human consumption and be of an area of at least 929 square meters.

The following is also from the policy directive and explains the difference between the store-in-store model and 'wine-on-the-shelf model':

#### ***Liquor stores within grocery stores (store-in-store model)***

*The liquor store within the grocery store must be at least 1 km away from any other LRS or BC Liquor Store. Distance is measured from the front door of the other liquor store to the front door of the store within the grocery store, as the crow flies.*

*Liquor stores within grocery stores must be physically separated from the rest of the grocery store with controlled access and separate cash tills within the liquor store. The same shopping cart will be permitted to move between the grocery and liquor stores. The entire perimeter of the licensed area must be identifiable. The majority of the perimeter of the licensed area must be bounded by a fixed and immovable barrier. For the portion of the perimeter that is not fixed and immovable, the barrier must be sufficient to:*

- ☐ *monitor and control entrance to the licensed area,*
- ☐ *prevent unaccompanied minors from accessing the area,*
- ☐ *secure the retail area when required (i.e. when operating hours for the liquor retail area do not align with grocery store hours), and*
- ☐ *identify the main entrance (including what is considered to be the front door) to the licensed area.*

*An eligible grocery store will be able to co-brand with an LRS that is located within the grocery store or with any stand-alone LRS that the eligible grocery store owns, regardless of its location. The grocery store and the associated LRS must be legally affiliated and either the same legal entity or wholly owned subsidiaries of the same legal entity for stand-alone stores.*

### ***Wine in Store (also store-in-store model)***

*Effective April 1, 2015, wine store licences, other than winery-owned or sacramental wine stores, may be relocated to a grocery store. A wine store licence can relocate within a grocery store, either in a separate store or on shelf. There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store. Wine stores within grocery stores must be physically separated from the rest of the grocery store in the same manner as a liquor store within a grocery store, as described above.*

*The wine store-within-a-store may sell any type of wine that is permitted under the terms and conditions of their licence. For example, an independent wine store can sell any imported or domestic product. A BC VQA store can only sell BC VQA wine.*

### ***Wine on Shelf***

*A wine store licence can relocate to a shelf within a grocery store effective April 1, 2015. The wine store licensee must transfer the wine store licence to the grocery store owner. The exception is for BC VQA stores whose licences are held by the BC Wine Institute (BCWI). In that case, the BCWI will continue to hold the licence but must apply to appoint the grocery store as the third party operator. The types of products that may be sold off the shelf will be determined by the type of wine store licence as described below. If the wine store licence allows the sale of only BC VQA wines, then only BC VQA wines can be sold off the shelf.*

*If the wine store licence allows wine to be sold that is made from 100% BC agricultural products, all types of BC wine, including cider, mead and sake, can be sold off the shelf.*

*If the wine store licence allows all types of wine (imported and domestic) to be sold, only 100% BC produced wine (including cider, mead and sake) may be sold off the shelf, and the terms and conditions of the wine store licence will be amended to reflect this restriction.*

*Wine that is sold off the shelf may be purchased at designated tills or regular tills. Regardless of the type of till, the staff making the sale must have Serving it Right certification and be at least 19 years of age.*

### **Potential impact for local liquor retailers and local wineries**

Unlike most other regions in the province, the economy in and around Penticton is one that is directly linked to the wine industry. The changes to the provincial retail sales of liquor has an effect on both customer and producer. If the Parliamentary Secretary's report is to be taken at its word, part of the reason for the change was to promote the development of the BC wine industry, including small producers looking for larger sales opportunities. The following information deals with the potential impacts of the new changes on the wine industry in BC. First, some facts with regard to the sale of wine from BC producers (2014 numbers):

- ☐ BC's wine industry is relatively young and a very small percentage of the global wine industry.
- ☐ According to the BC Wine institute there are approximately 273 wineries in BC, with the majority being categorized as small or very small. There are approximately 3 wineries in BC that would be considered medium on a North American or global scale.
- ☐ In terms of dollar value, the most important sales channel for BC wine is the 460 private liquor stores (30% of all sales). The second most important is the direct sales the winery makes either through farm gate sales or through direct to customer sales, which account for 28% of sales. Sales to government Liquor Stores account for 22 % with direct sales to restaurants/ bars hotels making up the remainder (20%).
- ☐ Only 72 of BCs 273 wineries sell through the government owned BC Liquor Store channel. The remaining 201 sell through private channels only (direct sales, private stores etc.).
- ☐ Profitability is higher with direct sales and bars/restaurant/ hotel sales, where no wholesale discount is permitted. Independent wine stores and LRS stores receive a 15-16% discount. VQA and government stores receive by far the largest discount (30%) making those channels the least profitable for BC wineries.

While the new regulations limit the sales of on-the-shelf product to VQA only, there is a concern that once the door is open to liquor sales in grocery stores this situation may be altered to enable the wider sale of liquor products. The convenience of being able to purchase wines in a grocery store may result in a call for a wider array of products to be available. It is unclear whether the government may expand the offerings permitted in the fullness of time. As stated above, the overwhelming public response to the Parliamentary Secretary's report was that people wanted liquor sales to be available in grocery stores. Will the opportunity to purchase higher priced BC VQA wines satiate this demand?

Further problems with the model proposed by the Province is that there are only a limited number of licenses available. The government has announced an auction for an additional 22 new licenses province-wide, but there will still be far fewer licenses than the number of qualifying grocery stores. The limited number of licenses will create inequities in the supermarket industry with some stores having wine licences and others not. This may lead to further pressure on the part of grocery stores for equity and a wider application of the regulations.

Staff have read several legal opinions on the free trade effects of the Province's new regulations. Those opinions differ as to the effect of the changes and when a challenge might be successful against an unfair advantage or 'protectionist' measures for BC wine over wine from other areas. As such staff are unable to

comment on this. It is fair to say however, that the more expanded the program becomes, the more likely a challenge from other wine producing areas will be.

So, one has to ask, “can the constraints built into the Provincial model be maintained in the light of public demand for expanded choice and the grocery stores’ lobbying for greater equity?” If an expansion of the program is the result, the protection of the VQA brand will be lost and BC wines will then have to compete with international brands. The effect of this will be a move towards a model where it will be unlikely that small production local wineries will be able to compete for shelf space in a grocery store.

Further, if grocery stores are permitted to sell a wider variety of wine on a shelf, private liquor stores will most likely see a reduction in sales of wine, due to the convenience of a one-stop shopping experience.

While it would seem that at the onset, BC wineries will be winners in this change, staff cannot foresee how long that will last and how long the government can constrain all the competing interests.

Given the above, what can Penticton do about it? Does the municipality have a role to play in helping to hold the Provincial compromise together, or will municipal interference create more difficulties for wineries. These are questions that this report cannot answer.

### **Other jurisdictions**

Penticton is not the only jurisdiction in the province dealing with the recent changes to the liquor rules. The letter received by Penticton from the Private Liquor Store Association was presumably sent to all municipalities in the province.

Most municipalities have used a ‘hands-off’ approach respecting the Province’s authority in the regulation of the sale of alcohol.

There are some jurisdictions that have taken a more proactive approach. Kamloops is one such municipality. In August 2015, Kamloops City Council passed a bylaw instituting a prohibition on new liquor retail stores opening within 1km from another liquor retail store. This effectively makes it impossible for a grocery store to sell wine unless a private store within 1 km of them closed, or if the Council was minded to grant a zoning amendment to allow this.

The City of Maple Ridge also gave consideration to a bylaw to prohibit sales of wine in grocery stores. That bylaw, however, was defeated.

Elsewhere in the Lower Mainland, grocery stores are selling wine in White Rock, Surry, Tsawassen and Langley, while the City of Vancouver late in 2015 denied a change to their zoning which currently does not allow for liquor sales in grocery stores. Burnaby and Coquitlam also have strict regulations on the sale of alcohol above and beyond what the Province requires.

Kelowna has not adopted any zoning amendments specifically limiting wine sales in grocery stores. Two wine shops in Kelowna, Discovery Wines and the wine shop at the Laurel Packing House are relocating into grocery stores. Both of those shops are licensed through the BC Wine Institute who will be offering their licenses to the Overwaitea food group through a third party operating agreement. Kelowna has much stricter rules with regard to where liquor sales can take place than Penticton.

## Options for Council to Consider

This report does not represent an exhaustive review of all of the permeations on this issue, but introduces some of the main arguments and considerations from the major stakeholders. At the very least, this shows how multifaceted the issue is. With those considerations in mind, staff have prepared the following options for Council's consideration:

### Option 1: Maintain the status quo, leaving responsibility of decision on license relocation solely with the province

The current situation is new and evolving and the natural response is to react with additional regulations. Careful thought and public consultation has gone into Parliamentary Secretary Yap's report and recommendations and the subsequent changes to policy. As such, staff consider that instituting more severe regulations on the retail sale of liquor in Penticton may be working at cross purposes to the careful consideration and balance that the Province has put into these new regulations.

Whilst the concerns brought up by the various groups have some validity, staff considers that the new regulations take into consideration those concerns. While this may be the first step towards the wider availability of more types of liquor sales in grocery stores, that is not the intention of the Province at this time.

If and when the Province does seek to expand the availability of liquor in grocery stores beyond the current announcements, that would be a more appropriate time to take action, if Council was inclined to do so.

Council should be cognizant that an overwhelming percentage of the respondents to the Parliamentary Secretary's survey wanted to be able to purchase wine and other forms of alcohol in grocery stores, much like it is possible in other provinces and countries. It is likely that this sentiment is similar with the Penticton population as well.

While staff acknowledges that City Council has the statutory authority under its land use powers to add additional regulations, putting further restrictions on Penticton businesses will not change Provincial policy and will only limit the ability of local wineries to sell within grocery stores in Penticton.

If Council is in agreement with this sentiment, staff recommend that Council take no action at this time and trust that the provincial government has done its due diligence with regard to the issue.

### Option 2: Adopt zoning regulations with regard to the retail sale of liquor in Penticton

If Council feels that the regulations established by the Province are not adequately protecting the public in their application of liquor licensing in the province, it could look at using its land use powers to add restrictions and regulations beyond those imposed by the Province.

What those additional regulations will ultimately look like will depend on what Council wishes to regulate against. If Council is of the mind that sales of BC Wine (VQA wine) in grocery stores is appropriate, but is concerned about further changes to the BC Liquor laws allowing non-BC wines and/or beer and liquor in the future, it could pass an amendment to the Zoning Bylaw that more strictly defines how liquor sales in grocery stores will be permitted in Penticton. Limits to only 100% BC wines can be included in the language.

