

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

**Tuesday, December 20, 2016**  
**at 1:00 p.m.**

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**
  - 6.1 Minutes of the December 6, 2016 Committee of the Whole Meeting 1-2 Receive
  - 6.2 Minutes of the December 6, 2016 Regular Council Meeting 3-14 Adopt
7. **Committee and Board Reports:**
  - 7.1 Development Services Advisory Committee Minutes of November 9, 2016 15-17  
*Recommendation: THAT Council receive the minutes of the Development Services Advisory Committee meeting of November 9, 2016.*
  - 7.2 Parks & Recreation Master Plan Steering Committee Minutes of November 18, 2016 18-21  
*Recommendation: THAT Council receive the minutes of the Parks and Recreation Master Plan Steering Committee meeting of November 18, 2016.*
  - 7.3 Parks & Recreation Master Plan Steering Committee Minutes of November 29, 2016 22-26  
*Recommendation: THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee meeting of November 29, 2016.*
8. **Correspondence**
  - 8.1 Okanagan Fest of Ale 27-28  
Re: Request of Letter of Endorsement – April 7 – 8, 2017
  - 8.2 Royal Canadian Legion 29  
Re: Thank you for free parking

9. <b>Staff Reports:</b>		
PWM	9.1	<p>Snow and Ice Control Policy <span style="float: right;">30-42</span>  <u>Staff Recommendation:</u> <i>THAT Council after full consideration, including budgetary restrictions, endorse the revised Snow and Ice Control Policy as attached to the Snow and Ice Control Policy Report dated December 20, 2016 in Attachment A;</i>  <i>And THAT the Parking Lot – Snow Removal Budget , OPR576-003 be increased by \$1,550 for 2017 to accommodate the snow and ice control for the additional parking lots.</i></p>
DDS	9.2	<p>Resident Only Parking Program Changes Implementation <span style="float: right;">43-45</span>  Re: Reconsideration  <u>Staff Recommendation:</u> <i>THAT Council direct staff to put full implementation of the resident only parking program expansion on hold, until further public engagement on the issue can be completed.</i></p>
LA	9.3	<p>Campbell Mountain Provincial Recreational Lease <span style="float: right;">46-51</span>  <u>Staff Recommendation:</u> <i>THAT Council direct staff to enter into a recreational licence or lease agreement for a term of ~30 years with the Province of BC over the Untitled Crown Lands known as:</i></p> <ul style="list-style-type: none"> <li>• <i>Remainder DL 1032s, SDYD</i></li> <li>• <i>DL2740s, SDYD</i></li> <li>• <i>DL2741s, SDYD</i></li> <li>• <i>Undetermined - 997 or 2741s, SDYD Excelsior M.C.</i></li> <li>• <i>Remainder DL 2742s, SDYD</i></li> <li>• <i>That ~ 200 m. portion of "Unsurvey" Crown Land east of DL2514s, SDYD</i></li> </ul> <p><i>as shown outlined in red in the attached sketch (Attachment B) and containing approximately 301 hectares (746 ac.), for parks and recreational purposes;</i>  <i>AND THAT the Mayor and Corporate Officer be authorized to sign the Provincial lease agreement;</i>  <i>AND THAT Council direct that \$45,000 be included in the 2017 budget for the work related to the lease from the province;</i>  <i>AND FURTHER THAT Council direct staff to undertake public consultation to determine the best use for the recreational land before moving forward with any sub-license agreements.</i></p>
LA	9.4	<p>Closure and Disposal of a portion of Government Street east of Hospital <span style="float: right;">52-54</span>  <u>Staff Recommendation:</u> <i>THAT Council direct Staff to close the +-20.0 sq.m. portion of Government Street east of the Penticton Regional Hospital and swap that portion of land for +-20.0 sq.m. of land owned by Interior Health required for road widening and that the City agree to accept at no cost the +-220.55 sq.m balance of land from Interior Health to be dedicated as Road that is required for proper hospital access. Survey, legal costs and initial road construction are at the cost of Interior Health. The future maintenance and repair of the area dedicated as road will become the responsibility of the City in to perpetuity.</i></p> <p><i>AND THAT consultation required for the road closure bylaw be carried out in accordance with Section 40(3) and 40(4) of the Community Charter (advice to utilities and Public Notification (including opportunity to address Council by those affected));</i></p> <p><i>AND THAT the proposed disposition of City lands be advertised pursuant to Section 26(3) of the Community Charter;</i>  <i>AND FURTHER THAT the Mayor and Corporate Officer be authorized to execute the necessary documents.</i></p>
Com O	9.5	<p>Advertising Expenditure <span style="float: right;">55-57</span>  <u>Staff Recommendation:</u> <i>THAT Council direct staff to enlist a broader range of media channels including newspapers, online, social media and radio and avoid the limitations of an exclusive contract which may adversely affect the choice of a more appropriate and/or cost effective media for the communication task at hand.</i></p>
CO	9.6	<p>Records Management and Retention Policy <span style="float: right;">58-86</span>  <u>Staff Recommendation:</u> <i>THAT Council approves the Records Management and Retention Policy.</i></p>

CFO	9.7	Tourism Fee <i>Staff Recommendation: THAT Council approve 50% of the Tourism Fee collected from Vacation Rental and Bed and Breakfast be provided to Travel Penticton Society (TPS) for the sole purpose of destination marketing initiatives as provided for in the service agreement between TPS and the City of Penticton (City) for the term as specified in the service agreement.</i>	87-89	
ACAO	9.8	Two Year Skaha Lake Marina Lease Agreement <i>Staff Recommendation: THAT Council accept the Two Year Skaha Lake Marina Lease Agreement, Attachment "A" to this Council Report and authorize the Mayor and Corporate Officer to execute the said document.</i>	90-103	
	10.	<b>Public Question Period</b>		
	11.	<b>Recess to In-Camera Meeting</b> <i>Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:</i>		
		(a) <i>personal information about an identifiable individual who is being considered for a municipal position as an officer, employee or agent of the municipality or another position appointed by the municipality;</i>		
		(j) <i>information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;</i>		
		(k) <i>negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.</i>		
	12.	<b>Public Hearing at 6:00 p.m.</b>		
	13.	<b>Reconvene the Regular Council Meeting following the Public Hearing</b>		
	14.	<b>Reconsideration of Bylaws and Permits:</b>		
	14.1	Records Management and Retention Bylaw No. 2016-61	104-106	Adopt
	14.2	Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64	107	Adopt
	14.3	Street Naming (Hawthorn Drive) Bylaw No. 2016-66	108-109	Adopt
	14.4	Fees and Charges Amendment Bylaw No. 2016-67 Re: Marijuana Dispensaries	110	Adopt
	14.5	Fees and Charges Amendment Bylaw No. 2016-70 Re: Tag a Bag Coupons	111	Adopt
	14.6	Zoning Amendment Bylaw No. 2016-69 Re: 1786 Fairford Drive	112-113	2 <sup>nd</sup> /3 <sup>rd</sup>
	15.	<b>Land Matters:</b>		
DDS	15.1	Development Variance Permit PL2016-7779 Re: 424 & 436 Braid Street <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2016-7779" for Lot 3, Block 12, District Lot 202, SDYD, Plan 744, located at 424 Braid Street, and Lot 4, Block 12, District Lot 202, SDYD, Plan 744, located at 436 Braid Street, a permit to decrease the minimum required front yard from 4.5m to 3.5m; AND THAT staff be directed to issue "Development Variance Permit PL2016-7779."</i>	114-127	Del/Sub

DDS	15.2	Development Variance Permit PL2016-7793 Re: 530 Okanagan Avenue East <u>Staff Recommendation:</u> THAT Council deny the request to waive the requirement to provide 225 l/s fire flow and to waive the requirement to upgrade the water line in Okanagan Avenue and Barnes street along the frontage of the subject property.	128-138	Del/Sub
DDS	15.3	Temporary Use Permit PL2016-7741 Re: 1875 Chatham Street <u>Staff Recommendation:</u> THAT Council approve "Temporary Use Permit PL2016-7741", a permit to allow the industrial use: 'sign manufacturing' at Lot 4, District Lot 115, Similkameen Division Yale District, Plan KAP74502, located at 1875 Chatham Street, for a one year period starting on January 1, 2017, subject to the sign business being conducted within the single detached dwelling and the west 10m of the property and with a maximum of two deliveries per week; AND THAT staff are directed to issue Temporary Use Permit PL2016-7741.	139-151	Del/Sub
DDS	15.4	175 Kinney Avenue <u>Staff Recommendation:</u> THAT Council adopt "Housing Agreement (175 Kinney Avenue) Bylaw No. 2016-68"; AND THAT Council adopt "Zoning Amendment Bylaw 2016-62"; THAT Council approve "Development Permit PL2016-7652" on Lot 1, District Lots 115 and 116, Similkameen Division Yale District, Plan 25981, located at 175 Kinney Avenue, a permit to develop two six (6) storey apartment buildings; AND THAT Council direct staff to issue "DP PL2016-7652". AND THAT Council direct staff to issue "Development Variance Permit PL2016-7651"	152-187	
DDS	15.5	Zoning Amendment Bylaw No. 2016-71 Re: 750 Kamloops Avenue <u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2016-71," a bylaw that amends Zoning Bylaw 2011-23 changing the zoning district for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 8381, located at 750 Kamloops Avenue from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the January 17, 2017 Public Hearing; THAT delegations and submissions for "Development Variance Permit PL2016-7729" on Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan, located at 750 Kamloops Avenue, a permit to vary the minimum lot width from 13m to 12m; to vary the minimum lot area from 390m <sup>2</sup> to 290m <sup>2</sup> ; and decrease the minimum rear yard setback from 6m to 3.5m to construct 3 side-by side duplexes, be heard at the January 17 <sup>th</sup> Public Hearing; AND THAT Council consider "DVP PL2016-7729" following the adoption of "Zoning Amendment Bylaw No. 2016-71".	188-205	
DDS	15.6	Amend Development Permit PL2015-067 Re: 3388 Skaha Lake Road <u>Staff Recommendation:</u> THAT Council approve amended "Development Permit PL2015-067", a permit that adds phase II and phase III to the original permit on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, shown on Attachment 'A' of this report and located at 3388 Skaha Lake Road; AND THAT Staff are directed to issue the permit.	206-223	
DDS	15.7	Development Cost Charges Amendment Bylaw No. 2016-72 DCC Program Review <u>Staff Recommendation:</u> THAT "Development Cost Charges Amendment Bylaw 2016-72", being a housekeeping bylaw to amend "Development Cost Charges Bylaw 2007-79", be given first reading, second and third reading; AND THAT in accordance with Section 560 of the Local Government Act, the bylaw be forwarded to the Inspector of Municipalities for approval. <u>Staff Recommendation:</u> THAT Council support the beginning of a comprehensive review of the City's Development Cost Recovery Program in 2017.	224-234	

Re: 1220, 1228 & 1236 Government Street

Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2016-73," a bylaw to amend City of Penticton Zoning Bylaw 2011-23 for Lot 69, District Lot 250, SDYD, Plan 881, located at 1220 Government Street, Lot 70, District Lot 250, SDYD, Plan 881, located at 1228 Government Street & Lot 71, District Lot 250, SDYD, Plan 881, located at 1236 Government Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the January 17, 2017 Public Hearing.

16. **Notice of Motion**

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

**It was MOVED and SECONDED**

THAT Council appoints the following members to the Arena Task Force:

(6) User Group Representatives:

- Jamie Materi (Minor Hockey)
- Pam MacDonald (Dry Floor, Lacrosse)
- Trevor Bутtenham (Glengarry Figure Skating)
- Mike Hopkin (Adult Hockey Leagues)
- Fred Harbinson (Penticton Vees)
- Andy Oakes (OHG)

(8) Community members:

- Stewart Ladyman
- Frank Regehr
- Bruce Millington
- Larry Lund
- Ryan Schultz
- Garth Astles
- Neil Jamieson
- Larry Kenyon

AND THAT the Penticton Arena Task Force terms of reference be amended to include 14 voting members.

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

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

**Tuesday, December 6, 2016**  
**Recessed from the Regular Council Meeting at 1:00 p.m.**

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

**Absent:** Councillor Sayeed (with notice)

**Staff:** Mitch Moroziuk, Acting Chief Administrative Officer  
Jim Bauer, Chief Financial Officer  
Blake Laven, Acting Director of Development Services  
Dana Schmidt, Corporate Officer  
Angie Collison, Deputy Corporate Officer

**1. Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

**2. Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the agenda for the Committee of the Whole meeting held on December 6, 2016 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**3. Delegations and Staff Presentations:**

3.1 Introduction – Thom Tischik, Executive Director, Travel Penticton

Barb Haynes and Jessica Dolan introduced Thom Tischik, new Executive Director for Travel Penticton.

3.2 Dedicated Storm Water Fund

Cory Sivell and John Weninger, Urban Systems, presented Council with information on establishing a dedicated funding source for storm water infrastructure and suggested Council proceed with an implementation study.

3.3 Regional Growth Strategy

Evelyn Riechert, Planner, Regional District of Okanagan Similkameen, provided Council with an overview of the Regional Growth Strategy minor update project, a long term planning document that deals with growth management issues over a 20+ year period.

**4. Adjourn to Regular Meeting**

**It was MOVED and SECONDED**

THAT Council adjourn the Committee of the Whole at 1:45 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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Andrew Jakubeit  
Mayor

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**at 1:00 p.m.**

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

**Absent:** Councillor Sayeed (with notice)

**Staff:** Mitch Moroziuk, Acting Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Blake Laven, Acting Director of Development Services  
Angie Collison, Deputy Corporate Officer

**1. Call to Order**

The Mayor called the Regular Council meeting to order at 1:00 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

521/2016

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on December 6, 2016 as presented.

**CARRIED UNANIMOUSLY**

**4. Recess to Committee of the Whole**

Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

**5. Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 1:45 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the November 15, 2016 Committee of the Whole Meeting

522/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the November 15, 2016 Committee of the Whole meeting as presented.

**CARRIED UNANIMOUSLY**

6.2 Minutes of the November 15, 2016 Regular Council Meeting

523/2016

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the November 15, 2016 Regular Council Meeting as presented.

**CARRIED UNANIMOUSLY**

6.3 Minutes of the November 23, 2016 Special Council Meeting

524/2016

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the November 23, 2016 Special Council Meeting as presented.

**CARRIED UNANIMOUSLY**

6.4 Minutes of the December 1, 2016 Special Council Meeting

525/2016

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the December 1, 2016 Special Council Meeting as presented.

**CARRIED UNANIMOUSLY**

**7. Committee and Board Reports**

7.1 Arts Creative & Cultural Innovations Committee Minutes of October 20, 2016

526/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Arts Creative & Cultural Innovations Committee Meeting of October 20, 2016.

**CARRIED UNANIMOUSLY**

7.2 Downtown Revitalization Sub-Committee Minutes of October 26, 2016

527/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Downtown Revitalization Sub-Committee Minutes of October 26, 2016.

**CARRIED UNANIMOUSLY**

7.3 SOEC Select Committee Minutes of November 4, 2016

528/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the SOEC Select Committee Minutes of November 4, 2016.

**CARRIED UNANIMOUSLY**

7.4 Heritage & Museum Committee Minutes of November 10, 2016

529/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Heritage & Museum Committee Minutes of November 10, 2016.

**CARRIED UNANIMOUSLY**

530/2016

**It was MOVED and SECONDED**

THAT Council support the name Hawthorn Drive for the new street being created from the subdivision of 2740 Evergreen Drive.

