



Public Hearing

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

**Monday, April 4, 2016
at 6:00 p.m.**

- | | | |
|-------|---|------|
| Mayor | Calls Public Hearing to Order for "Zoning Amendment Bylaw No. 2016-18" | 1-14 |
| CO | Reads Opening Statement and Introduction of Bylaw | |
| | 1. "Zoning Amendment Bylaw No. 2016-18" (2959 Skaha Lake Road) | |
| | Purpose: To amend Zoning Amendment Bylaw No. 2011-23 as follows: | |
| | Rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2959 Skaha Lake Road, from CT1 (Tourist Commercial) to C4 (General Commercial). | |
| | The applicant is proposing to develop a health services building. | |
| | Notice: The Public Hearing was advertised in the Penticton Western News on Friday, March 25, 2016 and Wednesday, March 30, 2016 (pursuant to the <i>Local Government Act</i>). | |
| CO | No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, March 30, 2016) | |
| Mayor | Requests the Director of Development Services describe the proposed amendments | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invites those in attendance to present their views | |
| Mayor | Invites Council members to ask questions | |
| Mayor | Invites applicants to respond to questions and those in attendance may provide new additional information | |

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2016-18" is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“OCP Amendment Bylaw No. 2015-13”** and **“Zoning Amendment Bylaw No. 2015-14”** 15-58
- CO Reads Opening Statement and Introduction of Bylaws
- “OCP Amendment Bylaw No. 2015-13” (630 Munson Mountain Road)
- Purpose: To amend Official Community Plan Bylaw No. 2002-20 Schedule ‘B’ Future Land Use as follows:
- Change the land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179 located at 630 Munson Mountain Road from A (Agriculture) to PR (Parks and Recreation).
- AND
- “Zoning Amendment Bylaw No. 2015-14” (630 Munson Mountain Road)
- Purpose: To amend Zoning Bylaw No. 2011-23 as follows:
- Rezone Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179 located at 630 Munson Mountain Road from A (Agriculture) to P2 (Parks and Recreation).
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 25, 2016 and Wednesday, March 30, 2016 (pursuant to the *Local Government Act*).
- CO Correspondence received regarding the OCP and Zoning Amendments attached (as of noon Wednesday, March 30, 2016)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “OCP Amendment Bylaw No. 2015-13” and “Zoning Amendment Bylaw No. 2015-14” is terminated and no new information can be received on this matter.

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

Monday, March 21, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

- 8.6 Zoning Amendment Bylaw No. 2016-18
Re: 2959 Skaha Lake Road

135/2016

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2016-18", a bylaw to amend Zoning Bylaw 2011-23 for Lot 3, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2959 Skaha Lake Road, from CT1 (Tourist Commercial) to C4 (General Commercial), be given first reading and be forwarded to the April 4, 2016 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

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Date: March 21, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Lindsey Fraser, Planner I
Address: 2959 Skaha Lake Road
Subject: Zoning Amendment Bylaw No. 2016-18

File No: RZ PL2016-7606

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2016-18", a bylaw to amend Zoning Bylaw 2011-23 for Lot 3, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2959 Skaha Lake Road, from CT1 (Tourist Commercial) to C4 (General Commercial), be given first reading and be forwarded to the April 4, 2016 Public Hearing.

Background

The property (Attachment 'A') is currently vacant and is allocated CT1 (Commercial Tourist) in the Zoning Bylaw. This zone provides for businesses that appeal to the local tourist economy and includes uses as restaurants, tourist accommodation, and indoor amusement, entertainment or recreation. The City's Official Community Plan anticipates a wide variety of commercial uses, hence the designated as GC (General Commercial).

The applicant is requesting rezoning the property from CT1 to C4 (General Commercial) to accommodate the development of a medical office facility for their dentistry practice and the practices of one or two other health professionals.

The area is currently a mix of commercial uses and housing types including vehicle service stations, restaurants and mid-rise apartment buildings. Surrounding land uses include a car wash to the north, several restaurants to the south and, across the lane to the west, a 42 unit apartment complex.

Proposal

The applicant is requesting that the subject property be rezoned from CT1 (Tourist Commercial) to C4 (General Commercial) in order to accommodate a health services building.

Financial implication

N/A

Technical Review

This application was reviewed by the City's Technical Planning Committee. No comments or issues arose in the process.

Analysis

Approve

Penticton's Official Community Plan emphasizes the desire to develop vacant properties that are commercially zoned. The redevelopment of these properties means the creation of a better streetscape for pedestrian and vehicular traffic, an enhanced tax base and a more robust offering of small businesses. In the case of this application, the subject property is highly visible from Skaha Lake Road in a section of the city with a number of other large vacant lots. Its redevelopment contributes positively to the image of the neighbourhood. Additionally, the redevelopment of this property into health services building is supported in the OCP by the following:

- Promote and encourage new investment and business to locate in Penticton, making better use of existing public investment
- General Commercial uses are encouraged along major roadways (Skaha Lake Road)

The applicant is currently renting a space in the City of Penticton, but is looking to grow their business and offer a venue of higher quality for their patients. As is expressed in the application Letter of Intent, he and his wife are long-time residents of Penticton and look forward to continuing to serve the community into the future within the new establishment.

The property is in a Development Permit Area and will need an approved Development Permit prior to an application for a Building Permit. Through the Development Permit process the Planning Department will give full and detailed consideration to all relevant planning matters. A landscaping plan, prepared by a professional landscape architect will also be required at the time of Development Permit application. The applicant's intent, at this stage, is to ensure the feasibility of rezoning in order to secure appropriate financing before proceeding with their detailed plans for the development. Staff will continue to work with the applicant to ensure the development fits appropriately with the surrounding land uses and has no negative effect on the neighborhood.

Staff considers that this application meets the guidelines established by the Official Community Plan and Zoning Bylaw and recommends that Council approve the rezoning.

Deny

Council may consider that the location is better suited for tourist commercial uses and should retain its current zoning. If this is the case, Council should deny the application.