Other Zoning changes could be considered as well. The Licensee Retail Store Association has requested that Council look at passing a 1 km rule similar to the rule that was supported by Kamloops and is in place in communities like Vancouver and Coquitlam.

A further model that Council could look at is creating new land use categories such as: 'licensee retail sales'; "wine store"; and / or, "BC wine store". Then if a licensee wished to relocate a licence, they would be forced to go through a zoning amendment every time. This would provide the opportunity for Council to put their mind to each application for a change in location for liquor sales, including the relocation of a licence into a grocery store. This is a model that is used in some communities, including Kelowna.

If this is the direction that Council wishes to direct staff to investigate in more detail, staff can bring back proposed changes to the Zoning Bylaw at an upcoming meeting.

Option 3: That Council offers an opportunity for interested third parties to present delegations to a special meeting

Council has heard from several groups on this issue, as discussed in this report, and has received correspondence from several other interested parties. Nevertheless, Council may wish to have a fuller community wide discussion and to invite comments from other groups, such as the Chamber of Commerce, MADD, the BC Wine Institute and / or local wineries and wine associations, other organizations and the general public.

If that is Council's direction to staff, a public open house, workshop or special Council meeting to hear delegations can be set up in the coming few weeks.

**Attachments**

- ☐ Attachment A – Facts on the retail sale of liquor in BC
- ☐ Attachment B – Policy Directive 2015-01
- ☐ Attachment C – Letter from BCPLSA dated June 23, 2015
- ☐ Attachment D – Letter from local store owner with attachments dated August 31, 2015

Respectfully submitted,

Blake Laven, MCIP, RPP  
Planning Manager  
Approvals

|                     |                |
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| Director<br><br>JGH | ACAO<br><br>mm |
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Attachment A  
Staff review of delegations to Council

**Presentation from local LRS owners and receipt of letter by the BC Private Liquor Store Association**

In June 23, 2015 Council received a letter from the BC Private Liquor Store Association requesting that Council use its land use regulation powers to include additional rules around where liquor retail can occur. Specifically it requests that Council consider implementing a 1 km rule, where no liquor sales (wine or otherwise) can be located within 1 km from another retail outlet (notwithstanding existing situations). That letter is attached for Council's reference as Attachment "B". On September 8, 2015, City Council heard a presentation from a representative from a group representing local licensee retail stores as well as a local brewery and some wineries. The delegate also submitted a letter to Council (Attachment "C"). That letter has several attachments including some legal opinions on the free trade aspects of the issue.

The letters and presentations brought up the following main points:

- ☐ The changes made by the province will have a negative impact on the community and is the precursor to having full liquor sales in grocery stores.
- ☐ Only in a controlled and separate area (with trained and licensed staff) can alcohol be sold in a responsible manner that provides an important level of public safety. Having alcohol sales in a grocery store with an average of 15,000 customers a day will not provide the proper control on sales.
- ☐ Moving to a 'grocery sales model' will erode the local wine and beer industry that has taken decades to create.
- ☐ There are implications with free trade that will not restrict the sale of wine from other regions, despite what the province claims.
- ☐ Allowing liquor into grocery stores is not in the interest of the City of Penticton.
- ☐ Other communities have been proactive in creating bylaws to restrict the sale of liquor within a one-kilometer radius of another liquor sales area. Council should use its land use zoning powers to establish similar restrictions in Penticton.
- ☐ Other recommendations on land use policy include: limiting the retail sales area of wine in grocery stores to 1000 sq ft; limiting sales to a cashier within the delineated area, having staff selling alcohol to have a serving it right card; limiting the workers to 19+ and other minor recommendations

Council did not take any action on this presentation and letter. Both were received as information.

### **Presentation by Overwaita (Save-on-Foods) representative**

On January 11<sup>th</sup> 2016, Council also heard a presentation by a representative from Overwaita, a large grocery store corporation that operates the local Save-on-Foods store. In that presentation, the representative outlined the values that the company has and how Overwaita stores have implemented wine in their stores in BC and what their plans are for the Penticton store.

The highlights of that presentation and following Q & A included:

- ☐ Overwaita has created four grocery stores with a wine-on-the-shelf model in the province with two more approved and imminently on the way in Kelowna.
- ☐ They are only permitted to sell 100% BC VQA wines, but they mentioned this includes over 900 labels (SKUs) from 160 wineries, most of which are considered 'small' producers.
- ☐ More than 50% of wine-in-grocery sales are from small wineries not carried by the Liquor Distribution Branch, meaning that these wines and wineries are being exposed to the marketplace in a meaningful way for the first time thanks to this new sales channel.
- ☐ Every store where they have wine-on-the-shelf, there is a private liquor store within 0.5 kilometer and there are no Overwaita (or Save-on Foods) stores in the province more than 1 km from a liquor store of some kind.
- ☐ They feel they will not impact sales greatly at private liquor or wine stores, as BC wines only account for approximately 5% of total sales at those types of outlets (although this has not been confirmed and may be different in the Okanagan).
- ☐ What has hurt the private (LRS) stores is the changes to the government owned BC Liquor Store hours of operations, not the wine-on-the-shelf changes. While the BC Liquor Stores used to be closed on Sundays and holidays, they are now open during those times, taking away an advantage the private stores had previously enjoyed. The feeling is that this should not be held against the grocery stores who are limited to sales of BC wine only.
- ☐ The legal advice that Overwaita has received has stated that free trade agreements are not an issue as there are exemptions in place if the number of stores remains under a certain amount.
- ☐ Overwaita has no desire to expand products beyond BC wines. They are in the business of food and see wine as part of a meal. They are not interested in selling intoxicants. They have been approach by several LRS license holders with offers to purchase their licenses to create store-within-a-store liquor stores and have not wanted to proceed with that model as it does not fit with the Overwaita values.

Council took the information provided by the delegation and referred the matter to staff to report back.

Attachment 'B'  
Provincial Policy Directive



Liquor Control and Licensing Branch  
**POLICY DIRECTIVE**  
No: 15 - 01

February 26, 2015

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

Re: **Liquor Policy Review Recommendations #19 and 20: Phased-in Implementation of Liquor in Grocery stores**

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**Introduction**

The implementation of the Liquor Policy Review (LPR) report recommendations will permit the implementation of liquor sales in grocery stores, effective April 1, 2015.

This directive describes the following key policies that will allow liquor and wine sales in grocery stores effective April 1, 2015:

- Grocery store eligibility has been defined
- Grocery stores may sell liquor either in a store-within-a-store or 100% BC wine on the shelf, but not both at the same location
- Licensee Retail Stores (LRS) and BC Liquor Stores (BCLS) may relocate to a store-within-a-store grocery store, subject to distance restrictions
- The 1 km distance criteria separating LRS's has been retained and extended to include BCLS's
- The regulation restricting LRS relocation outside its local government/First Nation jurisdiction (i.e. the 5 km rule) has been repealed
- The LRS moratorium has been maintained
- Wine stores, other than winery-owned and sacramental wine stores, may relocate to grocery stores in either a store-within-a-store model or for the sale of 100% BC wine off store shelves
- LRS's and wine stores owned by or located within eligible grocery stores may co-brand

**Statutory Authority and Policy Rationale**

Government has approved regulations setting out an application lottery procedure for the initial relocation applications. Sections 14.01, 14.02 and 14.03 have been added to the regulations. The new sections of the regulations have been posted to the LCLB website at [www.pssq.gov.bc.ca/lclb](http://www.pssq.gov.bc.ca/lclb).

Government intends to bring into force the necessary regulations prior to the April 1, 2015 implementation date to allow the movement of liquor and wine into grocery stores. The policy outcomes of these additional regulations are reflected below.

The following summarizes changes to the policies and regulations and describes the eligibility criteria, application period, application process, and related procedures.

## **Grocery stores**

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### **Eligibility**

To be eligible for liquor sales, a grocery store must have a minimum of 10,000 square feet of space, including storage space, and must be primarily engaged in retailing a general line of foods including canned, dry and frozen food, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products and snack foods, and non-liquor beverages.

To maintain eligibility, these conditions must continue to be met, along with the following additional requirements: that the sales revenue from food and non-liquor beverages:

- totals at least 70% of non-liquor sales, and
- totals at least 50% of all sales, including liquor sales from a retailer located in the grocery store.<sup>1</sup>

Convenience stores and multipurpose stores are not eligible.

### **Liquor stores within grocery stores**

The liquor store within the grocery store must be at least 1 km away from any other LRS or BC Liquor Store. Distance is measured from the front door of the other liquor store to the front door of the store within the grocery store, as the crow flies.

Liquor stores within grocery stores must be physically separated from the rest of the grocery store with controlled access and separate cash tills within the liquor store. The same shopping cart will be permitted to move between the grocery and liquor stores.

The entire perimeter of the licensed area must be identifiable. The majority of the perimeter of the licensed area must be bounded by a fixed and immoveable barrier. For the portion of the perimeter that is not fixed and immovable, the barrier must be sufficient to:

- monitor and control entrance to the licensed area,
- prevent unaccompanied minors from accessing the area,
- secure the retail area when required (i.e. when operating hours for the liquor retail area do not align with grocery store hours), and
- identify the main entrance (including what is considered to be the front door) to the licensed area.

An eligible grocery store will be able to co-brand with an LRS that is located within the grocery store or with any stand-alone LRS that the eligible grocery store owns, regardless of its location. The grocery store and the associated LRS must be legally affiliated and either the same legal entity or wholly owned subsidiaries of the same legal

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<sup>1</sup> Original wording was revised on March 17<sup>th</sup>, 2015 to clarify the eligibility requirements for grocery stores.

entity for stand-alone stores.<sup>2</sup>

### **Wine in Store**

Effective April 1, 2015, wine store licences, other than winery-owned or sacramental wine stores, may be relocated to a grocery store.

A wine store licence can relocate within a grocery store, either in a separate store or on shelf.

There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store.

Wine stores within grocery stores must be physically separated from the rest of the grocery store in the same manner as a liquor store within a grocery store, as described above.

The wine store-within-a-store may sell any type of wine that is permitted under the terms and conditions of their licence. For example, an independent wine store can sell any imported or domestic product. A BC VQA store can only sell BC VQA wine.

An eligible grocery store will be able to co-brand with a wine store that is located within the grocery store or with any stand-alone wine store that the grocery store owns. The owner of the grocery store and the wine store must be the same legal entity for stand-alone stores.

### **Wine on Shelf**

A wine store licence can relocate to a shelf within a grocery store effective April 1, 2015.

The wine store licensee must transfer the wine store licence to the grocery store owner. The exception is for BC VQA stores whose licences are held by the BC Wine Institute (BCWI). In that case, the BCWI will continue to hold the licence but must apply to appoint the grocery store as the third party operator.