**CARRIED UNANIMOUSLY**

7.5 Arts Creative & Cultural Innovations Committee Minutes of November 17, 2016

531/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Arts Creative & Cultural Innovations Committee Minutes of November 17, 2016.

**CARRIED UNANIMOUSLY**

**8. Correspondence**

**9. Staff Reports:**

9.1 Fees and Charges Amendment Bylaw No. 2016-70  
Re: Tag a Bag Coupons

532/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2016-70", a bylaw to amend Fees and Charges Bylaw No. 2014-07 to set a new bulk rate fee of \$62.50 including tax for 25 Tag a Bag coupons.

**CARRIED UNANIMOUSLY**

9.2 Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64

Mayor Jakubeit declared a potential conflict of interest and excused himself at 1:58 p.m.

533/2016

**It was MOVED and SECONDED**

THAT Council give first, second, and third reading to Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64, providing the City of Penticton with the authority to impose a 2% Municipal and Regional District Tax (MRDT) and requesting the Province levy the tax on its behalf.

**CARRIED UNANIMOUSLY**

Mayor Jakubeit returned to the meeting at 2:01 p.m.

9.3 Council Meeting Schedule

534/2016

**It was MOVED and SECONDED**

THAT Council select the following dates for the 2017 Regular Meetings of Council: January 10, 17, February 7, 21, March 7, 21, April 4, 18, May 2, 23, June 6, 20, July 4, 18, August 1, 15, September 5, 19, October 3, 17, November 7, 21, and December 5, 19.

**CARRIED UNANIMOUSLY**

9.4 Records Management and Retention Bylaw No. 2016-61

535/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third readings to Records Management and Retention Bylaw No. 2016-61.

**CARRIED UNANIMOUSLY**

9.5 Street Naming (Hawthorn Drive) Bylaw No. 2016-66

536/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Street Naming (Hawthorn Drive) Bylaw No. 2016-66", a bylaw to name the new road created by the subdivision of 2740 Evergreen Drive "Hawthorn Drive".

**CARRIED UNANIMOUSLY**

9.6 Section 57 Notice on Title – Introduction  
Re: 144 Williamson Place

537/2016

**It was MOVED and SECONDED**

THAT the owner of 144 Williamson Place be notified that Council will consider passing a resolution to place a Notice on Title under Section 57 of the Community Charter on Lot 18, DL2710, KAP48093 located at 144 Williamson Place, stating the following:

“Failure to complete building permit (expired), which is a violation of City of Penticton Building Bylaw 94-45 and provide final Registered Professional (Engineer) approval to ensure installation meets engineered design. Further information may be inspected at City Hall”;

AND THAT further injunctive action be commenced by staff within 60 days of Section 57 Notice on Title being registered if outstanding deficiencies are not completed to close off permit;

AND FURTHER THAT the owner be notified of the proposed Notice on Title and injunctive action report and be given an opportunity to speak to the matter at the December 20, 2016 Council meeting.

**CARRIED UNANIMOUSLY**

9.7 Complimentary Parking Downtown

538/2016

**It was MOVED and SECONDED**

THAT Council approve no charge for on-street parking in the downtown area on the five (5) Saturdays in December 2016 which includes: December 3, 10, 17, 24, and 31, 2016 and for the Saturdays in December 2017.

**CARRIED UNANIMOUSLY**

**10. Public Question Period**

**11. Recess to In-Camera Meeting**

539/2016

**It was MOVED and SECONDED**

THAT Council recess at 2:24 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 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;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

**CARRIED UNANIMOUSLY**

**12. Reconvene the Regular Council Meeting at 6:00 p.m.**

Council reconvened the Regular Council Meeting at 6:00 p.m.

**13. Reconsideration of Bylaws and Permits**

**14. Land Matters:**

14.1 Development Variance Permit PL2016-7771  
Re: 376 Braid Street

Delegations/Submissions:

- Doug Maxwell, Norton Street, expressed concerns on behalf of the neighbour to the south. Looks like deck, no windows but if a deck will be looking into property.
- Tony Henchmen, working on the development, no deck, just the roof line.

540/2016

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2016-7771" for LOT 2, PL KAP71761 DL 202 SDYD, located at 376 Braid Street, a permit to increase maximum lot coverage from 40% to 46%, decrease the minimum front yard from 4.5m to 2.5m and decrease the minimum interior side yard (south) from 1.5m to 1.1m;  
AND THAT staff be directed to issue Development Variance Permit PL2016-7771.

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

14.2 Section 57 Notice on Title  
Re: 329 Upper Bench Road S

Owner: John Holland, Upper Bench Road South, explained medical history. Ordered siding for house today. Not sure what safety issues are, no railings on steps, plumbing, toilet. Looking into subdividing lot.

541/2016

**It was MOVED and SECONDED**

THAT Council support a Section 57 Notice on Title for 329 Upper Bench Road South but not support the 60 day injunctive action.

**DEFEATED**  
**Mayor Jakubeit, Councillors Picton, Watt and Konanz, Opposed**

Councillor Watt left the meeting at 6:35 p.m.

542/2016

**It was MOVED and SECONDED**

THAT Council direct staff to work with the property owner of 329 Upper Bench Road South to resolve building permit issues and report back at the January 10, 2017 Regular Council meeting.

**CARRIED UNANIMOUSLY**

Councillor Watt returned to the meeting at 6:38 p.m.

14.3 Temporary Use Permits for Marijuana Dispensaries  
Fees and Charges Amendment Bylaw No. 2016-67

543/2016

**It was MOVED and SECONDED**

THAT Council include signage restrictions to prohibit promotion of cannabis culture as a condition of the temporary use permits.

**CARRIED UNANIMOUSLY**

1: Okanagan Cannabinoid Therapy  
Re: 101-351 Westminster Avenue West

Delegations/Submissions:

- Kevin Adams, West Kelowna, applicant, spoke in support of the application, supreme court justice announcement, adults need to provide medical documentation,
- Elaine Nuesler, co-founder of Kyla's Quest, medical dispensary helped granddaughter, family and friends ask her for advise, safe natural product that can help them, licenced producers not allowed to give advice, until doctors are more educted left up to dispensaries, endorse lab tested products and have controls.
- Lindsey Hall, Penticton, don't smoke, friends and family do, understand fentanyl increasing issue, illegality has not deterred usage, not in business that competes with dispensaries, a permit is a document tool that permits activities within community, no regulatory body over looking sale of cannabis, would not give my blessing to adopt that liability on my behalf.
- Teresa Chapman, huge technique required to grow plant, this establishment knows what its selling, regulate and we'll be safer.
- Daryl Myers, Ridgeale Avenue, concerns, had son go in to a dispensary and all he had to do was sign a paper, no medical history asked, how are you going to supervise?
- Leigh Follestad, Penticton, don't have problem with people that consume in free time, support legal use of cannabis, as DPA President cannot support while illegal. There are ways to get it through federal government. Has this business filled out 60 page application? Homework? City prepared to do enforcement in the place of the provincial government? Has the CRA had any imput? Do dispensaries pay taxes?
- Lynn Allin, Executive Director DPA, survey to membership went out December 2. Cannot endorse or support illegal use in downtown Penticton. 108 of 350 responded, 62% not in support, 38% in favor of permits.
- Sal Roy, Naramata Bench, patient since 2010, hodgkin lymphoma, take cannabis, dealt with licenced producers, only order online with master card or visa, patients don't have the proper access or knowledge base, vital we have someone with knowledge and products we need, want quality product, good safe access, market will dictate.
- Teresa Chapman, license fee, \$5000 doesn't make sense, liquor establishments are just as horrible, they should pay more.
- Lindsey Hall, regulations for alcohol, going to adopt liability for their products safety, we don't have ability to regulate product they are selling.
- Leigh Follestad, Penticton, do dispensaries pay GST and PST?
- Kevin Adams, applicant, file taxes, pay GST, CPP and EI, submit records of employment, use a local accountant and lawyer.
- Teresa Chapman, don't give a permit to each of those dispensaries, not all have the right info or quality, we need a dispensary that knows what they are doing applicable to our medical needs.
- Lindsey Hall, prison reference, let citizen grow their own for their consumption, accepting liability for business we cannot regulate.
- Nathan Roy, son is a medical user since age of 12, caught behind 8 ball, pull it out of shadows, would not have my son purchase off of street, need options, be forward thinking.

544/2016

**It was MOVED and SECONDED**

THAT Council approve 6 month "Temporary Use Permit PL2016-7767" , a permit permitting the use 'marijuana dispensary' in the CD4 zone on Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan KAP81153, located in Unit 101 of 351 Westminster Avenue W, subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
  - b) No cannabis products visible from outside of the store;
  - c) Ventilation system must be in place;
  - d) Hours are limited to 8 AM – 10 PM seven days a week;
  - e) Two staff are present at all times during business operation;
  - f) Those persons 21 years and under are prohibited from entering the dispensary;
  - g) No smoking or consuming product on-site is permitted;
  - h) Must have a security plan in place;
  - i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
  - j) Dispensary not to be combined with any other business retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
  - k) Prohibit promotion of cannabis culture on signage.
- AND THAT Staff are directed to issue the permit.

**DEFEATED**

**Councillors Watt, Konanz, Sentes, Opposed**

**IT was MOVED no Seconder**

That Council defer issuing permits another 90 days.

545/2016

**It was MOVED and SECONDED**

THAT Council defer issuing a permit for a marijuana dispensary until federal regulation are in place.

**DEFEATED**

**Mayor Jakubeit, Councillors Martin, Picton, Opposed**

546/2016

**IT was MOVED and SECONDED**

THAT Council reconsider and approve 6 month "Temporary Use Permit PL2016-7767" , a permit permitting the use 'marijuana dispensary' in the CD4 zone on Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan KAP81153, located in Unit 101 of 351 Westminster Avenue W, subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
  - b) No cannabis products visible from outside of the store;
  - c) Ventilation system must be in place;
  - d) Hours are limited to 8 AM – 10 PM seven days a week;
  - e) Two staff are present at all times during business operation;
  - f) Those persons 21 years and under are prohibited from entering the dispensary;
  - g) No smoking or consuming product on-site is permitted;
  - h) Must have a security plan in place;
  - i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
  - j) Dispensary not to be combined with any other business retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
  - k) Prohibit promotion of cannabis culture on signage.
- AND THAT Staff are directed to issue the permit.

**CARRIED**

**Councillors, Watt and Konanz, Opposed**

2: Power Greens  
Re: 288 Westminster Avenue W

Delegations/Submissions:

- David Gosslin, West Kelowna, applicant, operate transparently, medical cannabis can help patients. Follow guidelines of council, new applicant, feel fair to allow us a chance to prove will abide by rules.
- Colleen Tar, Winnipeg Street, noticed applicant said West Kelowna, do they have businesses in West Kelowna?
- David Gosslin, want to be in Penticton because you are the first city in Okanagan to do this in the most legal fashion we can, in contact with West Kelowna, Vernon, Princeton, all over, first city with foresight to get head start to allow people to open business for medical marijuana.

547/2016

**It was MOVED and SECONDED**

THAT Council deny "Temporary Use Permit PL2016-7782", a permit permitting the use 'marijuana dispensary' in the C6 zone on Parcel A (KE103216), District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton), District, Plan 871, located at 288 Westminster Avenue W subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
- b) No cannabis products visible from outside of the store;
- c) Ventilation system must be in place;
- d) Hours are limited to 8 AM – 10 PM seven days a week;
- e) Two staff are present at all times during business operation;
- f) Those persons 21 years and under are prohibited from entering the dispensary;
- g) No smoking or consuming product on-site is permitted;
- h) Must have a security plan in place;
- i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
- j) Dispensary not to be combined with any other business, retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
- k) Prohibit promotion of cannabis culture on signage.

**CARRIED UNANIMOUSLY**

3: Herbal Green  
Re: 256 Westminster Avenue W

Delegations/Submissions: nil

548/2016

**It was MOVED and SECONDED**

THAT Council deny "Temporary Use Permit PL2016-7748", a permit permitting the use 'marijuana dispensary' in the C6 zone on Lot 7, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 871, located at 256 Westminster Avenue W subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
- b) No cannabis products visible from outside of the store;
- c) Ventilation system must be in place;
- d) Hours are limited to 8 AM – 10 PM seven days a week;
- e) Two staff are present at all times during business operation;
- f) Those persons 21 years and under are prohibited from entering the dispensary;
- g) No smoking or consuming product on-site is permitted;
- h) Must have a security plan in place;

- i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
- j) Dispensary not to be combined with any other business, retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
- k) Prohibit promotion of cannabis culture on signage.

**CARRIED UNANIMOUSLY**

- 4: Green Essence  
Re: 409 Martin Street

Delegations/Submissions: Melissa Osiowi, owner, there are insurance companies, product has produced results, 75% of clients are seniors, dozens of doctors refer patients to us.

549/2016

**It was MOVED and SECONDED**

THAT Council approve 6 month "Temporary Use Permit PL2016-7751", a permit permitting the use 'marijuana dispensary' in the C5 zone on Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) Plan 437, located at 409 Martin Street subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
  - b) No cannabis products visible from outside of the store;
  - c) Ventilation system must be in place;
  - d) Hours are limited to 8 AM – 10 PM seven days a week;
  - e) Two staff are present at all times during business operation;
  - f) Those persons 21 years and under are prohibited from entering the dispensary;
  - g) No smoking or consuming product on-site is permitted;
  - h) Must have a security plan in place;
  - i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
  - j) Dispensary not to be combined with any other business, retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
  - k) Prohibit promotion of cannabis culture on signage.
- AND THAT Staff are directed to issue the permit.

**CARRIED**  
**Councillors Watt and Konanz, Opposed**

- 5: Buds Medical Cannabis Products  
Re: 456 Main Street

Delegations/Submissions: Bud Lackie and Robin Lackie, Kelowna, operate in Kelowna, online, waiting for Kelowna or West Kelowna to accept us, stand alone buiding in downtown pentiction, chose for location, size of building and retail area. Given from what seen tonight, understand existing businesses will be given opportunity. This has been a great learning experience.

550/2016

**It was MOVED and SECONDED**

THAT Council deny "Temporary Use Permit PL2016-7766", a permit permitting the use 'marijuana dispensary' in the C5 zone on Lot 9, Block 15, District Lot 202. Similkameen Division Yale District, Plan 269, located at 456 Main Street subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
- b) No cannabis products visible from outside of the store;
- c) Ventilation system must be in place;
- d) Hours are limited to 8 AM – 10 PM seven days a week;
- e) Two staff are present at all times during business operation;
- f) Those persons 21 years and under are prohibited from entering the dispensary;
- g) No smoking or consuming product on-site is permitted;
- h) Must have a security plan in place;
- i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
- j) Dispensary not to be combined with any other business, retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
- k) Prohibit promotion of cannabis culture on signage.

**CARRIED UNANIMOUSLY**

- 6: Okanagan Cannabis Solutions Society  
Re: 104-575 Main Street

Delegations/Submissions: Celina Low, Regional Manager, non profit society, open in West Kelowna, asked by customers to open here, would like to conduct business in Penticton.