Alternate recommendations

1. THAT Council refer the zoning application for 2959 Skaha Lake Road back to staff.

Attachments

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

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Director JGH	City Manager
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Attachment A – Subject Property Location Map



Figure 1: Subject property highlighted in blue

Attachment B – Zoning Map of Area



Figure 2: Subject property zoned CT1

Attachment C – OCP Map of Area



Figure 3: OCP designation of subject property is GC (General Commercial)

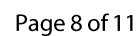
Attachment D – Images of Subject Property



Figure 4: Subject property looking west from Skaha Lake Road



Figure 5: Subject property looking south west from Skaha Lake Road







Attachment F – Letter of Intent

Letter of intent in support of the rezoning application for 2959 Skaha Lake Road

The purpose of this letter is to outline the reason for our rezoning application, and to give some background information on ourselves.

The property in question is currently zoned as CT1 (commercial tourism). We are asking to rezone the property as C4 (general commercial) to allow us to develop a small commercial building on the property.

My wife and I are both dentists, and we have been practicing in Penticton since we graduated in 2005. Up to now we have been leasing space for our dental practice. As our practice has grown, we now need to move it to another location. We plan to move our practice to 2959 Skaha Lake Road.

The building that we envision for the property will be approximately 4000 square feet in size. Our dental practice will occupy approximately 2500 square feet. We plan to lease out the remaining 1500 square feet to another health professional. I believe that the development will be something that the city will be proud of. We will be using an architect and landscape designer to ensure that it is something that is very functional and esthetic, and that it achieves the goals that the city has for commercial property in the area.

I think it warrants to provide some background information on my wife and I. Both of our families have lived in the area for a long time. I grew up in Penticton, having graduated from Pen-Hi Secondary School in 1995. Away from school, my time was mostly taken up by minor hockey in the winter or golf in the summer. After dental school I became involved in triathlon, having completed the local Ironman race on two occasions. My wife was born in Princeton, and lived there until her family moved to Kamloops. They later moved to Penticton when her father's Weyerhaeuser position was transferred to Okanagan Falls. We have 2 young children that currently attend Wiltse Elementary School. We try to keep them very active in the community through gymnastics, skating and swimming lessons, and skiing.

I hope that I have provided enough information to describe who we are and what our plans are. I am sure you will let me know if there is any other information that I can provide. I look forward to working with the City of Penticton in developing our vision for this project.

Sincerely,

Rene Buttar



Bylaw No. 2016-18

A Bylaw to Amend Zoning Bylaw 2011-23

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-18".

2. **Amendment:**

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

Rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2959 Skaha Lake Road, from CT1 (Tourist Commercial) to C4 (General Commercial).

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

READ A FIRST time this	21	day of	March, 2016
A PUBLIC HEARING was held this	4	day of	April, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the		day of	, 2016
Ministry of Transportation on the			
ADOPTED this		day of	, 2016

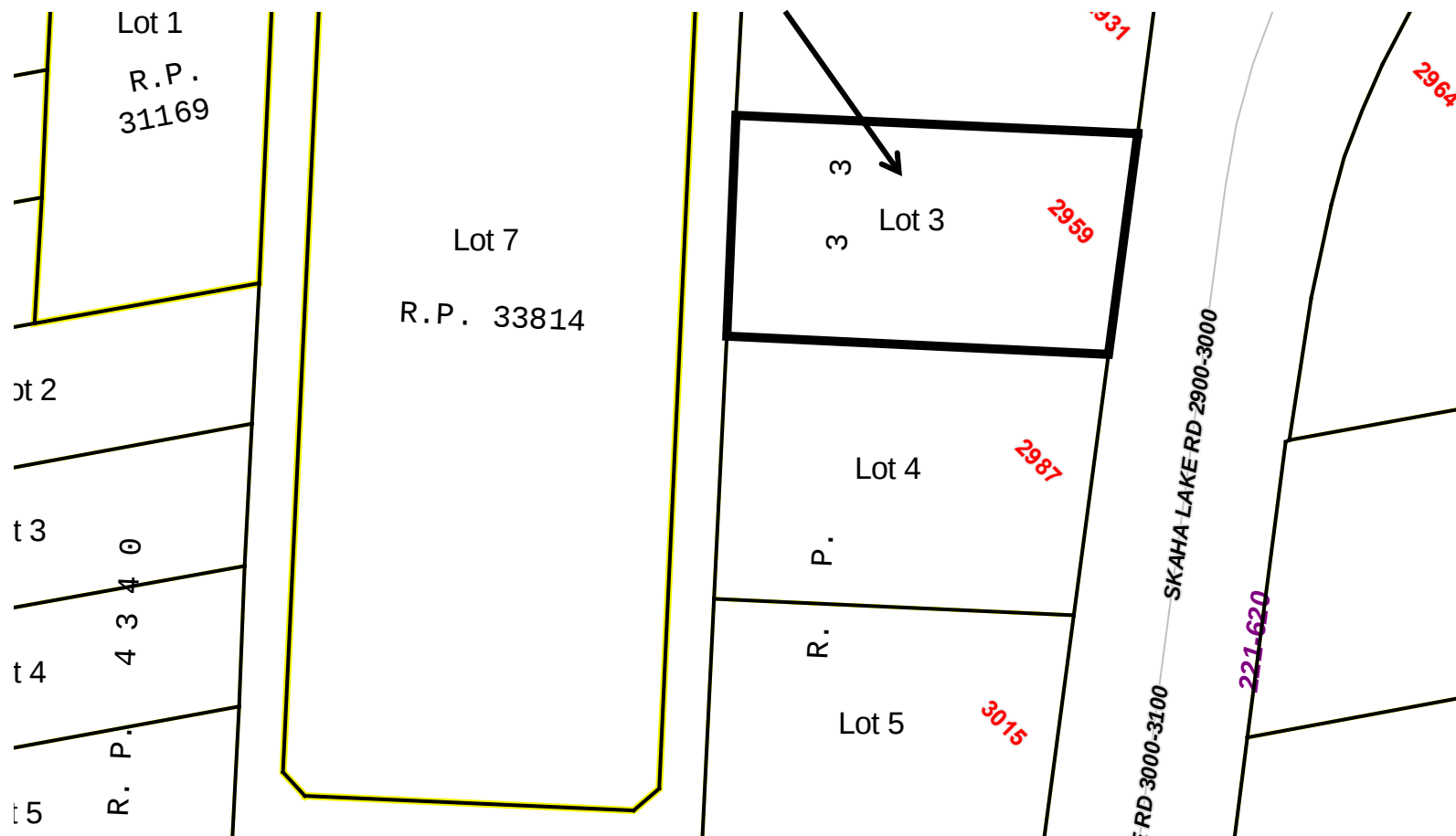
Notice of intention to proceed with this bylaw was published on the 25 day of March, 2016 and the 30 day of March, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 2959 Skaha Lake Road From CT1 (Tourist Commercial) to C4 (General Commercial)

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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-18

Date: _____

Corporate Officer: _____

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

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

Resolutions

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

153/2015

It was MOVED and SECONDED

THAT Council support the relocation of the BMX track from Lions Park to 630 Munson Mountain Road and recommend that the Penticton BMX Club work with PACA to develop a multi use bike area.