The types of products that may be sold off the shelf will be determined by the type of wine store licence as described below.

If the wine store licence allows the sale of only BC VQA wines, then only BC VQA wines can be sold off the shelf.

If the wine store licence allows wine to be sold that is made from 100% BC agricultural products, all types of BC wine, including cider, mead and sake, can be sold off the shelf.

If the wine store licence allows all types of wine (imported and domestic) to be sold, only 100% BC produced wine (including cider, mead and sake) may be sold off the shelf, and the terms and conditions of the wine store licence will be amended to reflect this restriction.

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<sup>2</sup> Original wording was revised on May 13, 2015 to clarify the corporate relationship requirement for eligible grocery store to co-brand with stand-alone stores

Wine that is sold off the shelf may be purchased at designated tills or regular tills. Regardless of the type of till, the staff making the sale must have Serving it Right certification and be at least 19 years of age.

#### **Floor plans/separation requirements for wine on the shelf**

The licensee is responsible for determining their product display area and the tasting area, if tastings are offered. The product display area does not need to be bounded and may encompass a variety of shelf configurations such as a small corner of the store, a kiosk, multiple shelves on one or both sides of an aisle, etc. as long as the following conditions are met:

- All product to which the public has access must be within one contiguous product display area within the grocery store; separate "wine sections" are not permitted.
- The liquor must be able to be secured and inaccessible to the public during the hours that liquor is not available for sale (e.g. when licensed hours do not align with the grocery store's hours of operation)

The licensee may move the product display area within the grocery store without notifying the Branch, as long as it continues to meet the above-noted conditions.

Liquor inventory may be securely stored within the non-public areas of the store (i.e. stockroom) or in an approved off-site storage using the form found here: <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB027.pdf>.

The licensee must submit a security plan to the LCLB indicating how they will guard against shop-lifting and ensure minors do not access the product on the shelf.

One tasting area is permitted. It must be immediately adjacent to the product display area and must be defined by a physical barrier (e.g. ropes and stanchions). Only product sold off the shelves may be offered for tasting. For additional information about tastings, please refer to the guidebook for wine store licensees at <http://www.pssg.gov.bc.ca/lclb/docs-forms/guide-winestore.pdf>.

### **Liquor Retail Stores**

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#### **LRS distance and relocation criteria**

Effective April 1, 2015 the restriction that limited LRS relocation to its own local government/First Nation jurisdiction or up to five kilometers if moving outside the jurisdiction will be eliminated. LRS's can now apply to relocate anywhere in the province.

The regulation prohibiting the relocation of a LRS to within one kilometre of another LRS has been maintained.

#### **BC Liquor Store Relocations**

Effective April 1, 2015, the one kilometre rule is extended to BC Liquor Stores,

prohibiting them from locating within one kilometre of a LRS and vice versa. There is an exception for BC Liquor Stores that already have store relocations in process. If a BCLS can demonstrate they had valid interest the new location prior to February 27, 2015, they will be exempt from the one kilometre rule. The same exception was applied previously to LRS's when the distance restriction was implemented.

#### **Application Process to relocate liquor stores from February 27 to March 27, 2015**

The elimination of the 5 kilometre restriction may create an initial surge of LRS relocation applications. Due to the 1 km rule, it is critical to determine the order of applications. This is because applications assessed first may negatively affect applications assessed later if the proposed sites are within close proximity.

To ensure a fair process, Sections 14.01, 14.02 and 14.03 have been added to the regulations. These sections establish a lottery system to determine the order of applications.

#### **Relocation Lottery**

LRS licensees and BC Liquor Stores will have a four week window from February 27 to March 27, 2015 to apply to relocate. All complete applications received during this window will be placed in the lottery with the order of applications determined on April 1, 2015 and then communicated to applicants. Incomplete applications will not be entered into the lottery and will be dealt with after the lottery applications are processed.

On Friday 27 February 2015, the Liquor Control and Licensing Branch (LCLB) will no longer accept applications for consideration under the previous rules and procedures.

From Friday 27 February until 4:30pm on Friday 27 March 2015, all LRS and BCLS relocation applications received by the LCLB will be set aside to determine eligibility for the lottery. Applicants wishing to be included in the lottery process must download an updated application form package which lays out instructions and criteria for submitting a complete application. Other than for processing payments, the LCLB will not be contacting applicants until after the lottery takes place on April 1, 2015.

Only one application may be submitted per LRS licence number or BCLS store number. Once the application package has been submitted, the LCLB will not accept amendments to the application. Applicants have the option of contacting the LCLB to terminate their application if they wish to withdraw and submit a new application package during the lottery window; application fees will not be refunded. If an applicant submits a second application without cancelling the first one, the second application will be returned to the applicant.

Any applications received by the LCLB after 4:30pm on Friday 27 March 2015, will be reviewed and considered in the order they are received, but only following all the applications received during the lottery intake period.

LCLB staff will determine the applications that are eligible to be placed into the lottery. Eligible and ineligible applicants will be notified regarding their status and any options for going forward, but not prior to the lottery being completed. Eligible applications will have their LRS licence number or BCLS store number entered into the lottery.

On April 1, 2015, the LCLB will conduct the lottery to determine the order in which eligible applications will be reviewed and considered for relocation. The procedures for the lottery draw are attached as Appendix A.

If an application is unsuccessful because it is within 1 km of another application drawn earlier in the lottery, the application fee will be returned to the unsuccessful applicant. The application fee will not be refundable if the proposed location is within 1 km of a LRS or BCLS whose address was posted on the LCLB website prior to February 27, 2015.

### **Complete Applications**

Only complete applications will be eligible to be entered into the lottery. To be complete, the application must include:

1. The application form, with all fields completed
2. The application fee of \$330
3. Proof of valid interest for the proposed LRS or BC Liquor Store location
4. Scaled site plan of the proposed liquor store site showing all the buildings and entrances of those buildings, including any street names. The location for the front entrance door of the proposed LRS establishment must be identified on the site plan.
5. Photographs showing the proposed site
6. Grocery Store Declaration if the proposed liquor store site is located within a grocery store.

Applicants will not be advised if their application is incomplete until after the lottery has been concluded.

The application form, application guide, application checklist, grocery store declaration can be found at <http://www.pssg.gov.bc.ca/lclb/policy/relocation.htm>. The onus is on the applicant to ensure that all requirements set out in the application materials are complete and received at the Liquor Control and Licensing Branch no later than 4.30 p.m. on March 27, 2015. Any application received after that time will not be eligible to be entered into the lottery regardless of the reason.

Failure to provide the above documentation will result in an incomplete application with the following consequences:

- Incomplete applications will not be reviewed for compliance with the 1 km distance criteria
- Incomplete applications will not secure your proposed site or the 1 km radius surrounding it
- Incomplete applications will not be put into lottery

### **Structural changes and relocations**

Structural changes are changes to existing construction, and are defined in detail in section 6.2.1 of the Liquor Licensing Policy Manual.

Where an LRS proposes to move to an address at the same site and within the existing building (with the same parcel identifier number) or to a location that is attached to or abutting the existing building, this is considered a structural change application.

A structural alteration that meets this criteria is not considered a relocation and is not subject to the 1 km distance restriction.

If a LRS or BCLS is attached to or abutting an eligible grocery store, they can apply for a structural alteration to remove the wall to create a store-in-store liquor store. The LRS or BCLC can submit an application for structural change as of February 27, 2015, together with the Grocery Store Declaration. The licensee cannot begin structural alterations until they have received approval in principle from LCLB. The final approval to complete the licensing of the store-within-a store cannot be concluded prior to April 1, 2015 when the prohibition against a LRS co-branding with an eligible grocery store is eliminated.

#### **LRS Applications after March 27, 2015**

All LRS relocation applications received after 4.30 p.m. on March 27, 2015 will be reviewed in the date order they are received and only after the applications received during the lottery intake period.

#### **Further Information**

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

*Original signed by:*

Douglas Scott  
Assistant Deputy Minister and General Manager

Attachment 'C'  
Letter from BCPLSA June 23, 2015

british columbia  
private liquor store association

4-1609 Blanshard Street, Victoria, BC V8W 2J5  
T 250-818-1558 E randy.wilson@bcprivateliqorstores.com

June 23, 2015

City of Penticton

Mayor and Council

VIA EMAIL

Your Worship and Council:

Re: Imminent Changes to liquor laws

My name is Randy Wilson. I am the Board Chair of the BC Private Liquor Store Association. We represent the private liquor stores that operate throughout BC.

You are no doubt aware of the many changes that are occurring with respect to our liquor laws as they pertain to "BC Wine in Grocery Stores" and Bill 22 whereby grocery stores will be allowed to sell BC wines, ciders, beers and distilled products.

The first phase of the Provincial plan is the relocation of VQA stores within Save-On Food Stores. It would appear that the BCWI (BC Wine Institute) has granted the Overwaitea Food Group an exclusive in this regard. There are a total of 21 VQA licenses that are either operational or were inactive (and have been re-activated) to accommodate this.

The second phase is Bill 22. These stores will vary from the VQA stores, as they will be permitted (at a Provincial level) to sell BC wines (which may not be VQA), BC craft beers, BC ciders and BC distilled products. I assume it is only a matter of time before BC coolers (made with spirits) will be permitted.

I will further assume that CIC wines (Cellared in Canada) - which is foreign wine shipped in bulk in rubber-lined freighters and bottled in BC - will be allowed.

I wanted to bring to your attention some issues and facts that we believe Council should be aware of before making any decisions regarding the proposed methods of selling of alcohol in food stores in BC.

At present there are a series of regulations and policies that all liquor retailers (private and government) have to abide by when they sell any liquor at retail. Failure to comply with these rules can lead to severe fines, suspensions or the termination of a license (which is only applicable to private stores). The intent of these regulations is for public safety and to ensure that minors do not have open and unrestricted access to any form of liquor and that people are not being over-served.

These rules include but are not limited to;

- 1) A redline of the retail area that restricts access to any unaccompanied minor.
- 2) A separate door and walled off area where liquor may be sold or stored.
- 3) No private or government store can be located within 1 K of each other. This has been done to stop the proliferation of liquor retail stores in any one City or neighbourhood.

For whatever reason the provincial government has decided that "food stores" should be exempt of these regulations and laws.

Under the new regulations food stores will be able to.

- 1) Have alcohol on the shelves in the food stores with no barrier or closed off area so that it has unrestricted access to any and all patrons of a food store
- 2) Locate anywhere in BC regardless of the location of a Private Liquor Store (LRS) or a Government Liquor Store (GLS). There is no distance criteria required between liquor in food stores and any other liquor retailers. To this end, it will be possible for a food store to sell alcohol when there is a private or public retailer or a VQA store on the same site or within 1 K of each other.