551/2016

**It was MOVED and SECONDED**

THAT Council deny "Temporary Use Permit PL2016-7773", a permit permitting the use 'marijuana dispensary' in the C5 zone on Lot A, District Lot 202, Similkameen Division Yale District, Plan 9283, located at 104 575 Main Street subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
- b) No cannabis products visible from outside of the store;
- c) Ventilation system must be in place;
- d) Hours are limited to 8 AM – 10 PM seven days a week;
- e) Two staff are present at all times during business operation;
- f) Those persons 21 years and under are prohibited from entering the dispensary;
- g) No smoking or consuming product on-site is permitted;
- h) Must have a security plan in place;
- i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
- j) Dispensary not to be combined with any other business, retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
- k) Prohibit promotion of cannabis culture on signage.

**CARRIED UNANIMOUSLY**

- 7: Avitas Pharmacos/Be Kind Okanagan  
Re: 150-1636 Main Street

Delegations/Submissions:

- Daniel Pritchard, opert in Kelowna for eight years, Vernon for six years, open in Penticton because we have large clientel base in southern Okanagan. Working with staff, helpful, thank you Council for dealing with this. Spoke with the principal from Carmi elementary school, he has no issues. Need hold parent meeting to see what other thoughts are. Buffer zone, large building in the way, hope that this will play some part in decision.

- Daryl Myers, on behalf of Pathways Resource Centre, need to be at least 200 m from school, children think marijuana is legal and ok to use, take hard stance.
- Doug Maxwell, Norton Street, they say stores in Kelowna and Vernon, by mail?
- Daniel Pritchard, don't do mail order, try to comply best we can with what little regulation exists, keep private, no big signs, chose location because discreet.
- Grant Bushue, Fairford Drive, not in favor of wide spread approval, impossible to regulate on municipal level.

552/2016

**It was MOVED and SECONDED**

THAT Council Deny "Temporary Use Permit PL2016-7760", a permit permitting the use 'marijuana dispensary' in the C4 zone on Lot 2, District Lot 3237S, Similkameen Division Yale District, Plan 36801, located at 150 1636 Main Street subject to the following conditions:

- a) Must have a business licence issued by the City of Penticton;
- b) No cannabis products visible from outside of the store;
- c) Ventilation system must be in place;
- d) Hours are limited to 8 AM – 10 PM seven days a week;
- e) Two staff are present at all times during business operation;
- f) Those persons 21 years and under are prohibited from entering the dispensary;
- g) No smoking or consuming product on-site is permitted;
- h) Must have a security plan in place;
- i) Criminal record checks for license holders showing no drug related offences within the past 10 years; and
- j) Dispensary not to be combined with any other business, retail or otherwise, other than minor associated products comprising of less than 20% of retail display area.
- k) Prohibit promotion of cannabis culture on signage.

**CARRIED UNANIMOUSLY**

553/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2016-67", a bylaw that amends Fees and Charges Bylaw 2014-07 to include an annual \$5,000 fee for a business license to operate a marijuana dispensary or a non-profit licence to operate a marijuana dispensary.

**CARRIED**

**Councillors Watt and Konanz, Opposed**

- 14.4 Housing Agreement Authorizing Bylaw No. 2016-68  
Re: 175 Kinney Avenue

554/2016

**It was MOVED and SECONDED**

THAT "Housing Agreement (175 Kinney Avenue) Bylaw No. 2016-68" a bylaw authorizing the City of Penticton to enter into a housing agreement with the owners of 175 Kinney Avenue, requiring any development on the property to remain rental housing for a 10 year period, be given first, second and third reading and be forwarded to the December 20, 2016 Regular Meeting of Council for adoption;

AND THAT staff are authorized to execute and register the agreement once Bylaw No. 2016-68 has been adopted.

**CARRIED UNANIMOUSLY**

14.5 Zoning Amendment Bylaw No. 2016-69 & DVP PL2016-7758

Re: 1786 Fairford Drive

555/2016

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2016-69," being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.6: "In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling," be given first reading and forwarded to the December 20, 2016 Public Hearing;  
AND THAT delegations and submissions be heard at the December 20, 2016 Public Hearing for "Development Variance Permit PL2016-7758" for Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a permit to increase the maximum building footprint for a carriage house from 90m2, or 60% of the building footprint area of the principal residence, whichever is less to 120m2 and to decrease the minimum north interior side yard from 1.5m to 0.92m;  
AND THAT "DVP PL2016-7758", be considered after adoption of "Zoning Amendment Bylaw No. 2016-69".

**CARRIED UNANIMOUSLY**

556/2016

**It was MOVED and SECONDED**

THAT Council direct staff to bring back a report with changes to the zoning bylaw to allow secondary suites and carriage houses on the same property in low density residential neighbourhoods.

**DEFEATED**

**Councillors Watt, Picton, Sentes, Opposed**

**15. Notice of Motion**

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

**17. Public Question Period**

**18. Adjournment**

557/2016

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, December 6, 2016 at 9:50 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

\_\_\_\_\_  
Dana Schmidt  
Corporate Officer

\_\_\_\_\_  
Andrew Jakubeit  
Mayor



## Development Services Advisory Committee Meeting

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

Wednesday, November 9, 2016  
at 8:00 a.m.

**Present:** Frank Conci, Chair  
Darshan Jassar, Development Community Representative  
Drew Barnes, Development Community Representative  
Jeff McGinley, Development Community Representative (via conference call)  
Peggy Gilmore, Member at Large (via conference call)

**Staff:** Michael Hodges, Development Engineer  
Ben Johnson, Special Projects Manager  
Ken Kunka, Building & Permitting Manager  
Lorraine Williston, Committee Secretary

### 1. Call to Order

The Development Services Advisory Committee was called to order by the Chair at 8:04 a.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Development Services Advisory Committee adopt the agenda for the meeting held on November 9, 2016 as circulated.

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Development Services Advisory Committee adopt the minutes of October 19, 2016 meeting as circulated.

**CARRIED UNANIMOUSLY**

### 4. Business Arising from Prior Meetings

#### 4.1. Customer Service Level Review Update

The Building & Permitting Manager reviewed a letter received from the Chamber of Commerce concerning a licensing complaint and stated staff spent considerable time assisting this person. Staff will reply back to the Chamber. The Chair stated he would like the stats on turnaround times for business licences included in future agendas.

The Building & Permitting Manager reviewed the mission, priorities, permit and licences processed in the Building & Licencing department during 2016 and stated the online permit tracking program has now been implemented.

The Building & Permitting Manager provided an update on 2016 construction values, trends and permit revenues noting the City has achieved an all-time record high and should hit the \$200 million mark in 2017. Future demands and challenges were reviewed and include:

- Infrastructure deficiencies
- Growth – tax base
- Public engagement
- Increasing development/complexity
- Changing regulations and technology
- Lack of industry knowledge – preparation – compliance
- Customer service
- Consistency

The Building & Permitting Manager stated staff are working towards defining what customer service means to a developer, designer/builder, home owner, staff and Council. To meet the needs and volumes for 2017, staffing levels will need to be increased or restructured. If we remain status quo, services will have to be reduced. The Building & Permitting Manager is seeking support to have the current contract position become a full-time permanent position and a Bylaw Enforcement Officer be reassigned to a Property Use/Licence Inspector to deal with business inspection, enforcement, vacant building and properties and illegal construction. Discussion and questions followed.

**It was MOVED and SECONDED that the Development Services Advisory Committee supports the restructuring of the contract Building Inspector into a full time employee and a Bylaw Enforcement Officer to a Property Use/Licence Inspector.**

**CARRIED UNANIMOUSLY**

#### 4.2. Online Permit Services Update

The Building & Permitting Manager reported staff are currently working with the software provider. Testing will begin in December. In the New Year, applications, renewals and payments will be available online.

#### 4.3. 2017 Potential Fee Amendments Update

The Building & Permitting Manager reported that with more compliance with business licences and less demand on resources, staff could potentially lower fees for commercial and store front licences. Fees would be increased for licences require a higher service demand like a dispensary. Staff are also looking at new fees for urban rural, farming (wholesale) product seasonal sales, manufacturing/retail, home occupation/accommodation, high impact, night club, winery, pawn stores etc.

5. **New Business**

5.1 Development Cost Charge (DCC) Bylaw Housekeeping and DCC Program Review

The Development Engineer stated staff will be requesting to Council that a comprehensive review be done for the DCC Bylaw and Program. The last review was done in 2007. There are minor inconsistencies and some definitions differ between bylaws. Amendments needed include simplifying wording, clarifying what is a strata. A review of all DCC projects is also being proposed for 2017. The Development Engineer to provide further details at a future meeting.

5.2 Planning and Building Department Statistics for October 2016

The Building & Permitting Manager reviewed the statistics for October. October numbers are higher than expected. Permit values are building a good surplus budget. Once staff begin using the new software program, the statistics will have a more consistent look.

6. **Next Meeting**

The next regularly scheduled meeting of the Development Services Advisory Committee is December 14, 2016 at 8:00 a.m.

7. **Adjournment**

The Development Services Advisory Committee adjourned the meeting at 9:06 a.m.



## Parks & Recreation Master Plan Steering Committee Meeting

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

Friday, November 18, 2016  
at 2:00 p.m.

**Present:** Andrew Jakubeit, Mayor  
Judy Sentes, Councillor  
Ron Ramsay, Chair  
James Palanio, Vice-Chair  
Ezra Cremers, Organized Field Sport Representative  
Roland Curnow, Organized Field Sport Representative  
Sharon Devlin, Member at Large  
Peter Dooling, Member at Large  
Gary Denton, Member at Large

**Staff:** Jeff Lynka, Parks Supervisor  
Lori Mullin, Recreation & Culture Manager  
Lorraine Williston, Corporate Committee Secretary

### 1. Call to Order

The Parks & Recreation Master Plan Steering Committee was called to order by the Chair at 2:04 p.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Parks & Recreation Master Plan Steering Committee adopt the agenda for the meeting held on November 18, 2016 as amended (refer to item 5.1 & 5.2).

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

3.1 Minutes of the October 20, 2016 Parks & Recreation Master Plan Steering Committee Meeting

Concerns were raised over minutes being presented to Council before the Committee has adopted them as Council does not receive the adopted version. Members were concerned that the minutes going to Council were incomplete. The minutes did not include points expanded upon by some members. Councillor Sentes stated this concern has been brought up in other committees and the Corporate Officer is looking at amending the process. It was also suggested meetings be recorded. By consensus, the committee agreed that future

meeting minutes be emailed and approved in context by the committee prior to Council receiving them and committee adoption.

**It was MOVED and SECONDED**

THAT the Parks & Recreation Master Plan Steering Committee adopt the minutes of the October 20, 2016 meeting as amended.

**CARRIED UNANIMOUSLY**

3.2 Minutes of the November 3, 2016 Parks & Recreation Master Plan Steering Committee Meeting

**It was MOVED and SECONDED**

THAT the Parks & Recreation Master Plan Steering Committee adopt the minutes of the November 3, 2016 meeting as circulated.

**CARRIED UNANIMOUSLY**

4. **Business Arising from Prior Meetings**

4.1 Commercial Use in Parks – Discussion Update

The Recreation & Culture Manager reviewed the draft Parks & Recreation Master Plan recommendations, current mandate of the Parks & Recreation Master Plan Steering Committee and the recommendation forwarded to Council to direct staff to investigate the timing and cost of developing a policy for commercial uses in parks and expand the Terms of Reference. Council has endorsed the recommendation and Urban System provided staff with a proposal that was presented to the committee for review. The proposal included defining the scope of commercial use in parkland and building a draft policy. Urban System's fee would be \$21,100 for project initiation and review, policy development and community engagement. It was noted there could be a \$1,000 savings if staff provided assistance with benchmarking and if the committee was willing to assist in policy research. Discussion and questions followed.

Gary Denton asked the committee to reconsider their last recommendation as he is concerned it's the wrong place to start. Mr. Dooling expanded on his description and importance of parks and provided examples of types of parks and noted we are addressing public parks, not an amusement park or burial park for example. We need to affirm the definition of public parks and look at the core parks in the City of Penticton. Discussion followed.

Main Motion:

**It was MOVED and SECONDED** that the Parks & Recreation Master Plan Steering Committee affirms the definition of a public park as follows:

*'A Public Park is an unencumbered tract of land (natural, semi-natural, grassy lands, beach lands etc.) wherein the land title (surface rights, and perhaps sub-surface rights, above-surface rights) is held by a public entity (federal, provincial, territorial, regional district, city or village) for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon.'*

Amendment:

**It was MOVED and SECONDED** that the Parks & Recreation Master Plan Steering Committee affirms the definition of a public park as follows:

*'A Public Park is an unencumbered tract of land wherein the land title is held by a public entity for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon.'*

**CARRIED**  
**James Palanio, Opposed**

**It was MOVED and SECONDED** that the Parks & Recreation Master Plan Steering Committee directs that Urban Systems includes the definition of a Public Park in the Parks & Recreation Master Plan as follows:

*'A Public Park is an unencumbered tract of land wherein the land title is held by a public entity for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon.'*

**CARRIED UNANIMOUSLY**

The Parks Supervisor suggested Urban Systems provide feedback on the definition of a park. The Parks Classifications provided in the report already identify to a greater detail the various types of parks and described uses.

Discussion followed on the commercial use of parks policy. The Chair stated the master plan should be completed first and then a policy developed. Gary Denton stated that now that a park has been defined, we need to define the purpose of a park followed by uses. A suggestion was made that a policy could be developed from within the committee. Peter Dooling noted we should await the results from the public feedback regarding the first draft of the master plan.

By consensus the committee was in agreement to not proceed with developing a policy until commercial uses in parks has been dealt with. The Mayor reminded the committee a draft master plan is still needed and to focus on reviewing the public input and refining the master plan before working on the policy. Gary Denton stated another way to approach the challenge of determining if commercial development in parks is acceptable, but not the only way, is to discuss why a large-scale (water slide) development in Skaha Park is opposed by the majority of Penticton residents. If we can clearly identify the reasons why this development proposal is so unpopular, we can establish what criteria needs to be met before commercial uses are permitted. Mr. Denton stated there are literally hundreds of residents who have articulated in writing their reasons for opposing commercial development in Skaha Park over the past sixteen months and those letters (over 700 to date) can be found online on the Save Skaha Park Society website under Letters to the Editor. Mr. Denton personally thinks the recommendation concerning large-scale developments in parks is simpler than it has been made out to be. Large scale developments should not be a permitted use in all lands zoned Park, full stop. Mr. Denton further stated, if large-scale developments are not a permitted use then a zoning change would be required prior to approval of such a development and a recommendation that a referendum (albeit non-binding) should be held as a gauge of the public's support of any large-scale development proposed, prior to the public hearing required for any change in zoning.

#### 4.2 Draft 1 Master Plan – Public Feedback and Open House Update

The Parks Supervisor noted approximately 130 people showed up for the Open House. The Recreation & Culture Manager stated there was a lot of interest in sports amenities, trail usage, the Channel Parkway and commercial uses. Urban Systems will be collecting all the public input, online and paper submissions. Submissions will be cut off on Nov. 30<sup>th</sup>. A summary of the submissions will be provided by Dec. 15 for review by the committee. The Chair asked that a copy of all the submissions be provided for review. The Recreation & Culture Manager stated Urban Systems will also be working on the 2<sup>nd</sup> draft of the master plan and the committee should be thinking about what other things need to be changed.

### 5. **New Business**

#### 5.1 General Process of the Committee

Ezra Cremers brought forth his concerns about what is this committee's role in the master plan. He felt that the committee was being lead and not leading formation of the master plan. Is it to develop more of a vision on interconnectivity of trails? Have we missed our fundamental purpose? Mr. Cremers stated a meeting with Urban Systems should have happened right after the benchmarking portion was completed. The Recreation & Culture Manager stated the master plan is in draft form and there is still an opportunity to rewrite certain sections.