CARRIED

Councillor Martin, Opposed

154/2015

It was MOVED and SECONDED

THAT “OCP Amendment Bylaw 2015-13,” a bylaw to amend Schedule B of Official Community Plan 2002-20 to change the future land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to PR (Parks and Recreation), be read a first time and be forwarded to Council for Public Hearing following the receipt of the comments from the Agricultural Land Commission;
AND THAT Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with: One or more persons, organizations or authorities, The Regional District of Okanagan Similkameen, Local First Nations School District #67, and, the provincial or federal government and their agencies;
AND THAT it is determined that consultation only with the Agricultural Land Commission is required.

CARRIED

Councillor Martin, Opposed

155/2015

It was MOVED and SECONDED

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

CARRIED

Councillor Martin, Opposed

Council Report

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

File No: 6120-20

Staff Recommendations

#1)

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

#2)

OCP Amendment

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

AND THAT Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with:

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

AND THAT it is determined that consultation only with the Agricultural Land Commission is required.

#3)

Rezone

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

#4)

Value in Kind

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

#5)

License to Use

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

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

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

#6)

Budget

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

Strategic priority objective

N/A

Background

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parks Recreation Master Plan Reference to the BMX Facility

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

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

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

Financial implication

The financial implications to the City are estimated as follows:

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

Analysis

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

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

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

Potential Site Summaries:

Lions Park Site – Expansion



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

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

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

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

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

Riverside Drive Park – Track Relocation



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

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

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

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

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

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

Munson Mountain Property – 630 Munson Mountain Road



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

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

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

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

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

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

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

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

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

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

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

Alternate recommendations

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

Attachments

Attachment "A" – BMX Club – Letter to Council

Attachment "B" - Review of previously identified sites

Attachment "C" – License to Use Terms

Respectfully submitted,



Len Robson, ASCT
Public Works Manager

Director	Chief Financial Officer	Planning Manager	Acting City Manager
	CF		CL

Attachment "A" – BMX Club – Letter to Council



December 9, 2014

Dear Council Members:

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

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

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

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

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

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

Sincerely,

Penticton BMX Club

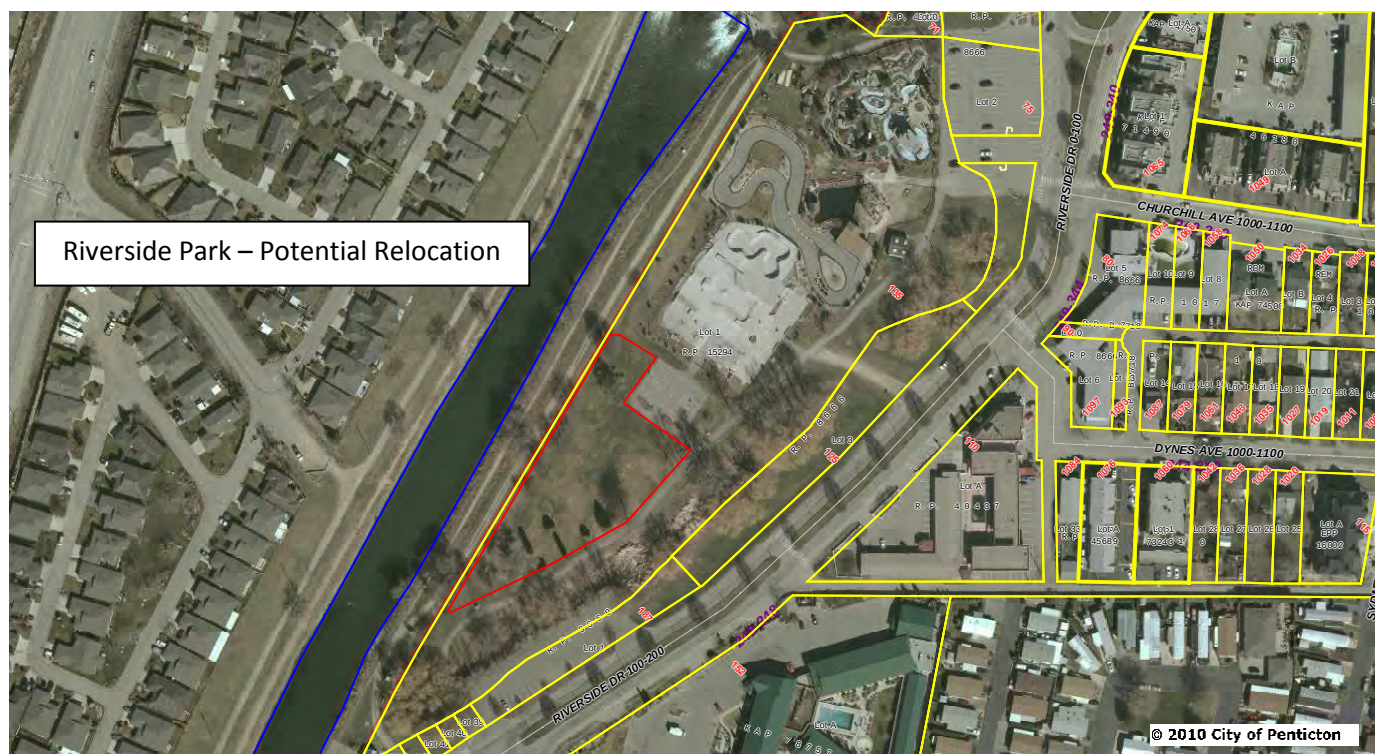
Attachment "B" - Review of previously identified sites:

Lions Park



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

Riverside Drive Park



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

Munson Mountain Property



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

Skaha Lake Park – City Owned



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

Uplands School Property – SD67



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

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

Camrose St & Warren Ave Skate Park - City Owned



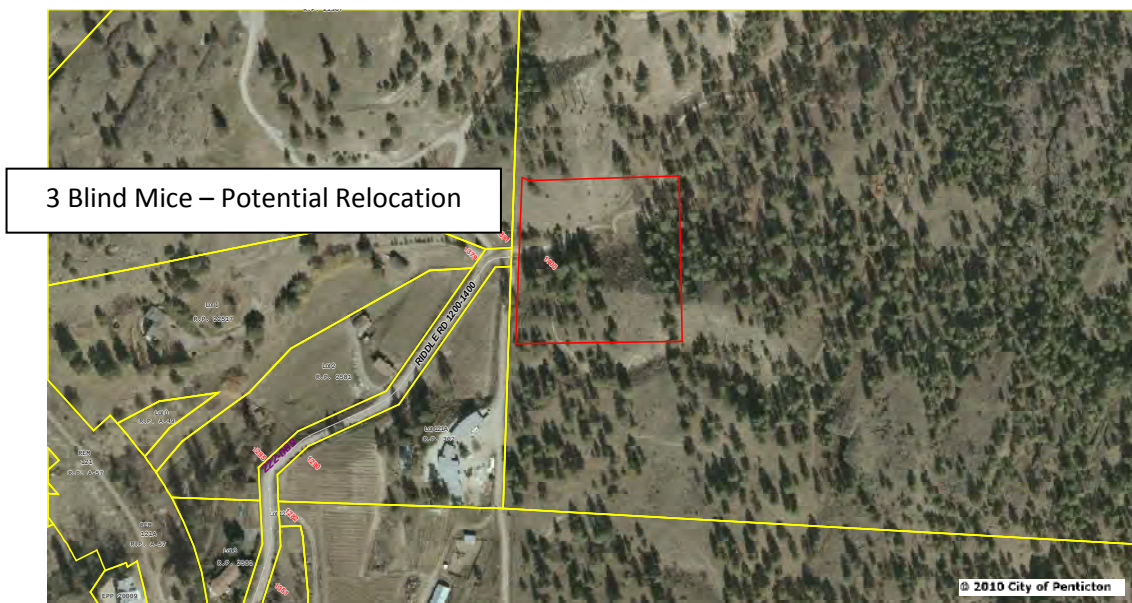
This option was considered prior to the expansion of the Fire Department Training Grounds being established. The 2015 Budget includes a Training Officer Position that will continue to utilize this area. This option is not considered as a potential relocation area.

1700 Carmi Ave – City Owned



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

3 Blind Mice - City Owned



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

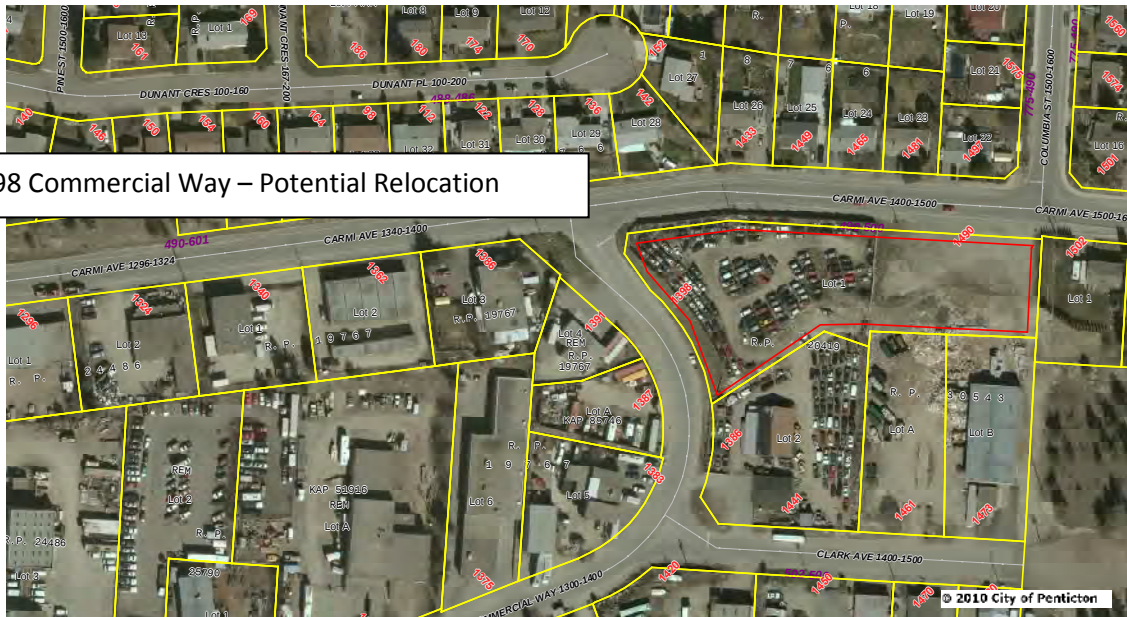
City Yards – 616 Okanagan Ave E - City Owned



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

1398 Commercial Way - City Owned

1398 Commercial Way – Potential Relocation



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

Skaha Main – North - City Owned

Skaha Main North – Potential Relocation



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

Duncan Ave Reservoir - City Owned

Duncan Ave Reservoir – Potential Relocation



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

Attachment "C" – License to Use Terms

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

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

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

Council Report

penticton.ca

Date: March 21, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Blake Laven, Planning Manager

Subject: **OCP Amendment Bylaw No. 2015-13 and
Zoning Amendment Bylaw No. 2015-14**

File No: MP 2015-248

Staff Recommendation

THAT Council receive the decision from the Agricultural Land Commission (ALC), dated February 26, 2016, giving conditional support of the non-farm application for a BMX Track to be constructed at 630 Munson Mountain Road;

AND THAT Council forward "OCP Amendment Bylaw No. 2015-13" and "Zoning Amendment Bylaw No. 2015-14" to the April 4th, 2016 Public Hearing;

AND THAT staff proceed with grading and seeding of the arable remainder of the property and installation of the vegetative screening as per the conditional approval from the ALC, upon adoption of the bylaws;

AND FURTHER THAT the 2016 Budget be adjusted accordingly to include \$3,000 to the project budget for the vegetative buffer and grading and seeding of the remainder lands.