Regardless if people shop at a private or public store the basis behind the regulations was to provide a level of public safety.

- 1) That minors will not have unrestricted access to any form of alcohol.
- 2) That only through a controlled and separate area (with trained staff) can you regulate and control the access and sale of alcohol to our most vulnerable and susceptible members of society including minors and people that may be intoxicated.
- 3) If any liquor retailer violates any of these "core" values, that store (vendor) will be subject to severe fines, penalties, closures or the termination of the license.

As private retailers we are well aware of the pros and cons of alcohol. While we know that the vast majority of the population drink responsibly we understand that there is a segment of our population that has a problem with alcohol regardless of whether it is wine, beer, ciders or hard alcohol.

**Alcohol is alcohol. It doesn't matter if it is BC wine or craft beers.**

Furthermore, we know that alcohol is both an intoxicant and a “cash commodity”.

Only in a controlled and separate area (with trained and licensed staff) can alcohol be sold in a responsible manner that provides an important level of public safety.

A food store will have (depending upon their sales volume) anywhere from 4,000 to 15,000 transactions per day. If we include people who accompany each other it can be double that number.

**There is no food store that can responsibly control the sale of alcohol having up to 15,000 (+) customer per day in an open and unrestricted section of the store.**

In a very positive way as a society we have taken the following measures in terms of public safety:

- 1) A vendor of cigarettes must have the location of the cigarettes separate and NOT VISIBLE to any customers (regardless if they are smokers or non-smokers).
- 2) That any food store with a pharmacy must “lock up” and restrict access to any ‘mood altering’ drugs (over the counter medicine such as Gravol, sleep aids, some vitamins or other medicines) when the pharmacy section of the food store is closed.

However, when it comes to alcohol the provincial government has arbitrarily decided that these measures are not required for food stores and only food stores.

We disagree.

Alcohol is unlike other consumer products and it should not be treated (or sold) the same. While it does come in retail bottles and cans that have an appealing retail appearance, it is not a traditional retail product.

**It is highly regulated because it is a controlled substance. It is an intoxicant.**

In this regard we support much of the information and studies produced and published by Dr. Tim Stockwell at the Centre for Addictions Research of BC at the University of Victoria.

My personal background is in the grocery industry. I fully understand that it is the short and long term goal of food stores to become liquor stores.

Food stores are looking for any product or service to further consolidate their customers into one shopping location...their stores.

To a “food store” this is one more commodity that can be added to increase their overall volume.

In addition, food stores will not pay more property tax as the area for alcohol will be within their existing space.

Aside from our concerns for public safety or disregarding many of the rules and regulations of retailing liquor there are other unintended consequences that we believe should be considered. We believe that local Councils more than any other political group control the culture of a community.

Creating a separate section within food stores to only sell BC products will almost certainly instigate a “Trade Challenge” from the international wine countries.

While many (if not most) countries or jurisdictions support or subsidize their wine or craft beer industry (including BC), creating a dedicated retail section within a food store (that only sells BC Products) violates our agreements with NAFTA and GATT.

If a trade challenge was successful it could mean that all wines from around the world would be sold in food stores.

This will jeopardize and place our BC wine and craft beer industries at serious risk.

It has taken BC several decades to create and build our “unique” wine and craft brewing industries. It is a vibrant and important part of BC. It is unlike many areas of the world.

However, most of our BC wineries cannot compete with price and the availability of product when compared to many of the US or International winery consortiums.

Food stores (similar to Washington State and Oregon) will place pressure on the wineries to create wines that can be sold to the masses at the lowest price but provide the food store with the highest gross margin.

This happened in the UK when Tesco received the exclusive right to sell wine.

In fact, there is no jurisdiction (we can find) that when food stores sold wine they protected or enhanced the local wine industry. The opposite is true. When food stores sell wine, it is the local, small, independent and unique producers who lose. This is verified in a report written by eminent wine lawyer, Mark Hicken: <http://www.bcprivateliqourstores.com/wp-content/uploads/2015/01/Hicken-Report-supermarket-sales.pdf>

Only a handful of BC wineries can effectively operate in a food-store system. Most are already owned by either an American or Ontario based companies.

As proud supporters of our BC wine and craft beer industries, we would hate to see this happen. It would be the eventual erosion of what has taken decades to create and is unique only to BC.

We will be throwing away the diversity of these industries to create one "homogenized" industry supplied and controlled by the largest and wealthiest retailers in Canada.

Our industry partners have created something truly unique in so many BC communities. We don't want to see the value of that uniqueness put at risk and lost.

To this end we are recommending that all BC Municipalities review their by-laws and OCP's.

We believe and recommend the following:

- 1) That a local government bylaw be created that requires a 1km distance between **all** liquor retailers (including food stores). This is the same as the current Provincial policy as it pertains to government liquor stores and private liquor stores. However, the Provincial policy could be changed or eliminated by the Provincial government at any time as it is a policy as opposed to legislation.
- 2) That any food store (that meets the 1km distance criteria) will only sell BC Wine in a separate and demised area of the store that has controlled access and egress (to stop unaccompanied minors).
- 3) The retail area of a wine store (within a food store) will not exceed 1,000 sq. ft.
- 4) That all alcohol must be purchased at dedicated cashier within the demised store area.
- 5) That no "unpaid liquor" can be taken into the food store.
- 6) That all staff must have and be licensed for "Serving it Right".
- 7) That the wine store can only be open from 9am to 11 pm as per the existing permitted hours of operation by LRS's and GLS's (regardless of the food store hours)
- 8) No minors can work in the dedicated wine store area
- 9) Underage employees (of the food store) cannot have access to any alcohol (including the stocking and receiving of all alcohol products).

We appreciate the opportunity to discuss the many detailed and crossover issues of selling and producing alcohol in BC and how the different parts of the alcohol industry have grown together

to provide the people of the province with a very unique and varied grown in BC industry experience.

I remain available to discuss this with you and would be happy to attend a meeting to provide Council with additional information.

Regards

A handwritten signature in black ink, appearing to be 'Randy Wilson', with a stylized, cursive script.

Randy Wilson

Board Chair, BC Private Liquor Store Association

(250) 818-1558

Attachment 'D'  
Letter from local store owner with attachments dated August 31, 2015

SEP 1 2015

The Chain of Events, Wine in Grocery

August 31<sup>st</sup> 2015

Today all GLS (Government Liquor Stores) and LRS (Private Liquor Retail Stores) abide by a government legislation that the retail liquor stores are no closer than 1 kilometer in distance.

Newly created Bill 22 allows BC Wine into grocery (21 Licenses) with No 1 km rule. Why would there be a different rule for LRS/GLS and grocery? Could this present future community problems?

Blaine Lawson CEO, BC Liquor Distribution Branch openly said that BC Craft Beer will follow Wine. If craft beer goes in, why not Kokanee and Spring Brewery (they are BC)

BC Craft Spirits would likely want to follow. "Wine in Grocery" would soon become a full blown Liquor Store.

#### NAFTA/GATT

NAFTA/GATT have already had meetings in France regarding the above. If BC wine goes into Grocery NAFTA/GATT kicks in and California/Australia/Argentina ....wines will follow. (see enclosed Fasken Martineau trade opinion document enclosed)

Save-On or Sobeys could get a full liquor stores because the Government has outline requirements of 10,000 sq feet and a percentage of food sales, they would qualify. Past history has shown that other "big box stores" have taken on local Government in court and won, grocery is grocery. This might mean that Penticton may have 5 or 6 new Liquor Stores.

#### LOST JOBS, BUSINESSES, TAX REVENUES

If this happens in Penticton, the repercussions would be catastrophic. Again history shows that Penticton would lose 9 small family businesses (LRS) and the taxes these premises generate for the city of Penticton. Nothing looks worse in a small town than 8 or 9 empty/vacant retail buildings.

Penticton would also lose approximately 90 full time (LRS) jobs and the spin off. The new stores would provide no incremental jobs as the cashier would just have a couple extra items going through the same existing tills.

There are other possible repercussions to VQA wines and other small wineries. Lots of these wineries are smaller in size. Many of them cannot supply the Government Liquor Store channel because volumes needed. The same would apply in large International Grocery chains. Large Volumes are needed to supply these two chains, most VQA wines and wineries rely on the smaller LRS for product distribution.

Most VQA wines are priced between \$15-\$25 per bottle, history again shows that (NAFTA) California bottle at \$6.99 outsells the \$15 bottle.

If the Penticton LRS channel becomes nonexistent, product distribution for the small local wineries become nearly impossible to secure. Penticton/Oliver and Naramata's wineries have only the wine shops to sell their product, surviving could be an extreme challenge. If these Wineries and Wines shops start to away, what happens to the Penticton Tourism dollars generated by that sector?

#### CONVENIENCE AND CONTROL

The Government said they want to make wine on a grocery store shelf as a convenience and I agree with that. If there is a 1 km rule in place and the store fits because there is nothing within a kilometer then it's an inconvenience, maybe you need it.

Today in Penticton there is a beautiful new LRS store at the North end of town in a smaller shopping center, there is also a newer LRS on the highway along the channel for all passers through. There is an LRS in the Wal-Mart to service the Wal-Mart customer, another in the Cherry Lane parking lot to serve Save-on and Superstore customers. There is another GLS in the same parking lot as Safeway.

This is just to mention a few of the small independent Liquor stores that are situated in and around Penticton, making liquor purchases extremely convenient and all these venues are open to shoppers who are 19 years plus, a controlled product in a controlled environment.

RCMP from time to time, wait in our parking lot in an unmarked car for our shoppers to make a purchase, then executing a traffic stop to anyone they wish as part of a drinking driving campaign. When I visited the Penticton detachment about the above they confirmed that the above is common practice. Could liquor sold in grocery be controlled the same way?

Please vote yes to a 1 kilometer between all retail liquor venues. This vote will protect small businesses, protected jobs, Penticton tax base and Tourism. This vote will keep liquor in controlled environment where RCMP can patrol and where liquor inspectors make regular calls.

Many City Councils throughout BC are looking at this same proposal, Vancouver and Kamloops have already said yes to the one Kilometer rule.

Thank You for your time

Sincerely

Lee Keller

Shareholder/operator

Cherry Lane Liquor Store



**MONARC HOSPITALITY CORP.**  
100 - 20690 Lougheed Hwy. Maple Ridge B.C. V2X 2P8  
T: 604.465.2779 F: 604.465.2766

City of Penticton  
171 Main Street  
Penticton, BC V2A 5A9

August 13, 2015

Attention: Mayor Andrew Jakubeit & Members of Council

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Re: Liquor Reform Policy

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We are writing in regard to the liquor reform policy implemented by the liberal government on April 1, 2015 which permits BC VQA wine to be sold in grocery stores.