#### 5.2 Conflicts of Interest

The Chair expressed his concerns over things this committee will come up with that the City will not be able to abide by due to previous agreements made and feels the City has a conflict of interest. Discussion followed. The Mayor provided a brief overview of the amended agreement with Trio that was presented to Council at their Nov. 1 Council meeting.

James Palanio left the meeting at 4:20 p.m.

### 6. **Next Meeting**

The next meeting of the Parks & Recreation Master Plan Steering Committee to be determined.

### 7. **Adjournment**

The Parks & Recreation Master Plan Steering Committee adjourned the meeting at 4:26 p.m.



## Parks & Recreation Master Plan Steering Committee Meeting

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

Tuesday, November 29, 2016  
at 2:00 p.m.

**Present:** Andrew Jakubeit, Mayor  
Judy Sentes, Councillor  
Ron Ramsay, Chair  
James Palanio, Vice-Chair  
Doug Gorcak, Penticton School District 67 Representative  
Ezra Cremers, Organized Field Sport Representative  
Barb Hoolaeff, Special Event Group Representative  
Roland Curnow, Organized Field Sport Representative  
Adolf Steffen, Development Community Representative  
Sharon Devlin, Member at Large  
Peter Dooling, Member at Large

**Staff:** Jeff Lynka, Parks Supervisor  
Lori Mullin, Recreation & Culture Manager  
Blake Laven, Planning Manager  
Lorraine Williston, Corporate Committee Secretary

### 1. Call to Order

The Parks & Recreation Master Plan Steering Committee was called to order by the Chair at 2:02 p.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Parks & Recreation Master Plan Steering Committee adopt the agenda for the meeting held on November 29, 2016 as amended (refer to item 4.2).

**CARRIED UNANIMOUSLY**

### 3. Business Arising from Prior Meetings

#### 3.1 Meeting Minutes/Protocols

The Chair brought forth concerns over the recording of minutes and what is being captured and what is not. The Chair reported he has met with the Mayor and staff regarding this matter and it was decided that any submissions from committee members should be forwarded to the committee secretary in advance of the meeting for circulation to the rest of the committee

prior to the meeting. The committee secretary is to circulate the draft minutes within 48 hours to the Chair and staff for the initial review and then forwarded to the committee prior to bringing them forth for adoption. Discussion followed regarding Council receiving minutes before they have been adopted by the committee. Councillor Sentes stated the process can be amended however by waiting until minutes are adopted by the committee, the time frame from which Council receives information will be considerably longer. The Mayor explained that amendments to the minutes are always noted in the minutes and any recommendations made by the committee sometimes do need to be addressed immediately and that is why committee minutes go forth to Council before they have been adopted by the committee to allow staff time to prepare a report that includes the committee's recommendation. By consensus the committee agreed the minutes are to be adopted by the committee first before being presented to Council.

### 3.2 Communications on behalf of the Committee

The Chair expressed concerns over the perception that information being presented to the public has come from this committee, via the media, and stated that this committee is one voice and any communication should be through the Chair. The draft master plan was done by Urban Systems, not by this committee and the press needs to understand that. The information is in draft form and the committee has not dealt with anything yet. The Chair stated any press releases need to be done by the Chair.

Sharon Devlin asked for clarification from the Planning Manager regarding his comments made during the Nov. 23, 2016 Public Hearing regarding the zoning amendment for 175 Kinney Avenue wherein his comments referenced this committee's involvement which was not the case and is concerned this is now a part of the public record. The Planning Manager apologized to the committee for any confusion his presentation may have caused and assured the committee that he would be careful not to imply any Parks & Recreation Master Plan Steering Committee position on planning matters going forward. The Planning Manager provided a letter addressed to the committee for clarification that included the background of the property and the previous decision made by Council and noted the reference he made regarding committee involvement, was from the previous Parks and Recreation Advisory committee. The Committee Secretary to circulate the letter to all members via email. Sharon Devlin requested it be noted that the Planning Manager inappropriately referenced this committee at the Public Hearing. The Chair directed the Planning Manager to refrain from referencing this committee in the future. Councillor Sentes added that in 2010, the cost to attain the property was too high as the property owner's asking price was way above the fair market value.

### 3.3 Commercial Use in Parks – Discussion Update

The Chair stated that commercial use in parks is the most important aspect of the master plan and also the most controversial and we need to slow down and get into the details regarding this. The Chair further stated that section 7.1 of the draft master plan that was written by Urban Systems has yet to be fully discussed by this committee and he hopes this committee's discussion will be included into the revision of this section.

Peter Dooling provided a handout to the committee containing information on the core meaning of what is a public park. James Palanio and Ezra Cremers stated they would like to receive information prior to a meeting to have the opportunity to review and understand the information being presented. The Chair stated he will endeavor to have future information provided to the committee prior to the meeting.

Peter Dooling reviewed the definition of a park that was adopted by this committee at the November 18<sup>th</sup> meeting. Adolf Steffen asked for clarification of some of the wording contained in the adopted definition of a park namely 'for the protection, conservation, preservation of the natural, physical, geological, historical and cultural resources thereon'. In the adopted definition of a public park, namely "for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of natural, physical, historical and cultural resources thereon", Mr. Dooling replied that the use and protection mandates (purposes) of public parks vary in their application between park types (classes) and to a lesser extent between parks within a park type. The types and intensities of public use and the types and intensities of protection are the basis to the formulation of specific park master plans. Asked what the word 'natural' meant, he replied meaning vegetation, flora and fauna, water resources and associated aquatic life.

Peter Dooling stated that the principles contained in the information sheet he provided to the Chair, and distributed by the Chair at the meeting, were brought forth at this time as notice for discussion purposes in the next meeting and noted we need to address, adopt, modify or reject these principles before long and before a park master plan can ever be finalized.

The Mayor stated the City currently has leases in our parkland and noted the word 'encumbered still needs to be defined. Council has approved the request to move forward with a commercial use policy. The Mayor suggested a discussion and/or workshop could be arranged to work out the details for a policy. The Chair stated that in his experience, all agreements contain definitions in the first few pages and for the policy we are going to need those definitions and so suggested those be determined first. Once we have that, we can begin defining other aspects of commercial and concessionaire operations and then move into the process for a policy.

Peter Dooling stated he is not happy with section 7.1 (6 pages) of the draft master plan regarding commercialization of public parks. Mr. Dooling noted commercial policy has not been debated by this committee, but was inserted into the master plan by Urban Systems. Wherein it's this committee that needs to determine that. There needs to also be clarification from the committee between a concessionaire and commercial policy. One core principle is that the City maintain only a public park concessions policy. The Chair agreed it is important to define concessionaires in parks and then move to commercial use. A policy on short term concessionaire leases could be developed first to allow for more discussion on the contentious issue of long term commercial leases. The Vice-Chair asked the question why not have someone with the expertise to draft a policy who has a larger array of knowledge from other communities. We need to provide a policy that Council will adopt and move forward with it. The Mayor asked that staff provide information and an overview of all leases and agreements that were and are in place for the next meeting. The Committee Secretary to forward the list prior to the next meeting and add this item to the agenda.

Peter Dooling stated further that he was not suggesting the writing of a policy at this particular time but rather we establish the principles upon which a park master plan policy could be developed. This information was prepared as an alternative for section 7.1 and was for discussion purposes only and he would like it to be discussed, revised (if required) and adopted at the next meeting. Adolf Steffen expressed his concerns over having a 'blanket' policy stating we need to look at each park individually as to not hog tie the Council for future projects and suggested we start with Skaha Park and move on to other parks. Roland Curnow stated we need to start with a framework and define small, medium and large commercial uses. The Chair asked staff to also include information on indoor and outdoor concessions. This information is needed to begin work on definitions. All suggestions need to be refined and adopted before becoming part of the master plan. Sharon Devlin suggested that vendors,

restaurants and amenities need to be defined. The Mayor asked the question whether the committee would like a facilitator to help outline and create a framework for a policy. The Chair stated the committee is not ready for a facilitator as the committee still needs to agree on definitions. The Vice-Chair suggested members start providing input on what terms or issues they would like to define and include their own definitions for discussion at the next meeting. The Chair directed members to forward their input to the Committee Secretary and so she can compile it into one list. It was also suggested that Peter Wallace, the City's Land Administrator, be invited to the next meeting to provide information on leases. The Mayor to invite Peter Wallace to the next meeting. The Chair stated the first priority right now is outdoor facilities and considering all the terms we would like to define and work towards defining them. The Mayor stated the committee still needs to hear what the public feedback was from the first draft of the master plan. The Recreation & Culture Manager stated the last day to receive input is November 30 and Urban Systems will then compile the public feedback and forward it to staff for review. Doug Gorcak expressed his concern over having enough time to review all information from staff. The Planning Manager stated they can compile the information in about a weeks' time.

#### 4. **New Business**

##### 4.1 Committee Members in Good Standing

The Chair spoke to the committee regarding meeting attendance and the time commitment required for this committee and stated that if someone is unable to come to a meeting to contact him directly. Sharon Devlin noted in the committee Terms of Reference it states 'If an advisory committee member is continuously absent from committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the committee members, the office of the member is deemed to be vacant and the person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.' Roundtable discussions ensued regarding disqualification and whether this committee should enforce that rule.

The Committee Secretary reviewed the attendance for all committee members and noted, according to the her record of attendance, Barb Hoolaeff, Ezra Cremers, Doug Gorcak, Kevin Gabriel and Ron Ramsay have missed three or more consecutive meetings. Doug Gorcak and Ezra Cremers asked the Committee Secretary to confirm those dates they were noted as absent. Further discussion followed on Barb Hoolaeff's attendance and whether she should be allowed to remain on the committee due to only have attended 2 out of the 14 meetings and without leave from the committee, should be disqualified from a position on the committee. Barb Hoolaeff stated she always sent the Committee Secretary an email providing notice and that her absence was work related but that she has been keeping up to speed through emails and meeting minutes and further stated that she will not be missing any future meetings. Further discussion followed and the question arose that if we are sticking to the Terms of Reference then if you remove one member for missing three consecutive meetings, you should remove the others. The Mayor reminded the committee that the Terms of Reference are a guideline and it is usually up to the Chair to contact members who are absent to enquire whether or not they wish to remain on the committee. If you remove all five members, Council will appoint new members. Discussion followed on the addition of new members and the fact that it would be challenging to move forward with new members. Further discussion followed. Adolf Steffen stated the PIB representative has also missed a lot of meetings and this should be followed up. A vote was taken and members disqualified her.

Andrew & Judy left the meeting at 3:40 pm.

However after further discussion, another vote was taken and Barb Hoolaeff was allowed to remain, based on the interpretation of the rules of governing members in good standing and a discussion of other member's attendance.

#### 4.2 Press Release

The Chair stated this committee needs to be speaking for ourselves, not the media and asked the committee if they would be in favor of a press release sent out on a bi-monthly basis from this committee that will provide the public with an update on our progress. By consensus the committee was in agreement that this was a good idea. The Recreation & Culture Manager noted that this should be done through the City's Communication Officer and she will forward his contact information to the Chair. The Chair further stated the draft press release will be provided to the committee for review prior to being sent out.

#### 4.3 Social Night

The Chair stated this committee would like to meet socially. Dates were discussed and Friday, Dec. 16 at 5:00 p.m. was tentatively scheduled. Location to be determined.

### 5. **Next Meeting**

The next meeting of the Parks & Recreation Master Plan Steering Committee to be determined.

### 6. **Adjournment**

The Parks & Recreation Master Plan Steering Committee adjourned the meeting at 3:54 p.m.



November 29, 2016

City of Pentiction  
171 Main Street  
Pentiction, BC, V2A 2H9

ATTENTION: Mayor, Council and Staff

Re: Request for Letter of Endorsement for 22nd Annual Okanagan Fest-of-Ale – April 7<sup>th</sup> and 8<sup>th</sup>, 2017.

The Okanagan Fest-of-Ale Society and its volunteer Board of Directors have begun making plans for the 22nd annual event to be held at the Pentiction Trade and Convention Centre and wish to request the support of the City of Pentiction by way of a letter of endorsement of this community event.

The event will focus on brews and ciders from BC and abroad, provide an array of delicious local fare and showcase some great talent. We hope to attract 55 - 60 brewers and 12 food vendors to the event this year, and will continue to offer consumers the opportunity to enjoy the festivities both inside and outside in the fresh Okanagan air.

The Society will continue to manage a responsible event that fosters responsible alcohol consumption. We will apply to the BC Liquor Board to participate in the "Safe Ride Home" program, will act in accordance with Liquor Control and Licensing guidelines, and will maintain on site security and welcome on site RCMP presence.

Event hours: Friday April 7<sup>th</sup> 4:00 to 9:00 pm, and on Saturday April 8<sup>th</sup> from noon to 6:00 pm.

In September the Board was thrilled to disburse \$40,000 among 13 local charitable organizations from proceeds of the 2016 event (see attached for listing of recipients).

We will be applying to the BCLDB for a Special Occasion Beer/Wine Garden License in the new year, but respectfully request a letter of endorsement of this community event in order to initiate required paperwork related to bringing in a block of brewer vendors from the US at this time.

We look forward to working with you on making the 22nd Annual Fest-of-Ale a huge success in 2017.

Yours truly,

Ginger Budinski  
Event Coordinator, Okanagan Fest of Ale

Okanagan Fest of Ale PO Box 1152 Pentiction, BC V2A 6J9  
Phone: 250.492.4355 Email: info@festofale.ca  
www.festofale.ca

## THE 21<sup>st</sup> ANNUAL OKANAGAN FEST OF ALE

### Donates \$40,000 back to the Community



For Immediate Release – October 14, 2016

PENTICTON, BC – As a result of the very successful 2016 Okanagan Fest of Ale Craft Beer and Cider Festival, the Okanagan Fest-of-Ale Society is thrilled to donate \$40,000 back to the community.

At a presentation held in Penticton Thursday October 13<sup>th</sup>, 2016 the Okanagan Fest of Ale Society's Board of Directors, event volunteers, sponsors, and supporters gathered to celebrate the success of the 21<sup>st</sup> Annual Okanagan Fest of Ale. "A great night was had by all at our Volunteer Appreciation & Charity Disbursement Dinner last evening. This year \$40,000.00 was given back to local charities and not for profit societies" says incoming President John Cruickshank.

Grants were distributed to 13 well-deserving, local charitable organizations and representatives from each were invited to provide insight into their organizations initiatives. "As a volunteer it is great to see where the fruits of our efforts are directed, and see firsthand, how we are helping the community," offered one of the volunteers in attendance.

The Okanagan Fest of Ale, one of the best-known and well-respected events in the province, is a two-day Consumer Beer and Cider Tasting held at the Penticton Trade and Convention Centre in early April each year. The event is managed by a volunteer Board of Directors and staffed primarily by community minded volunteers - a set-up that makes "giving back" so generously possible. "A huge thank you to all the volunteers and sponsors who continue to support BC's premiere craft beer festival" said Cruickshank. "Be sure to mark your calendar for April 7<sup>th</sup> and 8<sup>th</sup> 2017 for the 22<sup>nd</sup> annual event".