Background

At its regular meeting of March 02, 2015, City Council gave first reading to "OCP Amendment Bylaw No. 2015-13", a bylaw intended to change the Official Community Plan designation for 630 Munson Mountain Road from its 'agricultural' designation to a 'parks and recreation' designation with the intent of relocating the Penticton BMX track from its current location at Lions Park to the subject lands. At the same meeting Council gave first reading to Zoning Amendment Bylaw No. 2015-14", a bylaw which would change the zoning of the property for the same purpose.

In consideration of the OCP amendment, Council directed staff to consult with the provincial Agricultural Land Commission (the Commission) as the subject property is located in the Agricultural Land Reserve (ALR). Staff obtained a report from a qualified Agrologist which was used to support an application for a 'non-farm use' to the Commission. On February 26, 2016 staff received the ALC's official comments and decision on the application to relocate the BMX track to the subject property. The decision is attached in full for Council's reference as Attachment 'A' to this report.

The decision lists the following seven (7) conditions:

1. The BMX track is to be reoriented on a north / south alignment
2. No asphalt paving of the track surface is permitted
3. Fencing and a vegetative buffer on the northerly escarpment of the property is to be installed
4. The remainder of the property is to be graded and seeded with an alfalfa/clover mix to improve soil tilth, or develop the remainder into a community garden
5. Restrict uncontrolled access to the track
6. Rescind the previous resolution permitting sports fields on the property
7. The track must be developed within three (3) years of the date of decision.

These conditions were passed to the BMX Club and it has indicated that they are amenable to the conditions and still wish to proceed with relocating from Lions Park to the 630 Munson Mountain Road location.

If Council is agreeable to moving the project forward with this new information, the next step is to hold a Public Hearing so that Council may hear concerns from people who feel they may be affected by adoption of the bylaws.

Financial implication

Council gave authorization for \$10,000 to bring water and electrical services to the property. Staff estimate that, to meet the ALC conditions of planting a vegetative buffer and grading and seeding the remainder lands, there will be a cost implication of approximately \$3,000. Upon adoption of the bylaws Council should direct staff to make amendments to the 2016 budget to include these funds.

Analysis

Support

Council previously gave support for this project, subject to consultation with the Agricultural Land Commission. That consultation is now complete and the Commission has provided support for the project subject to a set of conditions that the BMX Club and City staff are amenable to.

As a consequence of the ALC decision, staff recommend that Council forward the two bylaws to the April 4th, 2016 Public Hearing so that it may hear from those that feel they will be affected by approval of the bylaws, prior to giving third reading to the bylaw.

Deny

Council may not wish to move forward with the project. If that is the case, Council should not forward the bylaws to Public Hearing and should rescind first reading, close and abandon the bylaws.

Alternate recommendations

1. THAT Council follow the staff recommendation as outlined above; or
2. THAT Council rescinds first reading, closes and abandon Bylaw No 2015-13 and Bylaw 2015-14.

Attachments

Attachment A – 2016-02-26 ALC Decision

Attachment B – Link to previous Council Report

Attachment C – Council Outcome from March 2, 2015 Regular Meeting of Council

Respectfully submitted,

Blake Laven, RPP, MCIP

Approvals:

Director	Public Works Manager	City Manager
JGH		ES

Attachment A
ALC Decision dated February 26, 2015



February 25th, 2016

City of Penticton
171 Main Street
Penticton, BC
V2A 5A9

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca
ALC File: 54191

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #69/2016) as it relates to the above noted application. A sketch plan is attached for your information.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Ron Wallace at (Ron.Wallace@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosure: Reasons for Decision (Resolution #69/2016)

54191d1



AGRICULTURAL LAND COMMISSION FILE 54191

REASONS FOR DECISION OF THE OKANAGAN PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

**City of Penticton
(the "Applicant")**

Application before the Okanagan Regional Panel:

**Gerry Zimmermann Panel Chair
Jim Johnson
Greg Norton**



THE APPLICATION

- [1] The legal description of the property involved in the application is:

Parcel Identifier: 004-625-960

Lot A, District Lot 187, Similkameen Division Yale District Plan 28179

(the "Property")

- [2] The Property is 4.2 ha in area.

- [3] The Property is located on the easterly edge of Munson Mountain Park in the City of Penticton.

- [4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

- [5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

- [6] Pursuant to s. 20(3) of the ALCA, the Applicant is requesting approval for a BMX track on 0.5 ha of the 4.2 ha subject property and to use up to 0.4 for parking.

- [7] On January 28th, 2016, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the Okanagan Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

- [8] The Application was made pursuant to s. 20(3) of the ALCA:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land



[9] The purposes of the Commission set out in s. 6 are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land,
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Previous Application History
- 4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Applicants in advance of this decision.

[11] The City of Penticton Council forwarded the following resolution dated July 6, 2015 to the ALC with the support of City staff:

362/2015 It was MOVED and SECONDED

"THAT Council receive this report and after considering the information presented that Council select the following alternatives:

THAT Council instruct staff to submit a new application to the Agricultural Land Commission (ALC) to allow the non-farm use of developing and operating a BMX track, a Mountain Bike Skills Park, and other complimentary cycling uses on a portion of the property located at 530 Munson Mountain Road,



AND THAT in the event the outcome of the ALC Non-farm use application review is positive, set a date for a Public Hearing for both "OCP Amendment Bylaw 2015-13", a bylaw to amend Schedule B of Official Community Plan 2002-20 to change the future land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to PR (Parks and Recreation) and "Zoning Amendment Bylaw 2015-14", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to P2 (Parks and Recreation);

AND THAT in the event the outcome of the ALC Non-farm use application review is negative; THAT "OCP Amendment Bylaw 2015-13" and "Zoning Amendment Bylaw 2015-14," be closed and abandoned.