By way of introduction, we wish to advise that we are the owner of liquor stores throughout BC. The writer is the spokesman for a coalition of liquor store owners throughout the province of BC who have banded together in order to attempt to alleviate some of the economic and operational impact the new liquor reform policies are having on the private liquor store industry.

The purpose of this correspondence is to bring to your attention that we have written to each of the Regional Districts of UBCM to request that they give consideration to the implementation of a distance requirement in all municipal bylaws relating to the sale of alcoholic products. In this regard, we are enclosing herewith a copy of the correspondence which we forwarded to the Lower Mainland Local Government Association, together with the reports and opinions referred to in that correspondence.

As you are undoubtedly aware, the new BC VQA wine on regular grocery store shelves model is not subject to the 1 Kilometre rule as are all other liquor licenses. As such, the BC VQA wine on the "regular grocery store shelf model" can be set up next to any existing private liquor store.

As you may or may not be aware, according to the legal opinion of Fasken Martineau DuMoulin, the sale of only BC VQA wine in grocery stores is in violation of NAFTA and GATT. The provincial liberal government is aware of this violation but is still proceeding with the rollout of its "BC VQA wine on regular grocery store shelf model". The prevalent school of thought in the liquor industry is that the liberal government is going to use the World Trade Organization's challenge under NAFTA/GATT to open up sale of all alcoholic products (wine/beer/spirits) in the two dominant food grocery retailers in BC. (For your information, the matter of the sale of BC VQA wine only in BC grocery store was raised by the US government at the World Trade Organization about a month ago – the BC government and the Federal government have now been put on notice of the potential challenge). The result of the challenge under NAFTA/GATT will be that the liberal government will have to reverse its BC VQA grocery store model or open up the sale of alcohol products in grocery stores, which will result in 60 new full liquor stores in areas not previously zoned for the sale of alcoholic products.



**MONARC HOSPITALITY CORP.**  
100 - 20690 Lougheed Hwy. Maple Ridge B.C. V2X 2P8  
T: 604.465.2779 F: 604.465.2766

We will not be going into the social and economic issues relating to the effects of the liberal government's liquor policy reforms as those are outlined in the enclosed documentation.

In closing and in summary, we are requesting that all municipalities in BC consider implementing a bylaw which would impose a 1 kilometre distance separation between any retail establishments selling alcoholic products in the province of BC.

Until such time as an exhaustive review of the issue of liquor in grocery stores has been thoroughly reviewed, we respectfully request that the City place a moratorium on the approval of any more retail liquor outlets including grocery stores.

We thank you for your consideration of this matter.

Yours Truly,  
MONARC HOSPITALITY CORP.

Joseph W. Tarnowski



City of Penticton

171 Main Street

August 25, 2015

Penticton, BC V2A 5A9

Attention: Mayor Andrew Jakubeit & Members of Council

Re: BC Liquor Reform

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Further to Mr. Tarnowski's letter of August 13, 2015 relating to the captioned matter, we wish to advise that it has come to our attention that the BC Wine Institute is advising municipalities in British Columbia that they do not have authority to enact bylaws relating to the sale of BC VQA wine on grocery store shelves.

The following is an extract of an email sent out by Miles Prodan who is the President of the BC Wine Institute:

**"MUNICIPAL 1KM RULE TO RESTRICT 100% BC WINE IN GROCERY**

The BCWI continues to educate municipalities considering a zoning amendment that will preclude any "farm-to-table" BC VQA wine retailing from grocery store shelves. Such a restriction contravene Province of British Columbia's new liquor policies which specifically allow the new "BC wine-on-shelves" concept respecting the long standing exclusion or any distance restrictions for BC VQA wine. The BCWI believes when properly managed through an industry license & operating agreement, the BC wine-on-shelves model will ensure fair and equitable access & treatment for all 100% BC wines. BC VQA wine on

grocery shelves is a huge win for consumers and the BC Wine Industry with distant restrictions anti-competitive, protectionist and counterproductive to the growth and success of our industry.”

It appears that Mr. Prodan has now assumed the duties of the general manager of the BC Liquor Control & Licensing Branch in respect of firstly, interpreting the Liquor Control & Licensing Act and its policies and secondly, educating municipalities on the proper interpretation and application of the Liquor Control & Licensing Act.

In light of the actions of the BC Wine Institute and Mr. Prodan (who were obviously acting under direction of the BC Liberal Government), we retained the law firm of Gudmundseth Mickelson to provide us with a legal opinion in respect of the BC Wine Institute’s actions.

According to the opinion which we received from Gudmundseth Mickelson, the BC Liquor Control & Licensing Act and the regulation promulgated under it do not prohibit municipalities from enacting a bylaw which imposes a distance restriction in respect of grocery stores selling VQA wine on their shelves, nor is such a bylaw in contravention of the Liquor Control & Licensing Branch’s new liquor policies allowing BC VQA Wine on grocery store shelves.

The opinion of Gudmundseth Mickelson also indicates that as the situation presently exists under the Liquor Control & Licensing Act, the movement of a BC VQA license into any municipality requires the Liquor Control & Licensing Branch to consider the views of the local government.

We enclose, herewith, for your information, a copy of the legal opinion of Gudmundseth Mickelson dated August 24, 2015.

We trust the foregoing will be of guidance and assistance in your deliberations relating to the matter of enacting a distance separation bylaw for all retailers of alcohol products.

Yours Truly,

Lee Keller



250-826-2680

wlee.keller@gmail.com

InF HOSPITALITY GROUP.



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August 24, 2015

Attention: Joe Tarnowski

Monarc Hospitality Corp.  
20690 Lougheed Hwy.  
Maple Ridge, B.C. V2X 2P8

**Re: Local Government Regulation of VQA Wine Store Licenses (To be Used in Grocery Stores)**

You have asked me to consider whether the *Liquor Control and Licensing Act* (the "LCA"), or the regulations or policies promulgated under it prohibit a municipality from creating distance restrictions that apply to VQA wine store licenses and whether in doing so a municipality would contravene the Liquor Control and Licensing Branch's (the "LCLB") new liquor policies allowing BC wine on grocery store shelves.

In short, the answer to both questions is no.

Section 21.1 of the LCA prohibits any license from being relocated without the written consent of the general manager. "License" means any license issued under the LCA. The "Wine Store Terms and Conditions" clarifies that the VQA store model was converted from Liquor Distribution Branch agency to VQA store licenses issued by the LCLB under the LCA on November 1, 2007.

- \* Nothing in the LCA prohibits municipalities from creating their own distance requirements for VQA wine stores. Rather, the opposite is true. The LCA explicitly requires local governments to approve all new licenses. Section 11.1(3) The LCA provides that the general manager of the LCLB must not issue a license unless the local government for the area where the establishment is proposed to be located recommends that the license be issued. The term "local government" in the LCA includes municipalities. The disapproval of the local government may only be overridden via a public hearing or referendum in which a majority of local residents vote in favour of the license (s. 11.2). While relocation of an existing license is not the same as creation of a new license, this section of the LCA makes it clear that local government input is essential to license approval under the LCA and that there are no impediments in the LCA on local governments creating their own by-laws that apply to VQA wine stores. Rather, reading the act

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Page 2

as a whole, it is clear that municipal by-laws regulating liquor in response to local policy concerns are consistent with the purpose of the LCA to put considerable weight on local government needs and desires.

With respect to relocation in particular, licenses may not be amended until the LCLB provides local government an opportunity to comment. The LCA requires the LCLB to consider the views of the local government in deciding whether or not to amend the license (s. 11.3). The LCLB's "Licensing Policy Manual" explicitly applies this requirement to relocation (s. 4.4.3). This is further indication that the intention behind the LCA is for the branch to give considerable weight to local government needs and desires.

Moreover, third party operation of a license may not be transferred to a new person unless that new operator is found to be a "fit and proper" person to hold the license (LCA, s. 17(1) and (3)). An essential condition for determining whether an operator is fit and proper is whether that operator has contravened any local government by-laws (LCA, s. 16(2)(a)). This implies that operator compliance with existing by-laws is required under the LCA.

The general manager of the LCLB must also consider whether relocating the license and operation of that license by a new third party would be contrary to the public interest (LCA s. 16(3)). Though the general manager has discretion to determine what is in the public interest, it is clear that under the LCA the "public interest" must include the views of the local government. Accordingly, the general manager would have to provide persuasive reasons why local government wishes should be ignored. In my view, the only truly persuasive counter to the local government is the approval, by referendum, of the majority of local residents.

The LCLB "Wine Store Terms and Conditions" explicitly state that "There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store." This is distinct from the 1 kilometre rule that applies to Licensee Retail Stores. However, this statement in the terms and conditions does not and cannot alter the requirement in the LCA that the LCLB consider the views and comments of local municipalities with respect to relocation of a VQA wine store license. This term and condition also does not prohibit local governments from setting their own distance requirements for their own policy reasons. At most, the term and condition means that the LCLB will not itself impose any distance requirements but it does not abrogate the requirement for licensees and third party operators to comply with local government by-laws.

Given the above, the general manager of the LCLB would likely be in contravention of the LCA if he allowed relocation of a license that explicitly violated a local government by-law, including a by-law creating a distance restriction for wine stores. It is also highly unlikely that allowing transfer or relocation of a license in the face of local government objections would be in the public interest unless the general manager of the LCLB held a hearing or referendum in which a majority of local residents voted in favour of the relocation.

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Page 3

In summary, nothing in the LCA, regulations or policies prohibits a local government (municipality) from promulgating a by-law that imposes distance restrictions on VQA wine stores. Rather, it is very likely the general manager of the LCLB would be in breach of the LCA if he allowed relocation of a license in the face of a municipal by-law creating a distance restriction or over the objections of the local government. Such a decision could be judicially reviewed and quashed as illegal.

GUDMUNDSETH MICKELSON LLP

A handwritten signature in black ink, appearing to read 'Shea', followed by a long, horizontal, wavy line that extends to the right.

Shea H. Coulson  
SHC/jjt

# Council Report

penticton.ca

**Date:** February, 15, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Brent Edge, Water Quality Supervisor  
**Subject:** Okanagan Basin Water Board Grant Application

File No:

## Staff Recommendation

THAT Council support staff making an application to the Okanagan Basin Water Board Water Conservation and Quality Improvement (WCQI) grant program for a grant in the amount of \$12,500 to develop a Drought Management Plan;

AND THAT Council commits matching funds from the water reserve to complete the study.