The 2015-2016 Okanagan Fest of Ale Charity Recipients include:

- Agur Lake Camp Society
- Community Foundation of the South Okanagan - Okanagan Fest of Ale Legacy Fund
- Okanagan Boys and Girls Clubs
- Okanagan College Foundation Bursary
- Okanagan School of the Arts, Shatford Centre
- Okanagan Similkameen Neurological Society
- Pathways Addictions Resource Centre
- School District #67
- South Okanagan Similkameen Brain Injury Society
- South Okanagan Similkameen Medical Foundation
- South Okanagan Victim Assistance Society
- The Penticton Centre for Exceptional Learning
- The Summerland Cat Sanctuary (Criteraid)

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Media – For more information, please contact:  
Ginger Budinski, Event Coordinator at 250.492.4355 or [info@festofale.ca](mailto:info@festofale.ca)



RECEIVED - 29 -

DEC 12 2016

# THE ROYAL CANADIAN LEGION

BRANCH No. 97

BOX 378, OLIVER, B.C. V0H 1T0

December 5, 2016

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

Attention: City of Penticton Council

Dear Sir/Madam:

The Royal Canadian Legion, Branch 97 in Oliver, BC would like to thank the City of Penticton and Council for free parking for Veterans in 2016. We sincerely appreciate this gesture and hope that this service can continue in 2017.

Regards,

Peter McKenna  
President  
Royal Canadian Legion, Branch 97  
Oliver, BC

# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Len Robson, Public Works Manager  
**Subject:** **Snow and Ice Control Policy**

File No: 5400-11

## Staff Recommendation

THAT Council after full consideration, including budgetary restrictions, endorse the revised Snow and Ice Control Policy as attached to the Snow and Ice Control Policy Report dated December 20, 2016 in Attachment A;

And THAT the Parking Lot – Snow Removal Budget , OPR576-003 be increased by \$1,550 for 2017 to accommodate the snow and ice control for the additional parking lots.

## Strategic priority objective

- This policy supports a Sustainable Community by continually managing City of Penticton costs related to snow and ice control.
- This policy supports a Livable Community by ensuring the City is safe and accessible during the winter months.

## Background

Annually, the City of Penticton Public Works Department provides snow and ice control on City streets, lanes, bus stops, select sidewalks and walkways, parking lots and City facilities in accordance with the Council Approved Policy. The policy is reviewed on an annual basis and all recommended changes are brought to City Council for their endorsement.

The Snow and Ice Policy is based on the operational procedures the Public Works Department has developed over many years as well as adherence to the approved City snow and ice control budgets.

Significant changes or additions proposed for 2016 / 2017 include:

- Addition - 75 Riverside Dr. Parking Lot – changed to pay parking lot
- Addition - Lakawana Park – Parking Lot – changed to pay parking lot
- Addition - New Parking Area (SOEC) at Burnaby Ave and Alberni Street
- Addition - New Parking Area (SOEC) at Alberni Street and Eckhardt Ave
- Removal – Parking Area removed due to Casino development

- Cedar Road and Balsam Ave Sidewalk
- Pineview Road Sidewalk
- Transit Shelter – Yorkton Ave
- Traffic Calming – Power Street

The proposed changes are illustrated on Attachment B – 2016/17 Additions.

In addition to the above noted changes the document has been reorganized and edited to accurately reflect the level of service being provided for snow and ice control within the City.

The Municipal Insurance Association of BC (MIABC) has provided the following statistics for consideration in developing a Snow and Ice Control Policy:

- Since 2006 MIABC has handled 242 Snow and Ice related claims for their BC members.
  - 55% of these claims originate on sidewalks, 35% involve icy roads, and 10% are due to slippery pathways or parking lots leading to municipal facilities.
- The most common reason why snow and ice related slip and falls on local government facilities are settled is because of inadequate salting of pathways and parking lots and failure to follow a maintenance policy.
- Of the road claims that were settled BC wide the most common reason was poor operational decision making with regards to salting roads during thaw and freeze cycles and the local government did not have a policy in place for controlling snow and ice in alleyways.
- Since 2006, Penticton has referred 4 snow and ice claims to MIABC. One was denied, 2 were settled, and 1 is ongoing. Overall the City has paid approximately \$26,000 in claims since 2006.

### **Financial implication**

Annually the Public Works Department requires an average of \$305,500 to fulfill the commitment to snow and ice control on roads, sidewalks and related infrastructure. The 2017 budget request is currently set at \$337,165.

The additional costs for the proposed additions to the 2016/17 Policy are estimated as follows:

- Additional Parking Lots (less the loss of parking lot due to casino development) \$1,550 (applied to OPR576-003 – Parking Lot Snow Removal)
- The other changes are considered negligible and will be tracked to determine effect in 2017.

### **Analysis**

With respect to limited funds for operational budgets, the expense of snow and ice control operations, public safety, and the potential of liability, a Council endorsed policy ensures service levels are defined to meet all objectives.

The Snow and Ice Control Policy as outlined in Attachment “A” has been updated to include the additional parking lots, sidewalks and transit stops as noted in the background section of this report.

The original policy developed in 2007 was vetted by Davie and Associates (City Solicitor at the time) and all recommended changes were incorporated.

This revised policy has been vetted and endorsed by the Municipal Insurance Association of BC.

**Alternate recommendations**

That Staff revisit the Snow and Ice Control policy addressing questions or concerns Council may have.

**Attachments**

Attachment A – Snow and Ice Control Policy


Attachment B – 2016/17 Additions

Respectfully submitted,



Len Robson, ASCT  
Public Works Manager

Approvals

A/ Chief Administrative Officer 	CFO
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Approval date:

Resolution No.:

**Subject: Snow and Ice Control Policy**

## Goal

To identify the service levels for snow and ice control on City streets, lanes, bus stops, select sidewalks, walkways, parking lots and City facilities.

## Scope

Subject to equipment, personnel, and budget constraints, the City of Penticton undertakes snow and ice control on a priority basis to accommodate vehicular and pedestrian access on:

- Road rights-of ways within the geographical boundaries of the City, excluding highway 97 (also known as the Channel Parkway, and Eckhardt Ave W. from Railway Street to the west City limits);
- City-owned and maintained building entry-ways;
- Sidewalks adjacent all City owned properties;
- Select stairways, sidewalks, walkways, bridges, lanes, bus stops and parking lots.

As indicated on the following Appendices:

- Appendix A - Road Way Priority Ratings;
- Appendix B – Stairways, Sidewalks, Bridges, Lanes, Bus Stops, & Parking – Lots to be cleared).

The key objectives of this policy are:

1. To provide vehicular and pedestrian traffic with adequate mobility under prevailing winter conditions within the City's financial resources.
2. To reduce the hazards of ice and snow conditions for motorists and pedestrians.
3. To facilitate the handling of emergencies by fire, hospitals and police officials.
4. To facilitate the operation of public transit.
5. To minimize economic losses to the community and industry.
6. To ensure the City owned parking lots are adequately maintained to an acceptable standard.
7. To provide safe recreational opportunities for residents during winter months.

## Definitions:

In this policy,

“CLEARED” means the plowing/removal of snow.

“COMPACTED SNOW STANDARD” means snow accumulated and packed by traffic or leveled by snow plows.

“DE-ICER” means the chemical agent that the City of Penticton uses or mixes with sand to control ice.

“ICE CONTROL” means the control of the build-up of packed snow or ice through the use of equipment, Sanding and De-icing materials.

“MULTIFAMILY DEVELOPMENTS” means a residential mobile home park, an apartment building, townhouse building, or any other residential building containing 4 or more dwelling units.

“PUBLIC WORKS MANAGER” means the Public Works Manager or his/her approved designate.

“OPENED” means the plowing of snow from the driving lanes to the side.

“REGULAR HOURS OF OPERATION” City of Penticton Public Works Department and the Facilities Department regular hours of operation are 7:00 am to 3:15 pm. Monday to Friday inclusive with the exception of Statutory Holidays.

“SANDING” means the application, either manually or by mechanical spreaders, of sand or de-icer treated sand.

“SNOW PLOWING” means plowing of snow into windrows in storage areas on City roads, lanes and sidewalks. ie: centre medians, boulevards, adjacent to the curb or sidewalk or edge of back lanes or City owned parking lots.

“SNOW AND ICE CONTROL” means all operations associated with snow plowing, snow loading, snow hauling, and ice control.

**Policy:**

1.0 RESPONSIBILITIES

1.1 City Council Shall:

- Set and adopt the Snow and Ice Control Budget;
- Set the levels of service;
- Set and adopt the Priority Street Maps, Sidewalk and Walkway Clearing, Parking Lot Clearing, City Buildings and Transit Stops with Shelters priorities.

1.2 The Public Works Manager shall implement the Snow and Ice Control Policy on Public Right of Ways by:

- Determining when and how to initiate and implement Snow and Ice Control Operations;
- Allocating and scheduling Public Works resources;
- Obtaining, allocating and scheduling privately held resources;
- Addressing public complaints;
- Managing the allocated budget;

- Recommending revisions to the priority street map, stairway clearing, sidewalk clearing, walkway clearing, pedestrian bridge clearing, lane clearing, transit Stops with shelters and parking lot clearing on an annual basis.

- 1.3 The Public Works Department shall operate the City owned equipment to carry out Snow and Ice Control on public right of ways in accordance with the Snow and Ice Policy and in accordance with the instructions of the Public Works Manager.

## 2.0 PRIORITIES AND STANDARDS FOR ROADS AND OTHER SURFACE TYPES

- 2.1 The City operates with a limited amount of funds, which are required for the provision of many services. The City in establishing the Snow and Ice Control Policy, has taken into consideration its financial resources and personnel. Priorities are established to provide the greatest benefit to the majority of the traveling public. When setting the priorities consideration is given to traffic volumes, road classification, emergency services, road geometrics, terrain, transit, and access to amenities.

- 2.2 The City has set the following 3 priority ratings for roads and other surface types as referenced in Appendix A and B of this policy.

### Priority 1 Roads - Outlined in Red on Appendix A:

- Major Collectors – main routes serving as connectors/collectors between areas and routes;
- Steep Grades – Hilly terrain with high traffic volumes;
- School Zones – serving as routes to access school;
- Roads serving emergency routes to hospitals and fire equipment;
- Major Transit Routes – serving the majority of the Transit Users.

### Priority 2 Roads - Outlined in Green on Appendix A:

- Collectors – remainder of;
- Main Industrial Routes – serving as routes for industrial traffic;
- Minor Transit Routes.

### Priority 3 Roads - Outlined in Blue on Appendix A:

- The remainder of the roads in the City.

- 2.3 Other Surface Types outlined in Appendix B:

- Stairways - Priority 1
- Transit Stops with Shelters – Priority 1
- Bridge – Pedestrian Access – Priority 1
- Parking Lots – Priority 1
- City Owned Buildings – Priority 1
- Sidewalks and Walkways – Priority 2
- Traffic Calming at School Zones – Priority 2
- Designated Lanes – Priority 3
- Walkways - Priority 3

- 2.4 The City has set the following standards for Snow and Ice Control subject to budget constraints, and availability of personnel and equipment:

- The standard of the maintenance is to be done in accordance with the approved annual budget.
- When the storms are continuous, or follow closely one after the other, operations will be repeated or continued on the highest priority until completed prior to moving on to the next priority.

Priority 1: The roads shall be Opened and the other surface types Cleared and Ice Control applied as required within 12 hours of the end of the storm event.

Priority 2: The roads shall be Opened and the other surface types Cleared within 24 hours of the end of the storm event.

Priority 3: The roads shall be Opened and the other surface types Cleared within 48 hours of the end of the storm event. With the exception of weekends and statutory holidays which will not be included in the 48 hours. Priority 3 roads or other surface types will not be cleared on weekends or statutory holidays.

### 3.0 ANTI – ICING BEFORE A SNOW EVENT

3.1 When snow is predicted, a sodium chloride, anti-icing solution is applied to designated roadways around the City. This solution helps to prevent ice and snow from accumulating and adhering to the road during a snow event.

### 4.0 SNOW PLOWING OF ROADS, CITY OWNED PARKING LOTS AND LANES

4.1 Snow Plowing Operations will commence in accordance with the priorities and standards discussed in Sections 2.2, 2.3, and 2.4, upon a snow accumulation of 1.5 cm, and in consideration of field conditions and weather forecast.

4.2 Lanes which provide the only available access to Multifamily Developments with no available on street parking as shown on Appendix B will be addressed on a Priority 3 basis. All other lanes are considered low priority and will be addressed only in the event of extreme weather resulting in a single snow storm accumulation greater than 30 cm. These lanes will be cleared to a Compacted Snow Standard as budget and resources permit.

4.3 Snow Plowing may result in windrows on both sides of the road. The clearing of windrows in front of driveways left by snow plowing equipment shall be the responsibility of the property owner or occupant.

4.4 The clearing of windrows as they cross lane entrances shall be the responsibility of the City and will be cleared as required as soon as practical following last priorities.

4.5 The clearing of snow between the edge of the street and all fire hydrants is the responsibility of the City. The work shall be commenced when the snow depth exceeds 45 cm or when the hydrant is hidden from view.

- 4.6 Snow plowing of City owned parking lots shall be done in parking lots as indicated in Appendix B and will be performed in conjunction with priority one roads.

5.0 ICE CONTROL OF ROADS, CITY OWNED PARKING LOTS AND LANES

- 5.1 The City will provide Ice Control on City roads, parking lots and lanes in accordance with the priorities and standards discussed in Sections 2.2, 2.3, and 2.4, upon determining that ice conditions exist or are in the immediate forecast.
- 5.2 Ice Control will not normally be undertaken mid-block with the exception of Priority 1 roads.
- 5.3 Snow Plowing generally precedes or is concurrent with Ice Control operations.
- 5.4 City crews will not plow, clear, or provide ice control on parking lots other than those identified in Appendix A.

6.0 SNOW AND ICE CONTROL ON STAIRS, SIDEWALKS, BRIDGES, WALKWAYS, TRANSIT STOPS WITH SHELTERS AND CITY OWNED BUILDINGS

- 6.1 The City will provide Snow and Ice Control on City owned stairs, sidewalks adjacent to City property, transit stops with shelters, walkways and entrances to City owned buildings as illustrated in Appendix B as per the priorities identified in Sections 2.2 and 2.3 and the standards identified in Section 2.4.
- 6.2 City crews will not plow stairs, sidewalks, bridges, walkways, transit stops, and entrances to City owned building other than those identified in Appendix B.
- 6.3 Snow plowing of sidewalks may result in windrows on either side of the sidewalk.
- 6.4 Snow and Ice Control for City Owned Buildings may involve snow removal and/or the application of de-icer and shall commence upon any measurable accumulation of snow or ice at the entry-ways of all City Owned Buildings as indicated on Appendix B.
- 6.5 Complaints received advising that rain or snow melt has created a layer of ice on the Other Surface Types that has created a hazard will be investigated within one working day of the complaint. If warranted the ice layer may be sanded, treated with de-icers, closed, or allowed to have a level firm snow layer established above the ice level to permit pedestrian use.
- 6.6 Good Neighbour Bylaw 2012 - 5030 Section 7.5, stipulates that "Every owner or occupier of any building or premises, including any vacant lot, within the City, shall clear the sidewalk of snow and ice adjacent to the property before the hour of eleven o'clock (11:00AM) on the forenoon following the snow event."

This bylaw may be enforced by any Bylaw Enforcement Officer and may be subject to the fines and penalties identified in the bylaw.