*AND FURTHER THAT staff continue to work with the Penticton BMX Club and PACA to locate an alternate site to accommodate their new or expanded operations. **

CARRIED UNANIMOUSLY

[12] The City of Penticton Agriculture Advisory Committee made the following recommendation at its meeting dated Wednesday April 22, 2015:

"That the City reassess the agricultural capabilities of 630 Munson Mountain Road prior to any decision to alter the use of the lands."

[13] The Panel reviewed previous applications involving the Property:

Application ID: 41450
Legacy File: 35569
(City of Penticton 2004)

Proposal: To use 12.2 ha comprising three parcels for community sports fields.

Decision: Allow community sports fields on ~8 ha adjoining Munson Mountain Park, but refuse sports fields on 4.2 ha.



Agricultural Land Commission Decision, ALC File 54191

Application ID: 32827
Legacy File: 18380
(Lester, 1984)

Proposal: To place 350,000 cubic meters of fill on the 4.2 ha subject property to fill a ravine

Decision: Allow with conditions:

- Topsoil removed from fill area and stockpiled;
- The upper 50 – 100 cm to be finer than sand and coarser than clay with a maximum 25% gravel content.

SITE VISIT

[14] On February 2, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[15] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the applicant on February 11, 2016 (the "Site Visit Report"). On February 16, 2016, Blake Laven, Planning Manager, City of Penticton provided additional comments and with these comments, confirmed that the site inspection report accurately reflects the observations and discussions that occurred on February 2, 2016.

FINDINGS

Section 6 of the ALCA: First priority to agriculture

[16] In assessing agricultural capability of the property, the Panel referred to the Agrologist Report by Wayne A. Blashill, P. Ag, dated June 5, 2015, rather than to the CLI or BCLI ratings because the majority of the property has been filled in the past as a result of approval provided by the ALC in 1984. The improved agricultural capability ratings identified by the Agrologist's report are:

- (3F) 1.4 ha Topographic limitations and/or high levels of carbonates
- (5F) 1.6 ha Construction waste and asphalt fill
- 6F 0.8 ha 3 house sites
- 7T 0.4 ha Topographic limitations – too steep for cultivation

Page 5 of 8



Agricultural Land Commission Decision, ALC File 54191

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Class 7 - land has no capability for soil bound agriculture.

The report indicated that the 1.6 ha. landfilled site may be remediated by spreading a minimum 2 feet of topsoil at a cost of approximately \$412,000.00

[17] The Panel reviewed the Agrologist ratings and confirms that portions (2.8 ha) of the 4.2 ha Property have challenges for agricultural development due to filling, steep topography and existing residential uses. However, the remainder (approximately 1.4 ha) has potential for agricultural use.

[18] The Panel expressed the following concerns about the impacts of permitting BMX uses on the site:

- That BMX recreational uses would decrease the potential for agricultural remediation, and for agriculture to be undertaken at a future date, if desired.
- That BMS recreational uses would result in negative impacts such as trespass onto adjoining farmland by BMX users and spectators, and complaints by recreational users about adjoining farm activities, such as spraying.
- That the portions of the property not used for BMX recreational uses would be further degraded (or abandoned) so as to preclude any sort of agricultural future.

[19] The Panel also noted that the City of Penticton Agriculture Advisory Committee did not support the proposed BMX Recreational use.

[20] However, the Panel recalled that the ALC had previously supported the non-agricultural sports field use of the Property by Resolution #524/2004. However, the City of



Penticton appears to have abandoned the idea of using the property for community sports fields.

- [21] The Panel believed that a BMX track represented a non-farm use that was not permanent, and which occupied non arable land, and allowed for agricultural development to occur (or be preserved) on the property's arable land. However, in order to maximize the potential use of the arable land on the property the BMX track would have to be re-oriented to a north/south alignment, rather than the currently proposed west/east alignment.

DECISION

- [22] For the reasons given above, the Panel approves the Proposal for a BMX Recreational track on ~1.6 ha of the 4.2 ha property subject to the following conditions:

1. Re-orient the BMX track on a north/south alignment;
2. No paving of the BMX track is permitted (to enable reclamation if the use ceases);
3. Fencing and vegetative buffering on the northerly escarpment of the Property;
4. Grade and seed the arable remainder with a alfalfa/clover mix to improve soil tilth, or develop community gardens on the remainder;
5. Restrict uncontrolled access to the BMX track;
6. Rescission of Resolution #524/2004, permitting sports fields on the Property;
7. The BMX track must be developed within three (3) years of the date of the decision.

- [23] Panel Chair **Gerry Zimmermann** concurs with the decision.

Commissioner **Jim Johnson** concurs with the decision.

Commission **Greg Norton** concurs with the decision.

- [24] Decision recorded as Resolution #69/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.



Agricultural Land Commission Decision, ALC File 54191

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #69/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is written over a horizontal line.
Colin J. Fry, Chief Tribunal Officer

February 25, 2016

Date Released

Page 8 of 8

ALC APPLICATION # 54191
RESOLUTION #

APPROVED Site Plan

Penticton BMX Track and Mountain Bike Terrain Park



Drawing not-to-scale
July 2015

Attachment B
Link to previous staff report to Council

<http://www.penticton.ca/assets/Council~Meetings/2015/2015-03-02%20Regular%20Agenda%20Package.pdf>

Attachment C
Council outcome from March 02, 2015 Regular Meeting of Council



penticton.ca

Council Outcome
Regular Meeting Held March 2, 2015

8.5 OCP Amendment Bylaw No. 2015-13 & Zoning Amendment Bylaw No. 2015-14

Re: BMX Track – Expansion/Relocation – 630 Munson Mt Rd

153/2015

It was MOVED and SECONDED

THAT Council support the relocation of the BMX track from Lions Park to 630 Munson Mountain Road and recommend that the Penticton BMX Club work with PACA to develop a multi use bike area.

CARRIED

Councillor Martin, Opposed

154/2015

It was MOVED and SECONDED

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

AND THAT Council consider whether early and ongoing consultation in addition to the required Public Hearing is necessary with: One or more persons, organizations or authorities, The Regional District of Okanagan Similkameen, Local First Nations School District #67, and, the provincial or federal government and their agencies;

AND THAT it is determined that consultation only with the Agricultural Land Commission is required.