## Strategic priority objective

This project supports the City's Water Conservation strategy and our Emergency Preparedness planning.

## Background

Annually the Okanagan Basin Water Board administers The Water Conservation and Quality Improvement (WCQI) grant program which provides funds to local governments, irrigation districts, and non-profit organizations for projects that conserve and protect water, based on the recognition that we are all part of "One Valley, One Water."

One of the projects that City staff would like to address that follows from the 2015 drought and work that the City has recently done with the Okanagan Basin Water Board is to develop a Drought Management Plan.

The deliverables for this project will be a professional report that identifies our water supply risks and looks at demands historically and for the future. The report will identify the resilience in the sources and the requirements and methods to mitigate an extended drought. The final report will identify trigger points and provide decision making guidelines for each level of drought. A communications protocol will also be clearly defined for each level of drought.

## Financial implication

The Water Conservation and Quality Improvement grant program gives priority to applications that have matching funds in place. The estimated cost to prepare a Drought Management Plan is \$25,000. The project would be funded by \$12,500 in Grant Funding and \$12,500 from the City of Penticton Water Reserve.

## **Analysis**

The creation of a Drought Management Plan is the logical next step for the City of Penticton to be better prepared to address drought conditions in the future. Being successful in our grant application would provide \$12,500 in funding.

Should Council choose they could provide alternate direction to staff.

## **Alternate recommendations**

THAT Council provide alternate direction to staff.

Respectfully submitted,

Brent Edge  
Water Quality Supervisor

Approvals

ACAO

**MM**

# Council Report

penticton.ca

**Date:** February 15, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Deb Clipperton, Budget Analyst  
**Subject:** **2016-2020 Five Year Financial Plan Bylaw No. 2016-07**

File No:

## Staff Recommendation

THAT Council give first, second and third readings to the "2016-2020 Five Year Financial Plan Bylaw No. 2016-07".

## Background

Section 165 of the *Community Charter* directs that a municipality must have a Five Year Financial Plan adopted annually, this bylaw must be adopted before May 15<sup>th</sup> and before the annual tax rate bylaw. The Charter also provides that the financial plan may be amended at any time to reflect changes that may occur. The budget process began in September ending with the public sessions on December 16 and 21, 2015, January 11 and February 1, 2016. With the final adoption of the financial plan, staff can proceed with the capital project therein.

## Financial Implication

The 2016-2020 Five Year Financial Plan includes the previously discussed property tax increase of 5.5%.

## Attachments

Attachment A – 2016-2020 Five Year Financial Plan Bylaw No. 2016-07.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Deb Clipperton".

Deb Clipperton  
Budget Analyst

Approvals

| CFO                                                                                 | CAO |
|-------------------------------------------------------------------------------------|-----|
|  | MM  |

## The Corporation of the City of Penticton

### Bylaw No. 2016-07

#### *A bylaw to adopt the five year financial plan*

---

WHEREAS the *Community Charter* states a municipality must have a financial plan that is adopted annually, by bylaw, before the annual property tax bylaw is adopted;

AND WHEREAS the planning period for a financial plan is five (5) years, that period being the year in which the plan is specified to come into force and the following four (4) years;

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

#### **1. Title**

This bylaw may be cited as "2016-2020 Five Year Financial Plan Bylaw No. 2016-07".

#### **2. Purpose**

Schedule "A" and Schedule "B" attached hereto and forming part of this bylaw shall be the Five Year Financial Plan of the City of Penticton for the period of January 1, 2016 to December 31, 2020.

|                         |        |        |
|-------------------------|--------|--------|
| READ A FIRST time this  | day of | , 2016 |
| READ A SECOND time this | day of | , 2016 |
| READ A THIRD time this  | day of | , 2016 |
| ADOPTED this            | day of | , 2016 |

---

Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

Schedule "A"

Five Year Financial Plan 2016-2020

|                                        | 2016<br>Budget | 2017<br>Budget | 2018<br>Budget | 2019<br>Budget | 2020<br>Budget |
|----------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>Revenue</b>                         |                |                |                |                |                |
| Taxation                               | 28,731,051     | 29,865,778     | 30,603,352     | 31,359,365     | 31,979,295     |
| Grants in Lieu                         | 254,541        | 254,541        | 254,541        | 254,541        | 254,541        |
| Collections for other Governments      | 20,562,109     | 20,595,725     | 20,629,629     | 20,663,823     | 20,698,311     |
| Hotel Room Tax (MRDT)                  | 450,000        | 450,000        | 450,000        | 450,000        | 450,000        |
| Sale of Services                       | 9,900,873      | 9,560,233      | 9,589,869      | 9,615,272      | 9,641,457      |
| Electric Utility Fees                  | 40,967,152     | 42,440,972     | 43,981,017     | 45,590,820     | 47,245,179     |
| Sewer Utility Fees                     | 6,150,983      | 6,567,696      | 7,101,655      | 7,644,221      | 8,249,034      |
| Water Utility Fees                     | 7,165,766      | 8,042,257      | 8,474,400      | 8,929,898      | 9,410,016      |
| Fiscal Services                        | 7,920,878      | 7,927,487      | 7,934,157      | 7,940,890      | 7,947,684      |
| Rentals\Leases                         | 1,169,946      | 1,057,946      | 1,083,735      | 1,089,582      | 1,095,219      |
| Gaming Funds                           | 4,537,029      | 1,600,000      | 1,600,000      | 1,600,000      | 1,600,000      |
| Grants                                 | 2,716,034      | 1,782,701      | 1,782,701      | 1,782,701      | 1,782,701      |
| Developer Contributions                | 245,630        | -              | -              | -              | -              |
|                                        | 130,771,992    | 130,145,336    | 133,485,056    | 136,921,113    | 140,353,437    |
| <b>Expense</b>                         |                |                |                |                |                |
| General Operating                      | 67,531,466     | 68,104,221     | 68,545,424     | 68,579,451     | 69,329,782     |
| Electric Operating                     | 32,930,081     | 34,547,251     | 36,248,777     | 38,172,809     | 40,142,339     |
| Sewer Operating                        | 4,015,837      | 4,142,476      | 4,249,973      | 4,385,178      | 4,504,702      |
| Water Operating                        | 3,796,313      | 3,829,652      | 3,937,703      | 4,090,765      | 3,308,786      |
|                                        | 108,273,697    | 110,623,600    | 112,981,877    | 115,228,203    | 117,285,609    |
| Annual Surplus                         | 22,498,295     | 19,521,736     | 20,503,179     | 21,692,910     | 23,067,828     |
| <b>Capital</b>                         |                |                |                |                |                |
| General Capital                        | 10,873,710     | 6,799,319      | 9,655,231      | 10,355,465     | 9,979,761      |
| Electric Capital                       | 3,102,185      | 5,104,679      | 5,170,361      | 5,171,295      | 3,838,018      |
| Sewer Capital                          | 1,859,630      | 1,656,000      | 2,923,000      | 3,380,000      | 1,690,000      |
| Water Capital                          | 3,755,000      | 13,188,225     | 4,022,000      | 3,240,000      | 8,208,009      |
|                                        | 19,590,525     | 26,748,223     | 21,770,592     | 22,146,760     | 23,715,788     |
| Principal repayments                   | 4,283,308      | 4,230,055      | 2,982,421      | 2,026,347      | 2,002,812      |
| Transfer to\from reserve\surplus funds | - 1,375,538 -  | 11,456,542 -   | 4,249,834 -    | 2,480,197 -    | 2,650,772      |
| <b>Financial Plan Balance</b>          | -              | -              | -              | -              | -              |

Schedule "B"  
2016-2020 Five Year Financial Plan

Current Revenue Portions by Funding Source for Operating  
(excluding transfers from reserves and surplus)

|                                   |                      |                |
|-----------------------------------|----------------------|----------------|
| Taxation                          | \$28,731,051         | 21.97%         |
| Grants in Lieu                    | 254,541              | 0.19%          |
| Collections for other Governments | 20,562,109           | 15.72%         |
| Hotel Room Tax (MRDT)             | 450,000              | 0.34%          |
| Sale of Services                  | 9,900,873            | 7.57%          |
| Electric Utility Fees             | 40,967,152           | 31.33%         |
| Sewer Utility Fees                | 6,150,983            | 4.70%          |
| Water Utility Fees                | 7,165,766            | 5.48%          |
| Fiscal Services                   | 7,920,878            | 6.06%          |
| Rentals\Leases                    | 1,169,946            | 0.89%          |
| Gaming Funds                      | 4,537,029            | 3.47%          |
| Grants                            | 2,716,034            | 2.08%          |
| Developer Contributions           | 245,630              | 0.19%          |
|                                   | <u>\$130,771,992</u> | <u>100.00%</u> |

City Council considers the current mix of user fees and tax levies sufficient

Current Property Class Multiples

| <u>Ratio</u>   | <u>2016 est.</u> | <u>2015</u> | <u>2014</u> |
|----------------|------------------|-------------|-------------|
| Residential    | 1.000            | 1.000       | 1.000       |
| Utilities      | 4.073            | 4.028       | 4.468       |
| Light Industry | 1.524            | 1.524       | 1.426       |
| Business       | 1.58             | 1.625       | 1.657       |
| Rec/Non Profit | 1.35             | 1.35        | 1.335       |
| Farm           | 2.76             | 2.76        | 2.692       |

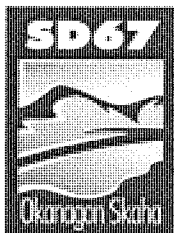
Historically, the City kept its percentages of taxes collected from each class static. Council is working to limit the increases to the business class and has a plan in place to lower the business class multiple to 1.5 by 2018.

### **Use of Permissive Tax Exemptions**

In 2015 Council passed Permissive Tax Bylaw 2015-46 to exempt certain properties from taxation in 2016. The bylaw contains the list of properties and the estimated amount of tax revenue foregone (\$306,221). The list of properties includes religious institutions, historical societies, recreational facilities and service organizations that form a valuable part of our community. These organizations have demonstrated to Council that their services support our residents and community.

### **Use of Revitalization Tax Exemptions**

Revitalization tax exemption bylaws were introduced in Penticton in 2010 to provide economic incentives for specified key areas within the city. The estimated tax forgone for 2016 is \$201,196.