7.0 PUBLIC RELATIONS

- 7.1 The Public Works Clerk at (250) 490-2500, Monday to Friday 7:30 am to 3:15 pm, shall handle all concerns and inquires. At all other times including statutory holidays, emergency concerns and inquires shall be directed to the afterhours line (250) 490-2324.

8.0 HOURS OF OPERATION AND STAFF DEPLOYMENT.

- 8.1 The City will be prepared to conduct Snow and Ice Control Operations during the period November 1 to March 31.
- 8.2 The City will provide Snow and Ice Control Operations within the geographical boundary of the City, excluding highway 97 also known as the Channel Parkway and Eckhardt Ave from the Channel Parkway to west City limits.
- 8.3 The City will normally provide Snow and Ice Control Operations between the hours of 4:00 am and 11:00 pm, 7 days per week including statutory holidays as per the following:
- During regular hours of operation (7:00 am to 3:15 pm week days with the exception of statutory holidays) crews will provide snow and ice control in accordance with the standards set out in Section 2.4 of this policy.
  - Weekends and statutory holidays will have Snow and Ice Control on Priority 1 and Priority 2 roads and other surface types only. Priority 3 roads and other surface types will not be cleared.
  - In the event of winter conditions requiring Snow & Ice Control commencing after 3:15 pm, operators and equipment will be dispatched to provide maintenance on Priority 1 roads and other surface types only. Priority 1 roads will be open and Priority 1 other surface types will be cleared until 11:00 pm.
  - In the event Snow & Ice Control measures are not complete due to winter conditions from the day prior or early morning snow fall, operators and equipment will be dispatched from the City Yards Facility at 4:00 am.
- 8.4 The Public Works Department standby personnel will monitor weather conditions and provide a visual inspection at 3:00 am to determine if crews are to be called out at 4:00 am (7 days a week). In addition to the above noted, during the regular work week for the period of November 01 to March 31 one equipment operator will commence work at 6:00 am. If conditions warrant, additional operators will be called in to address snow and ice concerns.
- If standby personnel receive complaints about hazardous road conditions from the R.C.M.P., Public or Fire Hall, they will be investigated and dealt with in accordance with this policy. Discretion will be used if a complaint is received on Priority 3 roads or in a low traffic and flat area.
- 8.5 When abnormal winter weather or road conditions exist as caused by severe or repetitive storms or emergency conditions, overtime, additional City equipment and outside resources may be mobilized under the authorization of the Manager of Public Works.

9.0 PARKING BANS

- 9.1 Parking bans may be implemented, as required, to provide for operations. Areas where parking is to be banned will be signed in advance or odd/even parking will be initiated. Vehicles that do not adhere to the parking ban shall be towed and the owner of the vehicle may be responsible for all towing costs

APPENDICES

1. Appendix "A" Road Way Priority Ratings, shall be revised by the Public Works Manager and adopted by Council on a regular basis.
2. Appendix "B" Stairways, Sidewalks, Bridges, Lanes, Bus Stops, City Owned Buildings and Parking Lots to be cleared, shall be revised by the Public Works Manager and adopted by Council on a regular basis.

**Previous revisions**

Snow & Ice Control Policy – 2015/2016 – Resolution # 516/2015

Snow & Ice Control Policy – 2012/2013 – Resolution # 1001/2012

Approval

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# CITY OF PENTICTON SNOW REMOVAL

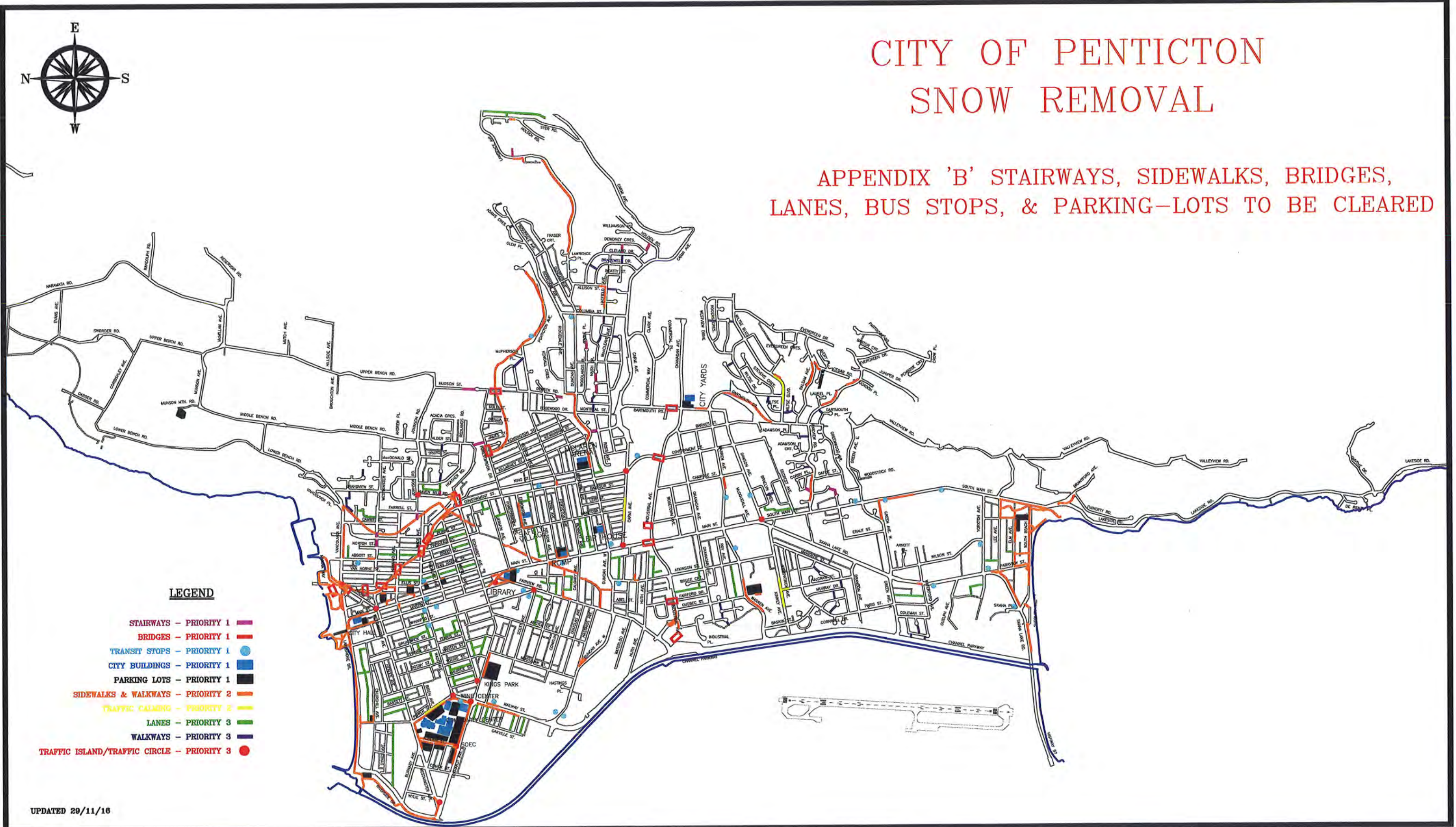
## APPENDIX 'A' ROADWAY PRIORITY RATINGS



UPDATED 20/11/16

# CITY OF PENTICTON SNOW REMOVAL

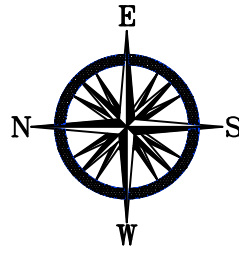
## APPENDIX 'B' STAIRWAYS, SIDEWALKS, BRIDGES, LANES, BUS STOPS, & PARKING-LOTS TO BE CLEARED



### LEGEND

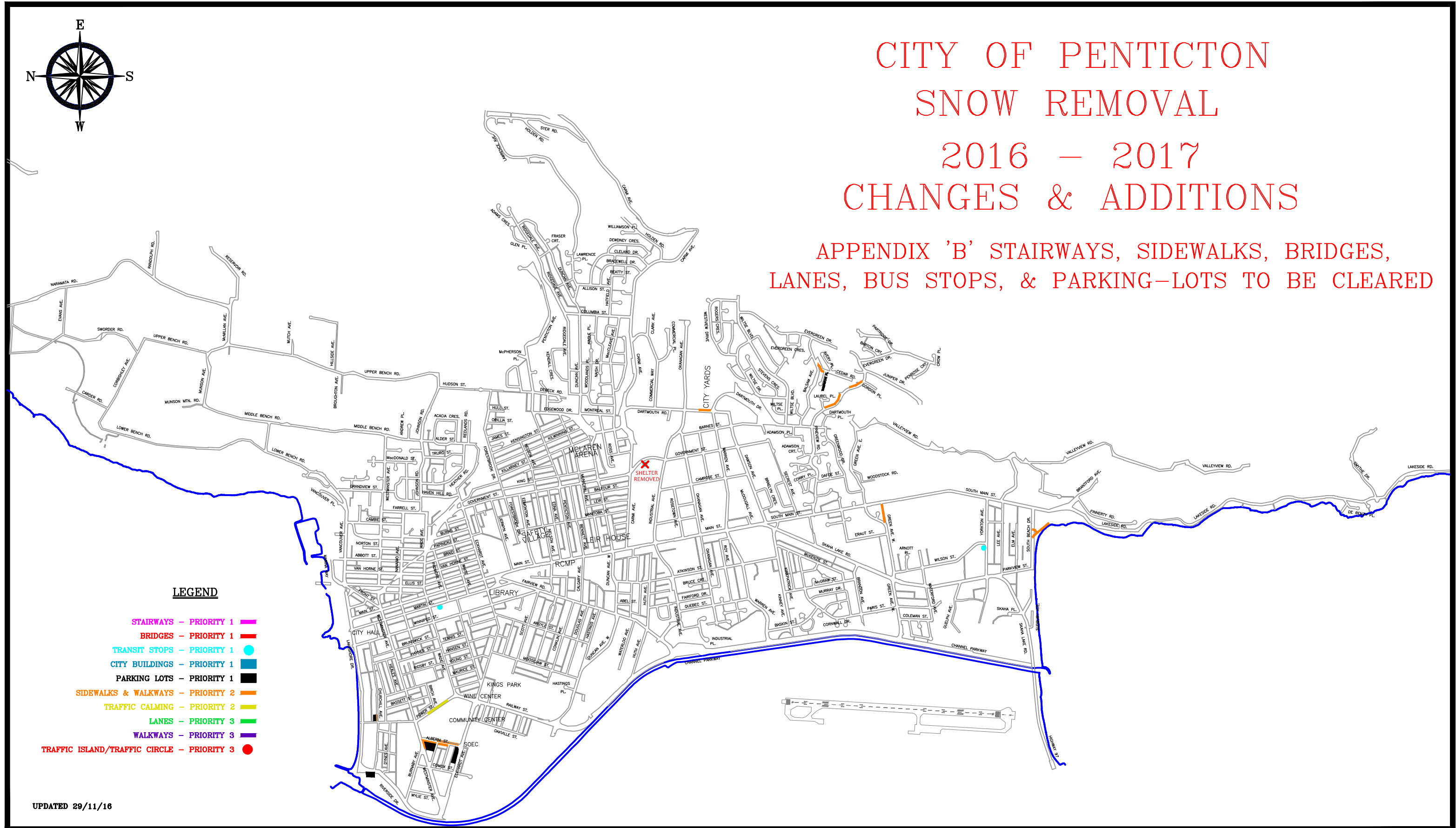
- STAIRWAYS - PRIORITY 1
- BRIDGES - PRIORITY 1
- TRANSIT STOPS - PRIORITY 1
- CITY BUILDINGS - PRIORITY 1
- PARKING LOTS - PRIORITY 1
- SIDEWALKS & WALKWAYS - PRIORITY 2
- TRAFFIC CALMING - PRIORITY 2
- LANES - PRIORITY 3
- WALKWAYS - PRIORITY 3
- TRAFFIC ISLAND/TRAFFIC CIRCLE - PRIORITY 3

UPDATED 29/11/16



# CITY OF PENTICTON SNOW REMOVAL 2016 – 2017 CHANGES & ADDITIONS

APPENDIX 'B' STAIRWAYS, SIDEWALKS, BRIDGES,  
LANES, BUS STOPS, & PARKING-LOTS TO BE CLEARED



### LEGEND

- STAIRWAYS – PRIORITY 1
- BRIDGES – PRIORITY 1
- TRANSIT STOPS – PRIORITY 1
- CITY BUILDINGS – PRIORITY 1
- PARKING LOTS – PRIORITY 1
- SIDEWALKS & WALKWAYS – PRIORITY 2
- TRAFFIC CALMING – PRIORITY 2
- LANES – PRIORITY 3
- WALKWAYS – PRIORITY 3
- TRAFFIC ISLAND/TRAFFIC CIRCLE – PRIORITY 3

# Council Report

penticton.ca

**Date:** December 20, 2016 File No: 5480-01  
**To:** Mitch Moroziuk, Interim CAO  
**From:** Blake Laven, Planning Manager and Tina Siebert, Bylaw Services Supervisor  
**Subject:** **Resident Only Parking Program Changes Implementation - RECONSIDERATION**

---

## Staff Recommendation

THAT Council direct staff to put full implementation of the resident only parking program expansion on hold, until further public engagement on the issue can be completed.

## Strategic priority objective

Parking is a valuable tax payer owned asset. Proper management of the parking program can lead to positive contributions to downtown and waterfront revitalization but should balance the needs of both residents and businesses. . Parking policy can also assist in promoting a more sustainable and liveable community. .

## Background

Council supported the 2016 / 2017 parking strategy work plan in August 2016 via Council resolution ???. The plan represented a continuation of the 2012 Parking Strategy and included the metering of the commercial sections of Lakeshore Drive, some minor expansions of the resident only parking program and the development of a carpool and car share program, among some other minor changes.

The program also proposed charging residents for their resident only parking pass. This nominal yearly fee per residence of \$30.00 was intended to cover the costs of the program. Those costs include ordering and printing the permits and patrolling and enforcement in the resident only areas.

Since that time, staff have been working on the implementation of the plan, starting with notifying all areas being affected by the changes to the resident only parking area by letter that the revised program would be going into effect in early 2017. Since those letters went out, staff have heard from several members of the community with a mixed reaction to the changes to the resident only program.

Staff have also met with various groups as part of the implementation, including resident groups in affected areas, a group representing some downtown businesses, the Downtown Penticton Association board, the Transportation Advisory Committee and a group representing seniors living in close proximity to the downtown.

While several residents have applauded the inclusion of their street/ neighbourhood in the 'resident only area', several residents and businesses have expressed concerns over the expansion of the program and the way that the program was expanded.

The following comments have been communicated from the various people and groups to staff:

- More consultation with the residents should have been done prior to changes to the program.
- We shouldn't have a resident only program. Parking is owned by everyone, and people shouldn't get a reserved spot in front of their house.
- The business community has expressed that those areas close to the downtown are the only areas for employees to park and if we want businesses in the downtown these streets need to be available to park on.
- The business community has pointed out that those areas that currently have resident only parking are empty most of the time during the day and should be opened up.
- Residents should not have to pay to park on their own streets.
- We are not charging enough for the parking permits.
- The permits should be available to anyone in the downtown.
- Certain areas that are proposed for resident only parking do not have a parking problem. It is premature to include them in the resident only area, until there is an issue.
- Other cities have better programs to dissuade employees from parking in residential areas. Penticton needs to look at these examples and come up with a better program.