CARRIED

Councillor Martin, Opposed

155/2015 It was MOVED and SECONDED

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

CARRIED

Councillor Martin, Opposed

156/2015 It was MOVED and SECONDED

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

CARRIED

Councillor Martin, Opposed

157/2015 It was MOVED and SECONDED

THAT Subject to adoption of "Zoning Amendment Bylaw 2015-14", Council authorize the termination of the existing BMX Club lease at 198 Warren Ave; AND THAT a new License to Use be authorized for a portion of City property not to exceed 1.12 hectares (2.5 acres) in area, located at 630 Munson Mountain Road, for the development of a BMX Track with the terms and conditions as noted in Attachment "C", AND THAT the new License to Use be executed by the Mayor and Corporate Officer.

CARRIED

Councillor Martin, Opposed

158/2015 It was MOVED and SECONDED

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

CARRIED

Councillor Martin, Opposed

Bylaw No. 2015-13

A Bylaw to Amend Official Community Plan Bylaw 2002-20

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

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

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

1. **Title:**

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

2. **Amendment:**

2.1 "Official Community Plan Bylaw No. 2002-20" Schedule 'B' Future Land Use is hereby amended as follows:

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

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

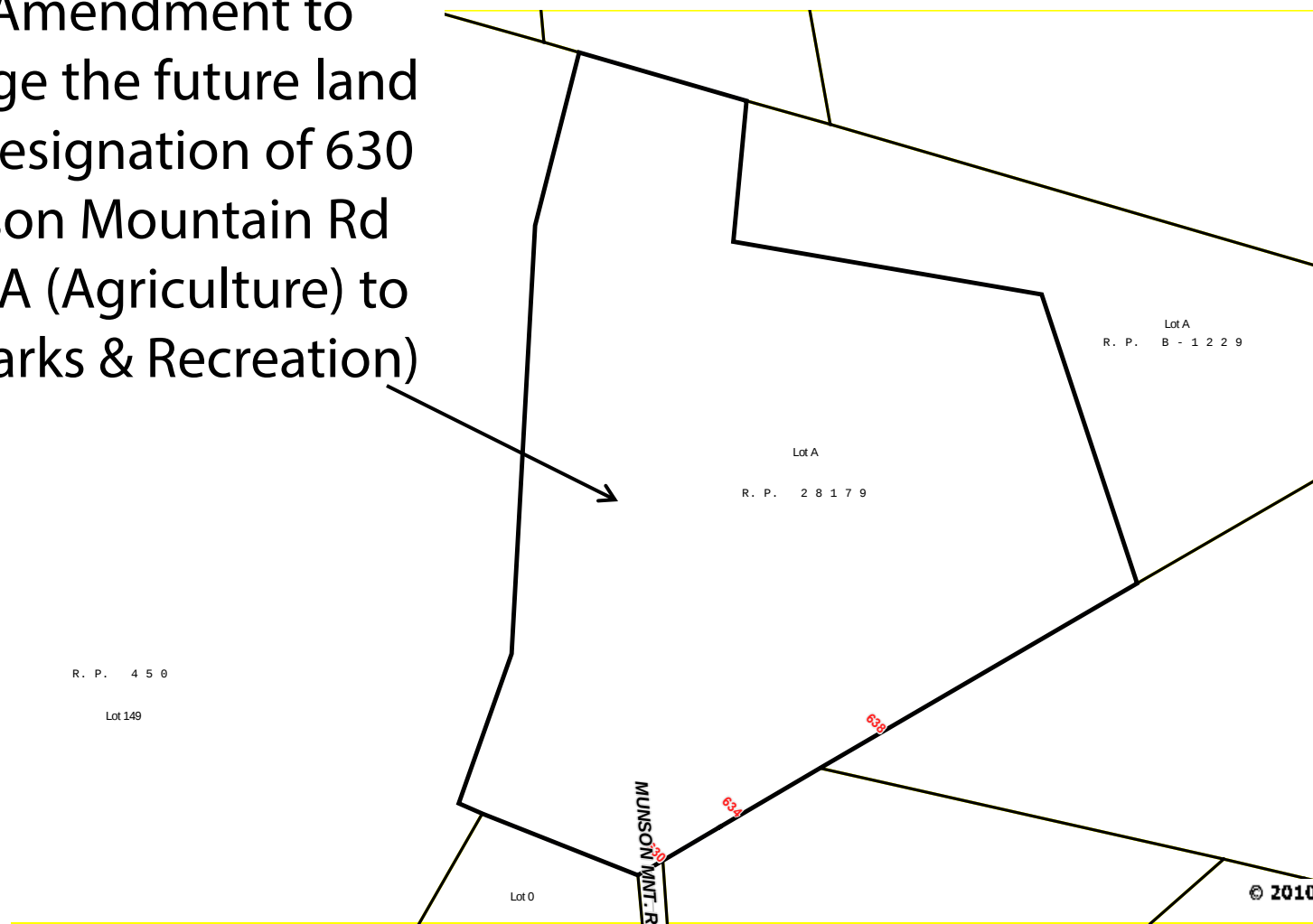
READ A FIRST time this	2	day of	March, 2015
A PUBLIC HEARING was held this	4	day of	April, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 25 day of March, 2016 and the 30 day of March, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2015-13

Date: _____

Corporate Officer: _____

Bylaw No. 2015-14

A Bylaw to Amend Zoning Bylaw 2011-23

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as “Zoning Amendment Bylaw 2015-14”.

2. **Amendment:**

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

Rezone Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179, located at 630 Munson Mountain Road, from A (Agriculture) to P2 (Parks and Recreation).