**BOARD OF EDUCATION  
SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)**

425 Jermyn Avenue  
Penticton, BC, Canada V2A 1Z4

Telephone: (250) 770-7700

Fax: (250) 770-7722

Website: [www.sd67.bc.ca](http://www.sd67.bc.ca)

**Office of the Chairman of the Board**

File No.: 21200-2015

OPR: SECTR

February 1, 2016

Mayor Jakubeit and Councillors  
City of Penticton  
171 Main Street  
Penticton, BC V2A 5A9

Dear Mayor Jakubeit and Councillors:

**Re: Possible School Closures and Alternate Use of Facilities**

As you are aware, the school district has held a number of public consultation meetings related to possible school closures and reconfiguration of its schools. Schools being considered for closure in the Penticton area are Carmi Elementary; McNicoll Park Middle; Parkway Elementary, and West Bench Elementary and in the Summerland area, Giant's Head Elementary and Trout Creek Elementary.

Both Ministry and school district policy indicate that the Board of Education, as part of its school closure consultations, shall consider "alternate potential uses of the facility." With this in mind, the Board will be holding a public meeting on **Monday, February 22, 7:00 p.m.**, at the **Shatford Centre**, to receive input for alternate uses of these facilities being considered for closure.

You are cordially invited to participate in this consultation process either by presentation or a written submission by email of interest in the buildings or properties noted above. Emails must be submitted by February 21 and will be shared with the public.

If you have any questions, please do not hesitate to contact Secretary-Treasurer Bonnie Roller Routley at [broller-routley@summer.com](mailto:broller-routley@summer.com) or 250-770-7700, ext. 6104.

Yours truly,

A handwritten signature in black ink that reads "Linda Van Alphen". The signature is fluid and cursive.

Linda Van Alphen  
Chair  
Board of Education

/da

c. Trustees  
Wendy Hyer, Superintendent  
Bonnie Roller Routley, Secretary-Treasurer

Ref: U:\SBO-ST-Data\SECTR JULY 2014\20000-24999 District Planning\21200 Strategic Planning\2015-16\Invitation to Feb 22 Public Meeting City of Penticton.docx

# Presentation to Council

SD 67 School Closures  
February 15, 2016



## SD 67 School Closures - Request

- A letter dated February 1, 2016 was received from SD67 in regards to the potential school closures in their area.
- The schools being considered for closure include:
  - Penticton Schools: Carmi Elementary  
McNicoll Park Middle  
Parkway Elementary
  - Summerland School: West Bench Elementary  
Giant's Head Elementary  
Trout Creek Elementary



## SD 67 School Closures - Request

- SD 67 has asked for input with respect to alternative uses for the schools
- This is required by February 21, 2016
- The information received will be presented at the February 22, 2016 Public meeting

# SD 67 School Closures – Penticton Schools

## Carmi Elementary

- SD 67 Owned
- City Owned

SD 67 Zoning:  
Public Assembly

City Uses on SD Property:  
1 low use Soccer field  
1 high use Ball field



# SD 67 School Closures – Penticton Schools



## McNicoll Park Middle

- SD 67 Owned
- City Owned

SD 67 Zoning:  
Public Assembly

City Uses on SD Property:  
1 low use Soccer field

Also need to preserve the  
East side of the track

# SD 67 School Closures – Penticton Schools



## Parkway Elementary

- SD 67 Owned
- City Owned

SD 67 Zoning:  
Public Assembly

City Uses on SD Property:  
1 low use Soccer field  
2 high use Ball fields



## SD 67 School Closures – The Zoning

### Public Use Zone

- assembly; carnival; cemetery; commercial school; congregate housing; day care centre, major; day care centre, minor; education service; government service; hospital and patient care service; indoor amusement, entertainment and recreation; outdoor market; public parking lot; restaurant; retail store; security/operator dwelling unit; accessory use, building or structure.

## SD 67 School Closures – Summerland Schools

### West Bench Elementary

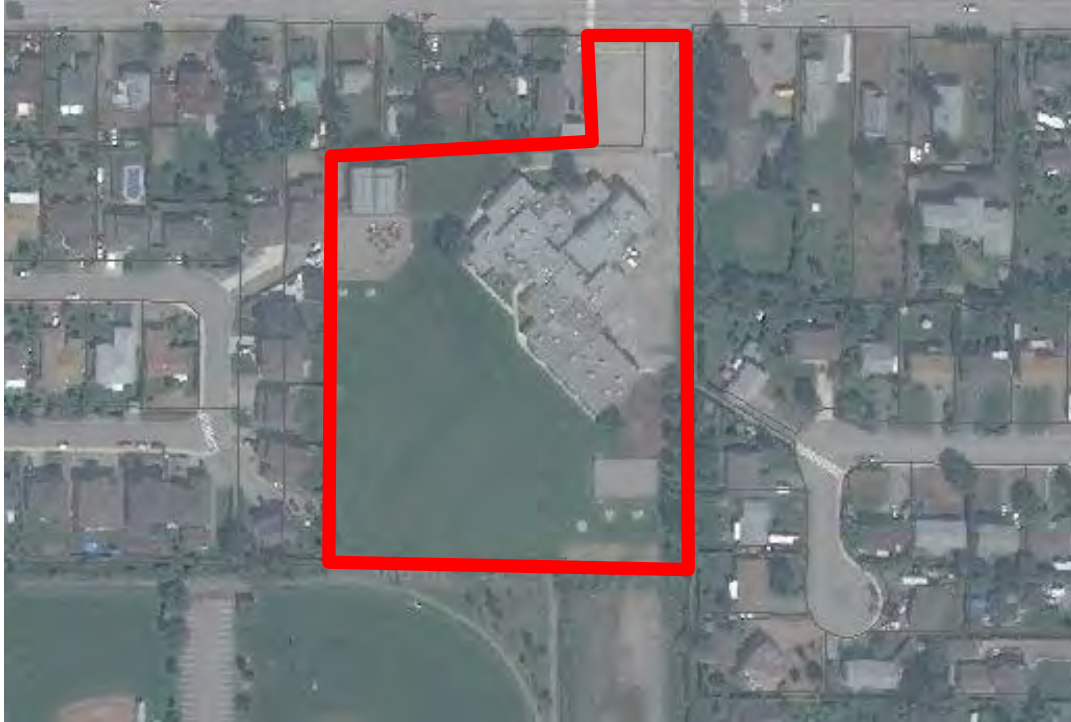
 SD 67 Owned



## SD 67 School Closures – Summerland Schools

### Giant's Head Elementary

 SD 67 Owned



## SD 67 School Closures – Summerland Schools

### Trout Creek Elementary

— SD 67 Owned



## **SD 67 School Closures – Staff Comments**

Possible uses, Penticton Schools being considered for closure:

- All - Subdivide off the playing fields (soccer, ball and rugby track) off and maintain them in City Playing Field inventory;
- All – Buildings could be used for the purposes provided for under the Public Use Zoning;
- All – After Rezoning Buildings could be used for purposes such as low cost housing, dormitory / hostel in support of sport tourism, youth services center, residential, retail or emergency services.

## **SD 67 School Closures – Staff Comment**

Possible uses for Penticton Schools being considered for closure:

- Carmi – Building or land where the building is located could possibly be suitable future uses by Interior Health
- Parkway – Lands on which the buildings are on could be utilized along with the playing fields and after acquisition the adjacent private lands for a playing field expansion.



## **SD 67 School Closures – Staff Comment**

Possible uses for NON Penticton Schools being considered for closure:

- Provide no comment.



## **SD 67 School Closures – Staff Request**

THAT Council provide direction to staff so that a response can be drafted to SD 67.

# Questions?

# Minutes



## Affordable Community Task Force Meeting

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

Friday, January 29, 2016  
at 10:00 a.m.

**Present:** Andrew Jakubeit, Mayor  
Judy Sentes, Councillor  
Cheryl Roepcke, BC Housing Representative  
Carol Sudchak, Canadian Home Builders Association South Okanagan Representative  
Garry Gratton, South Okanagan Real Estate Board Representative  
Marjorie King, Member at Large  
Susan Mulligan, Member at Large  
Kevin Ritcey, Member at Large  
Linda Sankey, Member at Large  
Heather Shedden, Member at Large  
Shelagh Turner, Member at Large

**Staff:** Jules Hall, Director of Development Services  
Blake Laven, Planning Manager  
Lorraine Williston, Corporate Committee Secretary

### 1. Call to Order

The Affordable Community Task Force was called to order by Judy Sentes at 10:06 a.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Affordable Community Task Force adopt the agenda for the meeting held on January 29, 2016 as circulated.

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Affordable Community Task Force adopt the minutes of the August 10, 2015 meeting as circulated.

**CARRIED UNANIMOUSLY**

#### 4. Business Arising from Prior Meetings

##### 4.1 Memorandum of Understanding with BC Housing – Staff Update

The Planning Manager updated the Task Force on the MOU with BC Housing. The MOU has been supported by Council and signed. The Request for Proposal has been issued and proponents have attended the mandatory information session. The selection will be made by early March.

#### 5. New Business

##### 5.1 Housing Needs Assessment

The Planning Manager stated the report completed by Urban Matters identified a gap in knowledge and recommended a Housing Needs Assessment be completed. Staff have allocated funds in the 2016 budget for a Housing Needs Assessment. Once the budget has been approved, the next step would be a call for proposal. The Planning Manager presented recommended terms of reference compiled from researching similar communities who have issued RFP's for a Housing Needs Assessment. The Task Force was asked for their input. Discussion followed and comments included the following be included in the consultant's report:

- information on a broader scope of affordability
- match income with different types of housing
- true state of the poverty level in Penticton
- full understanding of the existing demographic
- building stock (age of existing buildings)
- non-profit societies and other organizations be contacted for information
- online survey

By consensus, the Affordable Community Task Force agreed staff should move forward in the Request for Proposal process and the drafting of the Terms of Reference.

**It was MOVED and SECONDED that the Affordable Community Task Force recommend: THAT Council approve the funds allocated in the 2016 Budget for a Housing Needs Assessment and direct staff to proceed with the Request for Proposal process.**

**CARRIED UNANIMOUSLY**

##### 5.2 Co-op Car Share

The Planning Manager provided information on the co-op car sharing program and stated he has met with a Kelowna car sharing company and discussed the potential of expanding to Penticton. The company is currently conducting market research and an online survey for both Penticton and Vernon. The car sharing program does support transit usage, encourages walking, cycling and efficient vehicle use. Staff are looking at options for a location here in Penticton. Discussion and questions followed. The Committee Secretary to forward the survey to members. Members were encouraged to circulate to various groups and strata developments that would potentially utilize the car share program.