Given these comments, staff are bringing the resident only parking program changes back to Council for further direction. Council can either decide to continue on with the implementation as currently approved or can hold off on further implementation until such time as further public consultation on the issue can be done.

Given the feedback, Council may also wish to discontinue the resident only program altogether.

### **Financial implication**

Parking represents a substantial part of the City's revenue to fund revitalization projects, bringing in a net revenue of close to \$400,000 a year with the potential to be a \$500,000 + a year revenue source. The proposed changes to the resident only program will not have a significant effect on parking revenues. Resident only parking was made to be revenue neutral in 2017. The budgeted revenue for resident only parking is \$25,000. Without this revenue, less Bylaw Services relief staff will be used in 2017.

### **Analysis**

The purpose of the resident only parking program is so that those residential areas that are adjacent to large parking generators, such as the downtown, hospital or beach areas, are not negatively impacted by non-residents parking in those areas. The expansion of the resident only area identified in the 2016-2017 work plan was a reaction to petitions from certain streets wishing to be included in the program and a proactive action intended to deal with anticipated effects of the expansion of the pay parking in certain areas.

Staff did not anticipate the mixed reaction to the proposed changes as they represented the addition of only a few streets to the resident only area. It appears that concerns over the whole program are unresolved, not just the expansion.

Given the reaction to the program, staff are recommending that Council revisit implementation as currently planned.

Alternatively, Council may look at completely cancelling the resident only program and direct staff to remove all resident only parking signage.

**Alternate recommendations**

THAT Council continue on with the implementation of the resident only parking program as currently approved.


THAT Council cancel the resident only program and remove all resident only signage in the existing resident only areas.

Respectfully submitted,

Blake Laven, RP, MCIP  
Planning Manager

Tina Siebert,  
Bylaw Services Supervisor

Approvals

Director	Chief Administrative Officer 
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# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Peter Wallace, Land Administrator  
**Subject:** Campbell Mtn. Provincial Recreational Lease

File No: 4320-80

## Staff Recommendation

THAT Council direct staff to enter into a recreational licence or lease agreement for a term of ~30 years with the Province of BC over the Untitled Crown Lands known as:

- Remainder DL 1032s, SDYD
- DL2740s, SDYD
- DL2741s, SDYD
- Undetermined - 997 or 2741s, SDYD Excelsior M.C.
- Remainder DL 2742s, SDYD
- That ~ 200 m. portion of "Unsurveyed" Crown Land east of DL2514s, SDYD

as shown outlined in red in the attached sketch (Attachment B) and containing approximately 301 hectares (746 ac.), for parks and recreational purposes;

AND THAT the Mayor and Corporate Officer be authorized to sign the Provincial lease agreement;

AND THAT Council direct that \$45,000 be included in the 2017 budget for the work related to the lease from the province;

AND FURTHER THAT Council direct staff to undertake public consultation to determine the best use for the recreational land before moving forward with any sub-license agreements.

## Strategic priority objective

The use of Campbell Mountain for parks and recreational activities is seen as a positive for the community and will help to promote a more liveable community. The first step in this process is to obtain a lease over the Campbell Mountain lands.

## Background

The large, popular trail network at Campbell Mountain has been created by various parties over the years, largely without authorization from the Province. These trails are more of a beginner to moderate level in

comparison to Three Blind Mice area which are described as moderate to expert. The trails are used by a host of users: Mountain bikers, Motorcyclists, ATV users, hikers and environmental groups.

Discussions have been ongoing with the Province, stakeholders and Penticton Area Cycle Association (PACA) for a couple of years over the formalization of the trail network at Campbell Mountain. The existing trail network is shown in Attachment A.

There has been concern expressed by:

- environmental groups indicating that the area should not be disturbed;
- hikers that feel less welcome when the area is “controlled” by PACA; and
- motorcyclist and groups – calling for a space to be set aside for motorized trails.

The Province has stated a willingness to provide tenure to the City, through a License or Lease. Due to the variety of uses in the area it will be important to undertake a rigorous consultation process to determine what the ultimate use of the Campbell Mountain area should be prior to sub-licensing it.

### **Financial implication**

Cost to the City will be: Lease rate a \$1.00 for term; survey required for the Provincial Licence ~\$1,200; Provincial application/processing fee ~\$262.50.

As part of the Provincial application Management plan environmental consideration are discussed. It is recommended that a broad view environmental impact study or environmental inventory be conducted to identify potentially environmentally sensitive areas through which trails and activities would be prohibited (~\$10,000 - \$20,000).

A request for the City to assist with the creation of a parking area at the location is anticipated (estimated \$5,000 - \$8,000).

Cost of the consultation process with the Penticton Indian Band, required for the Provincial License (~\$5,000).

Cost associated with Public Consultation and Engagement (~\$10,000).

Approximate cost \$45,000 for 746 ac. of potential park land.

The City would be legally responsible for the area, although any future sub-licensee would assume the liability for their sanctioned events, through their association insurance, and other organizations that hold organized events in the area will require insurance conforming to the City's policy.

### **Analysis**

The bike and hiking Trails are already in place and utilized regularly. This proposal will likely not change the use of the area, just formalize the agreements and create some oversight of the uses. Although the management plan, environmental assessment and public consultation, will all play a role in the future direction of the property.

Currently, when special events such as bike or foot races want to use the area, they typically require approvals from the Province and the City. This licence will allow a quicker and easier process for use, which should attract more events. It will also allow the area to be improved, making it a more popular venue.

An example of how this process has been working and working well is the administration of the Three Blind Mice area which has been under the PACA's control since 2013 with minimal issues noted: parking and traffic in the neighborhood; concerns about environmental impacts; and a few serious injuries to bikers, which is inherent in the nature of extreme mountain biking. In general there has been positive feedback that the area is in much better condition and better managed than it was prior to PACA assuming the responsibility.

The City's Parks Department notes a recommendation made in Draft 1 of Parks and Recreation Master Plan, which states: ***"Work with the Province, RDOS and private land owners on a long-term management plan for Campbell Mountain that addresses environmental and recreation opportunities"***. The potential uses (or non-uses) of this open space are varied, therefore the Parks Department recommends that a more extensive planning process be undertaken before agreeing to a long-term license with either the Province or PACA. The City could lead a coordinated planning process involving local government, stakeholders and the community for the planning of potential development and management of this open space – which currently provides a variety of environmental, social and recreational benefits.

Overall the proposal will ultimately improve the quality and accessibility of the trails and improve the environmental stewardship of the area.

### **Alternate recommendations**

THAT Council direct staff to enter into a recreational license or lease agreement for a term of ~30 years with the Province of BC over the Untitled Crown Lands known as:

- Remainder DL 1032s, SDYD
- DL2740s, SDYD
- DL2741s, SDYD
- Undetermined - 997 or 2741s, SDYD Excelsior M.C.
- Remainder DL 2742s, SDYD
- That ~ 200 m. portion of "Unsurveyed" Crown Land east of DL2514s, SDYD

as shown outlined in red in the attached sketch (Attachment B) and containing approximately 301 hectares (746 ac.), for parks and recreational purposes;

AND THAT the Mayor and Corporate Officer be authorized to sign the Provincial lease agreement;

AND THAT Council direct that \$45,000 be included in the 2017 budget for the work related to the lease from the province;

AND FURTHER THAT Council direct Staff to negotiate a sub-license agreement with PACA for the administration of the trails in the area and that once a negotiated the agreement is in place it be brought back to Council for approval.

**Alternative 2**

THAT Council direct Staff not pursue the Provincial tenure and allow the ad-hoc use of the area to continue.

**Attachments**


Attachment A – Current Trail Network on Campbell Mtn.

Attachment B – Lease area Map Lease area shown outlined in in red

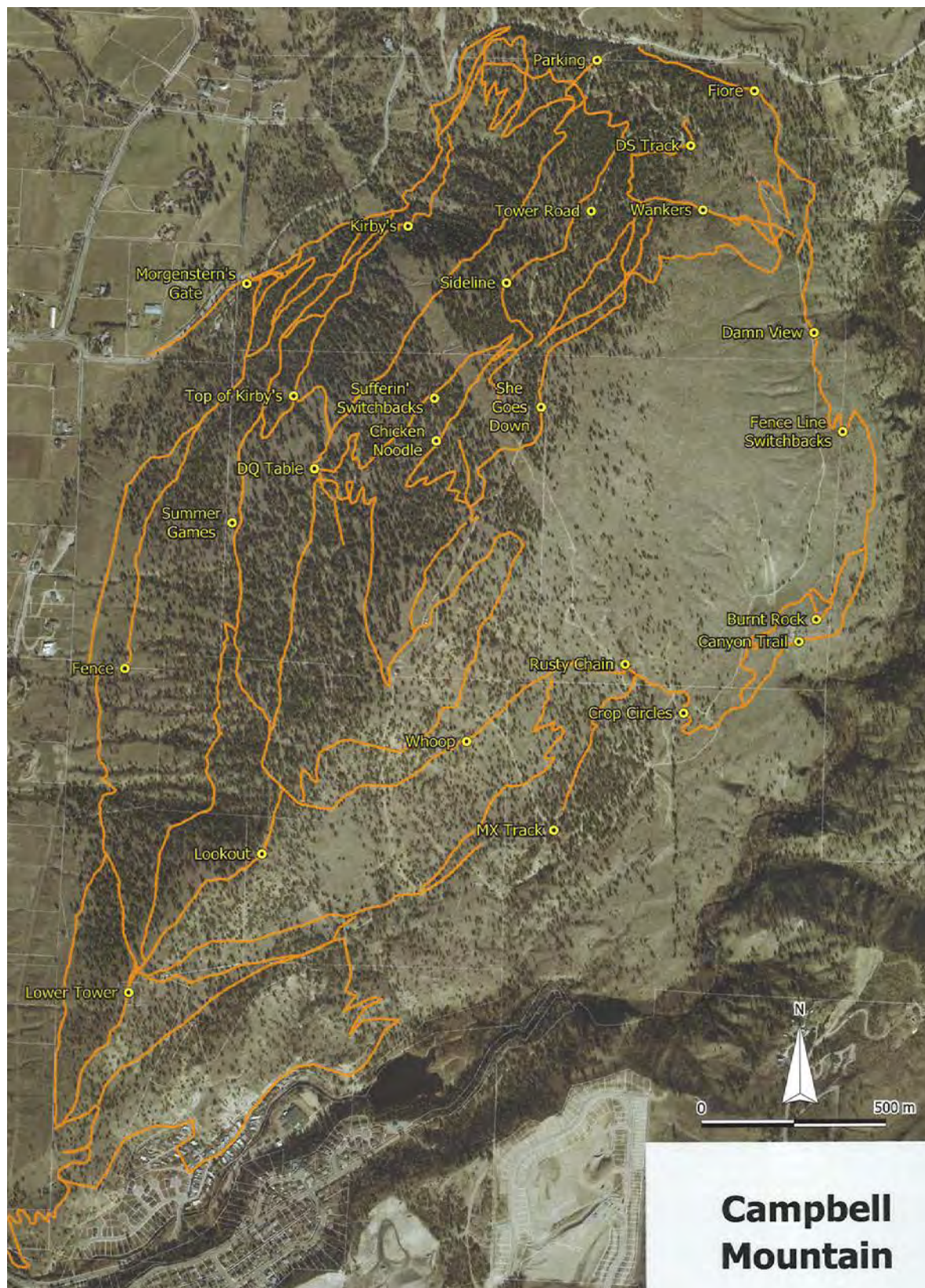
Respectfully submitted,

Peter Wallace, B.Sc. MBA, AACI  
Land Administrator

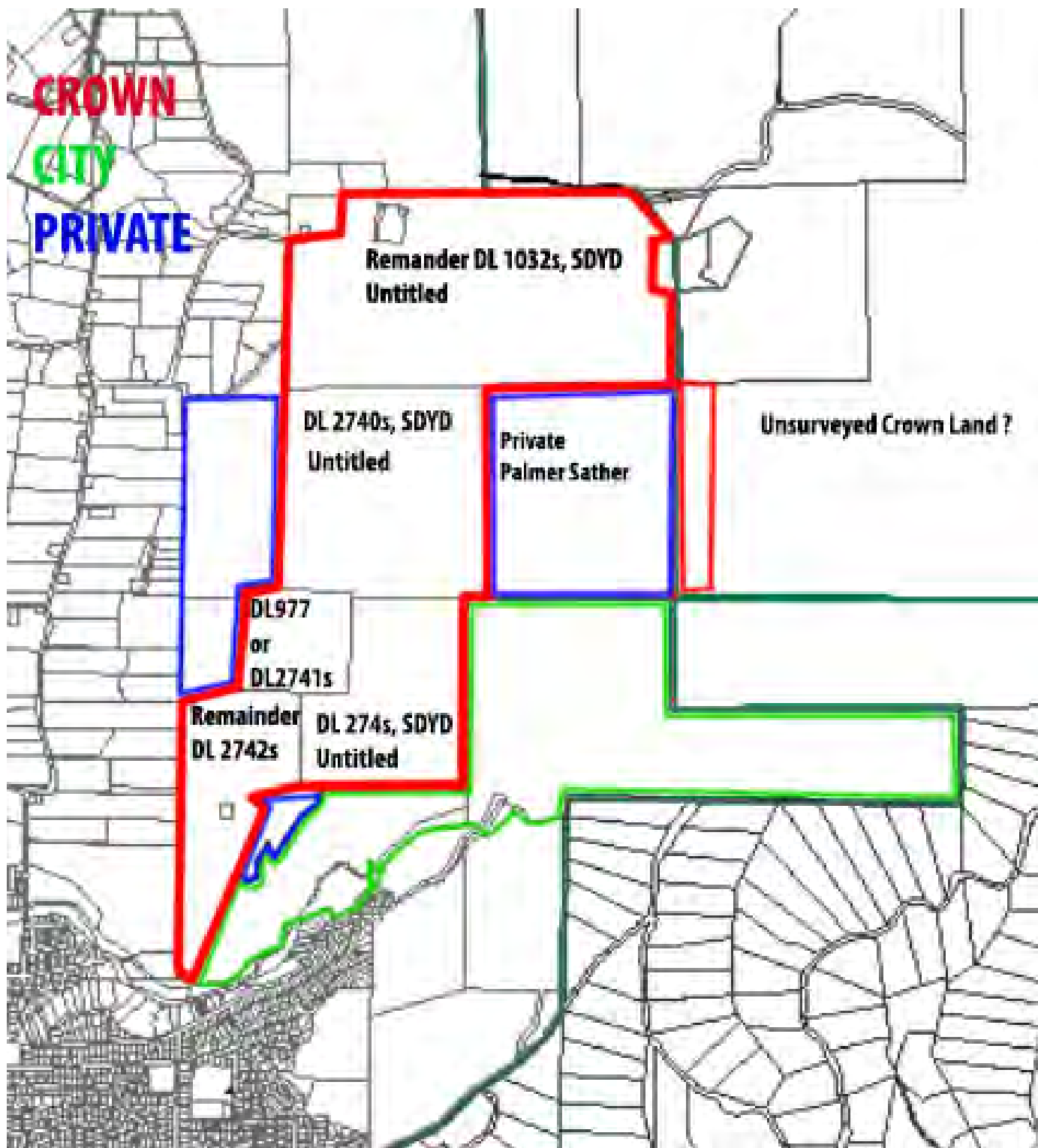
Approvals

Controller 	Acting CAO  MM
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### Attachment A Current Trail Network on Campbell Mtn.