2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this	2	day of	March, 2015
A PUBLIC HEARING was held this	4	day of	April, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

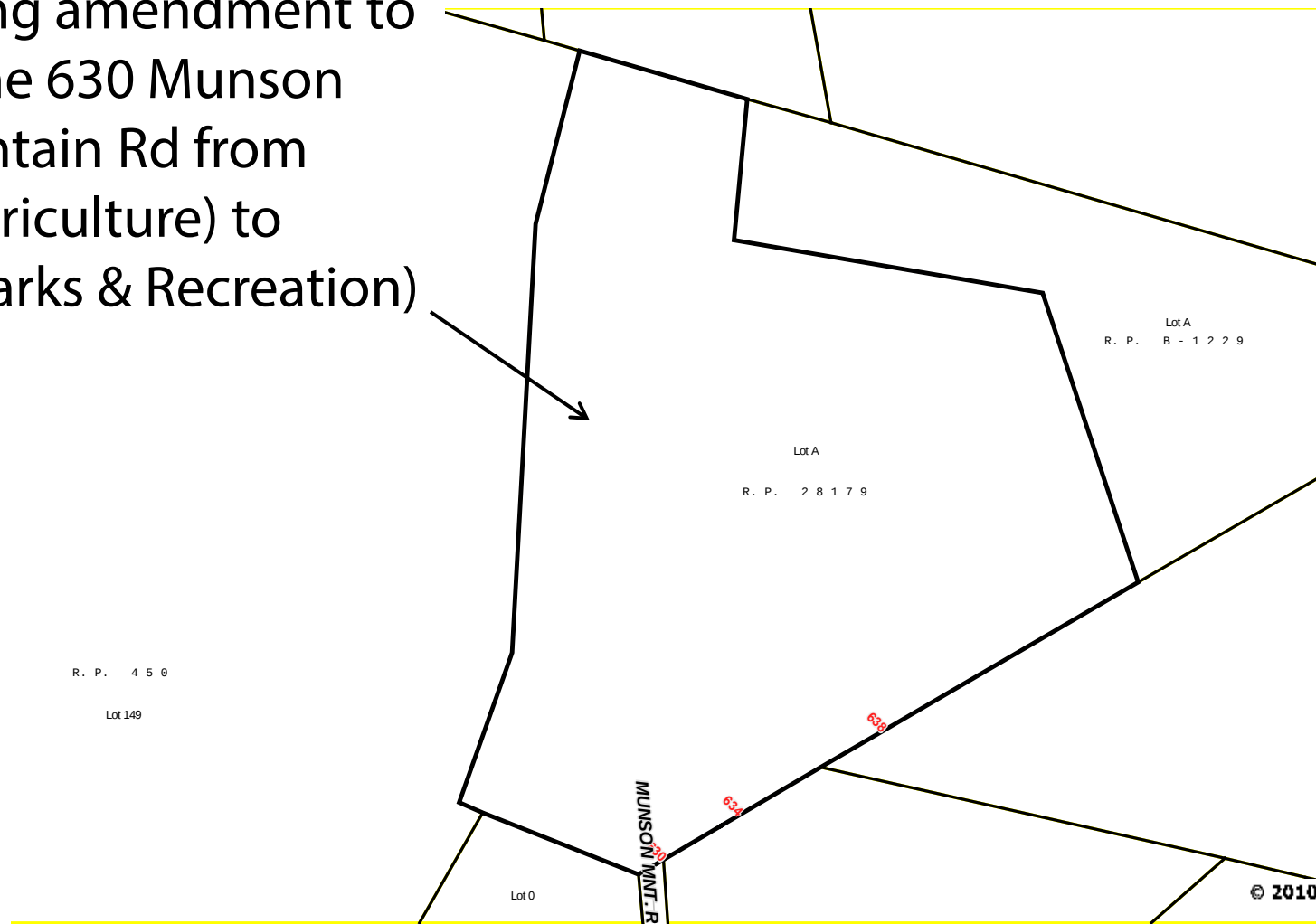
Notice of intention to proceed with this bylaw was published on the 25 day of March, 2016 and the 30 day of March, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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

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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-14

Date: _____

Corporate Officer: _____

Charlotte A. Lucy
5203 WOODS AVE
Summerland, B.C.
V0H 1Z9

April 23, 2015

Dear Penticton City Council Members,

Regarding a proposed BMX Track and EVENTS taking place on MUNSON MOUNTAIN, I am NOT in favor of this happening.

Seventy years ago I and many neighbour hood children enjoyed exploring and playing on Munson Mountain. It was and still is a unique and magical place. One of the gems of the Penticton area. (I lived on Cander Road) just to the North of Munson Mountain.

Yours truly




South Okanagan Naturalists' Club
P O Box 23050
Penticton, BC V2A 8L7

2015 April 5
The Mayor and Council
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Mayor Jakubeit and Councillors:

The South Okanagan Naturalists are concerned about the proposed BMX track at 630 Munson Mt Road and the potential for damage to the adjoining Munson Mountain Park.

While we do not have significant environmental concerns about the property actually proposed for the BMX track, we note that there is currently no fence between the west edge of this property and Munson Mountain Park. Munson Mountain Park is mostly native sagebrush/grassland, and has several slopes close to 630 Munson Mt. Road that would attract cyclists. It would not take much activity by cyclists (and campers) to destroy vegetation and fragile soils in the park, and to start trails for rainwater to deepen into erosion ditches, and wash away hazards. Once started, this type of damage is very expensive if not impossible to rectify.

To prevent this habitat destruction and potential property damage before it actually happens, we recommend that the installation of a fence between the subject property and Munson Mountain be a condition of any approval of a BMX Track at this location. This fence should be substantial enough to deter cyclists from crossing but not so high that the deer that frequent this area cannot cross into Munson Mountain. Thank you for considering this measure to safeguard a much loved park.

Sincerely,

Dr. J. K. Turnbull
Conservation Committee

Your Worship, and Members of Council,

My name is Barbara Lambert. Our family owns an orchard at 780 Lower Bench Road (which recently has been re-planted in cherries).

With respect to Committee Board Reports #10.1 re: BMX track on 630 Munson Avenue:

I would like to ask each member of Council – if you would be so kind – *why* you support moving a sports facility massive enough to host National Level BMX events (which will draw crowds of 3-4000 people) onto this small piece of totally-agriculture-or park-surrounded land *going against* the result of an earlier City Referendum which asked the question:

“Do you approve of city owned agricultural lands lying to the east and adjoining Munson Mountain being used, as approved by the Agricultural Land Commission for park and/or recreational purposes, including sports fields and permitted park uses?”

To which the vote of the citizens was NO.

Is it healthy for the *City* for this issue to be raked up again? Does this proposal honour the City’s mandate regarding Agriculture in our OCP – where many mentions are made of the primary importance of supporting and maintaining our agricultural heritage?

Or a similarly does it honour the OCP mandate to protect Munson Mountain itself, as a classified Natural Area?

Thank you!