### 5.3 Shelter for the Homeless during Inclement Weather Conditions

Councillor Sentes reported herself and the Planning Manager have attended meetings regarding shelter access to the homeless and stated there is a lot of misinformation out in the community regarding this matter and the correct information needs to reach those out on the street. Communication has been a real barrier for those needing the services. Staff have spoken with BC Housing, RCMP and non-profit outreach groups. There is an estimated 45-75 homeless people in Penticton. The emergency shelter system is providing an adequate level of service for those who “choose” to use it. Discussion followed on the different programs offered by the South Okanagan Brain Injury Society and other non-profit outreach groups and roadblocks with respect to funding for programs. It was noted all groups need to come together to collectively work towards a solution. Another suggestion was to make sure the Housing Needs Assessment analysis is broad enough to include homelessness. Service clubs would be a good resource and should be engaged.

Mayor Jakubeit stated he would like to see a summit/workshop organized to work towards a strategy with all groups and organizations invited to participate. A facilitator would be needed. The City would be willing to contribute to a small honorarium. The Mayor asked the Task Force to please forward topics for the summit, names of potential facilitators, a list of groups they are aware of and contacts to him directly at [mayor@penticton.ca](mailto:mayor@penticton.ca) to help start a data base in the event a summit can be organized.

### 6. Council Outcome

Council Resolution 440/2015 from the minutes dated August 10, 2015 were received.

### 7. Next Meeting

The Committee Secretary to send out proposed dates and times for a meeting in April.

### 8. Adjournment

The Affordable Community Task Force adjourned the meeting at 11:43 a.m.

# Minutes



## Community Sustainability Committee Meeting

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

Tuesday, February 2, 2016  
at 1:30 p.m.

- Present:** Tarik Sayeed, Councillor  
Chris Allen, Chair  
Donna Lomas, Okanagan College Representative  
Zoe Kirk, Member at Large  
Ryan Foster, Member at Large  
Phil Hawkes, Member at Large  
Anne Hargrave, Member at Large
- Staff:** Audrey Tanguay, Long Range Planner  
Jeff Lynka, Parks Supervisor  
Lorraine Williston, Committee Secretary
- Guest:** Bruce Blackwell, B.A. Blackwell & Associates Ltd. (via conference call)

1. **Call to Order**

The Community Sustainability Committee was called to order by the Chair at 1:34 p.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Community Sustainability Committee adopt the agenda for the meeting held on February 2, 2016 as circulated.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

**It was MOVED and SECONDED**

THAT the Community Sustainability Committee adopt the minutes of the January 6, 2016 meeting as circulated.

**CARRIED UNANIMOUSLY**

#### 4. Delegation

##### 4.1 Bruce Blackwell, B.A. Blackwell & Associates Ltd. Urban Forest Background Review

The B.A. Blackwell & Associates Ltd. representative provided an analysis of their Urban Forest report that was prepared for the City of Penticton including the current plans, policies and programs, current forest inventory, data management and general recommendations. Three neighborhoods were used for comparison purposes: Kilwinning Street, Cornwall Drive and Wiltse Blvd. It was noted, the older neighborhoods had trees established in their development plan with the newer developments having considerably less trees incorporated. Discussion followed on the importance of tree risk management and liability and the City's need for a better risk management policy. Blackwell & Associates Ltd.'s report recommended an Urban Forest Strategy for Penticton to maintain, protect, enhance and grow the urban forest. Key areas would be to develop a comprehensive inventory strategy, a canopy target, comprehensive risk management strategy and develop a tree protection strategy. The Urban Forest Strategy would consist of two parts – first part is the research and the second part is taking all the information collected to create the strategy. The Parks Supervisor stated he values the information and guidance contained in the report and endorses moving forward towards the next steps to help green Penticton.

Discussion and questions followed on what the next steps would be, infrastructure planning to support integration of vegetation, selection of appropriate trees i.e. self-sustaining and species. It was noted, all departments need to work together to build trees into the planning before any hardscaping is developed. Tree mapping and how do we regulate the removal of trees from private property was also discussed. The Long Range Planner noted that the City does not have a mechanism in place to regulate the removal of trees from private property and commented requirements could be built into existing zoning bylaws.

**It was MOVED and SECONDED that the Community Sustainability Committee supports an Urban Forest Strategy for the City of Penticton and staff in moving forward with the next phase of research.**

**CARRIED UNANIMOUSLY**

**It was MOVED and SECONDED that the Community Sustainability Committee recommends:**

**THAT Council direct staff to develop options for developers to increase the tree canopy cover percentage for new developments within the City of Penticton.**

**CARRIED UNANIMOUSLY**

The Okanagan College representative left the meeting at 2:59 p.m.

#### 5. Business Arising from Prior Meetings

#### 6. New Business

7. **Council Outcome**

7.1 Council Resolution 42/2016 from the minutes dated January 6, 2016 was received.

8. **Next Meeting**

The next regularly scheduled meeting of the Community Sustainability Committee is scheduled for March 2, 2016.

9. **Adjournment**

The Community Sustainability Committee adjourned the meeting at 3:00 p.m.

# Minutes



## Agriculture Advisory Committee Meeting

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

Wednesday, February 3, 2016  
at 3:00 p.m.

**Present:** Andre Martin, Councillor  
Rod King, Chair  
Fritz Hollenbach, Vice-Chair & Wine/Grapes Representative  
Charlie Utz, Greenhouse & Nursery Commodity Group Representative  
Rebecca Ogden, Penticton Community Gardens Society Representative  
Rod Hollett, Member at Large  
Heather Shedden, Member at Large

**Staff:** Mitch Moroziuk, General Manager of Infrastructure  
Lindsey Fraser, Planner  
Len Robson, Public Works Manager  
William Lawlor, Engineering Technologist  
Blake Laven, Planning Manager  
Lorraine Williston, Committee Secretary

**Guests:** Cal Meiklejohn

### 1. Call to Order

The Agriculture Advisory Committee was called to order by the Chair at 3:01 p.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on February 3, 2016 as amended (refer to 6.3).

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee adopt the minutes of the October 28, 2015 meeting as circulated.

**CARRIED UNANIMOUSLY**

### 4. Delegation

4.1 Cal Meiklejohn  
Re: ALR Exclusion – 108 Upper Bench Road North

The Agent for the owners of 108 Upper Bench Road North presented photos and an overview of the property and the area of the proposed exclusion including the surrounding properties. An optimized planting configuration and lot area comparisons were also provided. Discussion and questions followed regarding the owner's intent for the property. The committee requested the Agent obtain more information on the owner's intent. A possible site visit was discussed. Additional information to be brought forward to the next meeting.

5. **Business Arising from Prior Meetings**

6. **New Business**

6.1 2015 Drought and Agricultural Water Use

The Engineering Technologist presented an overview of the north and south irrigation systems and the 2015 drought ratings. Statistics were provided on reservoir volumes, usage rates for Ellis and Penticton Creek and Okanagan and Skaha Lake levels. Information on the City's protocol for draught situations was reviewed including average temperature and total precipitation comparisons.

The Engineering Technologist presented a summary of the data collected from the nine irrigation service meters installed. Meters were installed on properties with different crops and irrigation methods in both the north and south irrigation systems. Data was reviewed for the 2015 total water consumption and overall system trends for landscaping, apple, grape, cherry, apples and peach/apricots. An overview of the current fee structure and rate comparison for metered and non-metered properties was provided.

The Engineering Technologist concluded current tools for managing dams and irrigation systems are inefficient and outdated. Even with consumption awareness issues specifically in draught situations, positive results occurred but were not at the desired level. Back up supply plans should be investigated and implemented to ensure reliable service. The installation of additional meters will provide more data and better comparisons on water consumption. Monthly fixed rate plus variable consumption charges will benefit users who conserve water and operate an efficient irrigation system.

The following recommendations were presented:

- identify additional water storage and supply options
- upgrade/create tools for managing dams and irrigation systems
- develop tools and data to become more effective at predicting potential water shortages and making quicker and more informed decisions
- encourage farmers to assess their exiting irrigation system looking for ways to increase efficiency, which in turn can reduce water consumption/costs
- engage irrigation users on discussion relating to agricultural water consumption and conservation

Discussion and questions followed.

## 6.2 Discharge of Firearms

The Planning Manager reported he has met with Conservation Officers regarding discharging a firearm in agriculture areas and provided an update to the committee. A property owner does require a permit from the City of Penticton. During hunting season, deer can be shot on their property as long as they have a hunting license or a First Nations hunter can be hired at any time. Standard rules still apply. The Ministry of Environment – Conservation Office is also looking at a separate hunting season for agriculture properties and will be making an application.

Discussions and questions followed.

## 6.3 BMX Track Update

The Public Works Manager provided an update on the status of the application to the Agriculture Land Commission and noted the new Chair along with three commissioners and the local planner have recently visited the site and for the track and a decision will be forthcoming..

## 7. Council Outcome

Council Resolutions 586/2015 and 587/2015 from the minutes dated October 28, 2015 were received.

## 8. Next Meeting

The next regularly scheduled meeting of the Agriculture Advisory Committee will be March 9, 2016.

## 9. Adjournment

The Agriculture Advisory Committee adjourned the meeting at 4:45 p.m.

# Minutes



## Waterfront Revitalization Sub-Committee Meeting

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

Thursday, February 4, 2016  
at 8:00 a.m.

- Present:** Rod King, Chair  
Doug Eaton, Chamber of Commerce Representative  
Jim Cooper, Member at Large  
Cal Meiklejohn, Member at Large  
Janice Taylor, Member at Large  
Lauren Cornish, Member at Large
- Staff:** Mitch Moroziuk, General Manager of Infrastructure  
Colleen Pennington, Economic Development Officer  
Peter Wallace, Land Administrator  
Lorraine Williston, Committee Secretary
- Guests:** Bruce Merit, Commodore, Penticton Yacht & Tennis Club  
Bill Lemm, Director, Marina Management Committee

### 1. Call to Order

The Waterfront Revitalization Sub-Committee was called to order by the Chair at 8:01 a.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Waterfront Revitalization Sub-Committee adopt the agenda for the meeting held on February 4, 2016 as circulated.

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Waterfront Revitalization Sub-Committee adopt the minutes of the January 26, 2016 meeting as circulated.

**CARRIED UNANIMOUSLY**

4. **Business Arising from Prior Meetings**

5. **Delegation**

5.1 Penticton Yacht & Tennis Club re: Marina Lease Extension

The Commodore for the Penticton Yacht Club and Director reviewed their presentation provided at the January 26, 2016 meeting including the proposed capital improvements and their request for a 10 year lease.

Questions and discussion followed on costs for maintenance, reconfiguring and expansion of the marina and the future of the marina.

6. **Adjournment**

**It was MOVED and SECONDED**

THAT the Special Waterfront Revitalization Sub-Committee meeting adjourn at 8:50 a.m. to a closed meeting pursuant to the provisions of the *Community Charter* sections 90 (1) as follows:

- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

**CARRIED UNANIMOUSLY**