Attachment B  
Ownership and Legal Descriptions



# Council Report

penticton.ca

**Date:** December 20, 2016 File No: Address (1701 Government)  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Peter Wallace, Land Administrator  
**Subject:** Closure and Disposal of a portion of Government Street east of the Hospital

## Staff Recommendation

THAT Council direct Staff to close the +-20.0 sq.m. portion of Government Street east of the Penticton Regional Hospital and swap that portion of land for +-20.0 sq.m. of land owned by Interior Health required for road widening and that the City agree to accept at no cost the +-220.55 sq.m balance of land from Interior Health to be dedicated as Road that is required for proper hospital access. Survey, legal costs and initial road construction are at the cost of Interior Health. The future maintenance and repair of the area dedicated as road will become the responsibility of the City in to perpetuity.

AND THAT consultation required for the road closure bylaw be carried out in accordance with Section 40(3) and 40(4) of the Community Charter (advice to utilities and Public Notification (including opportunity to address Council by those affected);

AND THAT the proposed disposition of City lands be advertised pursuant to Section 26(3) of the Community Charter;

AND FURTHER THAT the Mayor and Corporate Officer be authorized to execute the necessary documents.

## Strategic priority objective

Facilitates the Hospital Expansion which will benefit the community in numerous ways including the attraction of new residents to the community.

## Background

The construction of the hospital addition is well underway and some access issues need to be resolved.

The general contractor for new Hospital addition has requested that the City provide +-8.45 m. of land that is currently designated as Road and utilized as boulevard adjacent to Government Street to facilitate the construction of a retaining wall for proper access through the hospital site.

The cost of reconfiguring Government Street will be part of the Hospital budget. The City will assume the responsibility of the repairs maintenance going forward once built.

This request has come through the Development Engineer and the City Engineer is aware of and accepts the project as necessary.

**Analysis**

The cost to the City is limited to ongoing maintenance of the additional road area the City will receive.

The improved access is a necessary to provide safe access in and out of the new hospital.

**Alternate recommendations**

Option 1: That Council direct staff to proceed with an alternative as directed by Council.


**Attachments**

Attachment A – Plan of area to be swapped and area provide to City by Interior Health.

Respectfully submitted,

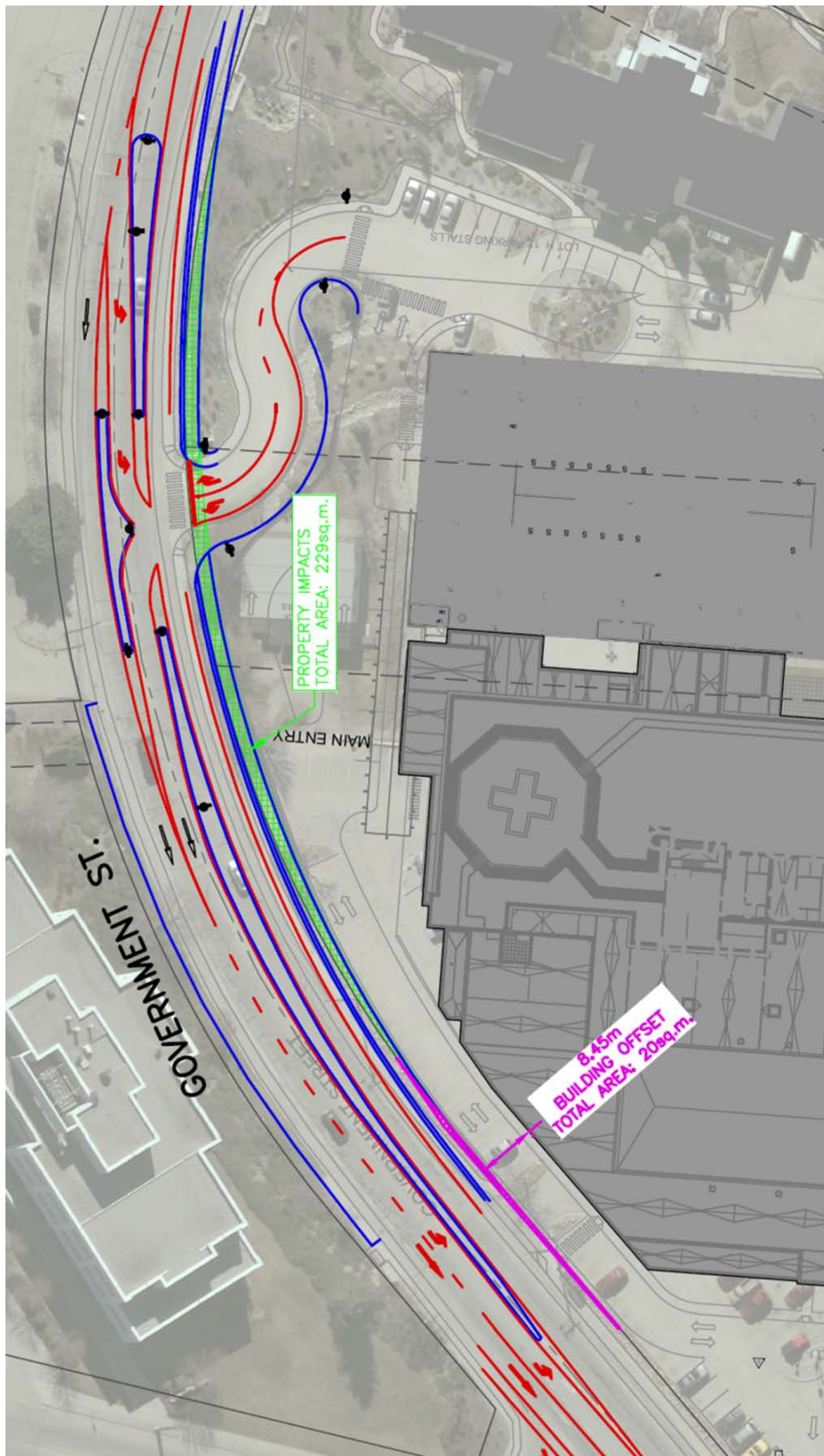
Peter Wallace, B.Sc, MBA, AACI  
Land Administrator

Approvals

Director Development Services  <i>BL</i>	Chief Financial Officer  JWB	Acting CAO  
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### Attachment A

Land City receives for road dedication in Green  
Land Interior Health receives in Purple



# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Mark Parker, Communications Officer  
**Subject:** **Advertising Expenditure**

File No:

## Staff Recommendation

THAT Council direct staff to enlist a broader range of media channels including newspapers, online, social media and radio and avoid the limitations of an exclusive contract which may adversely affect the choice of a more appropriate and/or cost effective media for the communication task at hand.

## Background

The advertising expenditures for Communications can be divided into two main categories:

1. Statutory notices (rezoning, OCP amendments, EIZ bylaws, temporary use permits, land use)
2. Secondary advertising (non-legal requirements such as operations, engagement)

In July of 2015 the City entered into a one-year contract with three possible extensions with the Western for the "City Page". The City Page currently includes all statutory notices as well as a significant amount of secondary non mandated advertising. The split between legislated and informative notifications in the City Pages has been approximately 50/50 over the last year. The fee is based on column inches used with no minimum amount of space allotted to the City Pages. The contract with the Western was not formally renewed in 2016 and a month to month agreement has been in place since.

## Financial implications

- The 2016 budget for City Pages is \$50,000.
- Approximately \$39,000 spent on City Pages in the Western to Sept 30, 2016
- \$3,940 in the Herald to Sept 30, 2016 (primarily for job postings)
- On pace to book 4600 column inches in Western for 2016 compared to 5085 inches in 2015

The figures show that the majority of the City's budget was spent on local newspaper advertising. Shifts in the local market and the cost effectiveness of traditional print and online media to reach the intended audience require the City to adapt its advertising approach. The City now has more media options to reach our citizens, whether it is through newspapers, paid online, social media, media advisories and releases, or some combination of these options. The cost-effectiveness of these media channels is a result of many factors including the required timeliness, reach, intended audience and total cost.

The City's advertising needs can be grouped into three key areas for cost comparison:

- Statutory advertising required by legislation or regulation (print media only)
- Additional space for non-statutory notices such construction impacts, community consultation, or changes to parking regulations (all media)
- Display advertising – e.g. for recruitment (all media)

## **Analysis**

There is considerable opportunity to better leverage other media outlets for non-statutory advertising and a review of rates may also yield savings over what the City currently pays for statutory notices. While the rate per column inch decreased by approximately 10% from 2014 to 2016 under the exclusive City Page contract, the market is competitive and lower rates may be available. Enabling a wider choice of advertising options would also provide other potential efficiencies including:

- Training and advising Operations on advertising options and better selection of appropriate media
- Flexibility for Human Resources from requiring print advertising for recruitment
- More equitable opportunity for media outlets to obtain City business

For human resources recruitment, the trend is towards using online tools to advertise employment opportunities. While there are specific vacancies where a local candidate is appropriate such as a laborer, many postings require wider distribution to attract the best talent. Some options that can be used include:

- Within Penticton, the WorkBC job board is available for local postings at no charge.
- CivicInfo site provides information on job vacancies that is accessible to most BC municipalities
- Targeted social media or digital advertising
- Traditional print advertising
- For 2017, the City's Economic Development team will be introducing a job board with relocation information

## **Alternative recommendations**

Alternative 1: Renew current "City Page" contract with the Western

- Does not address changing media market or the City's advertising needs
- Based on bid rates for the Western
- Possible higher cost for secondary advertising needed in other media
- Does not address the needs of Human Resources

While newspaper advertising is a requirement for statutory postings, the City should be taking steps to ensure the current rate is competitive and avoiding any agreements which inhibit the use or exacerbate the cost of a more effective advertising option.

Alternative 2: Go to RFP for new quote for exclusivity for advertising

- Does not address changing media market or the City's advertising needs
- May get lower rates for statutory advertising but no guarantee
- Possible higher cost for secondary advertising needed in other media

- Complex and time consuming process

The RFP process undertaken in 2014 was lengthy and extremely intensive on operational resources with substantial opportunity cost to prioritizing advertising over other work. While going through the RFP process may yield some savings, it is not the most efficient use of scarce resources. The City would likely benefit more from an informal process where each supplier is asked to provide pricing for the type of services they could provide.

Respectfully submitted,

Mark Parker, Communications Officer

Approvals

Interim Chief  
Administrative Officer



# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Interim Chief Administrative Officer  
**From:** Dana Schmidt, Corporate Officer  
**Subject:** **Records Management and Retention Policy**

File No:

## Staff Recommendation

THAT Council approves the Records Management and Retention Policy.

## Background

At the December 6<sup>th</sup> regular meeting of Council, Records Management and Retention Bylaw No. 2016-61 was given three readings. For implementation of the system, the City now requires more detail, as written into the attached Records Management Policy.

Records management has become exponentially more complicated with the increase in electronic documents.

The policy outlines the system to be used for paper and electronic records, labels and explains the retention schedules, and identifies appropriate file naming practices.

The work being done to standardize records management will be on-going, and provide improved internal service as well as improving our ability to locate records requested by the public.

Internal training materials are currently being prepared for a roll out in the first quarter of 2017, followed by ongoing refresher workshops and advanced training.

## Financial Implications:

There is \$3,000 budgeted in 2017 for Records/Freedom of Information training.

## Attachment:

A – Records Management and Retention Policy

Respectfully submitted,

Dana Schmidt,  
Corporate Officer

Approval

Interim CAO  


# Council Policy

Approval date:

**Resolution No.:**

**Subject:           Records Management and Retention Policy**

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## Goal

The intention of the Records Management and Retention Policy is to standardize the city's records systems across the organization to allow for ease of retrieval and meeting statutory obligations.

## Scope

This policy applies to all records of the City, including books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

## Policy

The Records Management and Retention Policy is the Records Management Manual dated December 20, 2016.

## Previous revisions

Revision Date	Author
March 26, 2009	C. Ingram

Certified Correct:

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Dana Schmidt, Corporate Officer

# Records Management Manual

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Who Is Responsible for Records?	2
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## Who is Responsible for Records?

In accordance with the Community Charter and City Bylaws, the Corporate Officer is responsible for the maintenance of the records of the business of Council. The Corporate Officer has the overall responsibility for the City's Records Management Policy, its implementation, and training programs for staff.

All City employees are responsible for the records that they generate, including:

- Filing within the system identified by Records Management and Retention Bylaw No. 2016-61
- Identifying Records for Destruction for Corporate approval
- Locating and providing responsive records as required by FOIPPA

## File Naming Conventions

Descriptive/Helpful/Consistent

Naming conventions will assist all staff to locate and retrieve electronic documents, and provide the first step in organizing them.

It is necessary to create a uniform approach, and that all staff follow the same logic or method.

The document name will include not only the subject or function of the document but some other elements to provide a precise identifier, such as a Rezoning Reference number. Using a common naming convention means that later, when a document is required, it can be readily retrieved and the name will help to ascertain the relevance of the retrieved document. In addition, the data about the document or file (metadata) are also important elements that ensure we have retrieved the correct item.

Order the elements in a file name according to the way the file is typically retrieved eg: if retrieved by date, the date should begin the file name. Do not use common words (eg: but, or) unless they help with retrieval.

Examples in use today:

YYYY-MM-DD  
2016-04-18 Regular Minutes

Acceptable Abbreviations:  
(This is a finite list. Please do not use personal abbreviations)

PIC =	Photograph	AGR=	Agreement
DRW=	Drawing	EG=	Example
APP=	Application	OCP=	Official Community Plan
LTR=	Letter	RZ=	Rezoning

BLDG= Building	DVP= Development Variance Permit
DFT= Draft	DP= Development Permit
MTG= Meeting	TUP= Temporary Use Permit
RPT= Report	TCP= Temporary Commercial Permit
RTC= Report to Council	TIP= Temporary Industrial Permit
AGD= Agenda	

## **Email is a Record**

Email records should be saved and filed in the same way as other electronic formats, and according to the subject or function of the message.

General principles to follow include:

- ♦ an author is responsible for managing e-mail messages that are sent internally;
- ♦ an originating author is responsible for managing a threaded internal e-mail message;
- ♦ a recipient is responsible for managing externally generated e-mail messages;
- ♦ a first person on a list of multiple recipients is responsible for managing an externally generated e-mail message; and
- ♦ work groups of staff may designate an e-mail gatekeeper to save and file group messages.

Internal use of email – email should be addressed to those who are to act on the email, carbon copied to those who need to be informed.

## **Transitory Records**

Transitory records are not corporate records, and can be disposed of as soon as their useful life is over. Examples include:

- ◆ transitory or fleeting messages;
- ◆ attachments that are duplicates;
- ◆ administrative or facilitative messages, for example, booking appointments, meeting rooms;
- ◆ messages included in the complete text of a subsequent message;
- ◆ copies received for information only;
- ◆ personal messages;
- ◆ convenience copy and
- ◆ rough notes, calculations, preliminary drafts (once record is produced)

Transitory records should be deleted as soon as possible so they do not use valuable space and so they do not add to workload when searching through records.

Transitory records MUST NOT be deleted if they are the subject of a FOI request or legal discovery.

## **File Security**

It is the responsibility of the file owner to determine appropriate file security, and to work with the Corporate Office and the Information Technology department to ensure security of sensitive files.

File security must be maintained through restricted access and NOT with passwords.

## Record Retention

The time periods for retention of record series are provided with every subject heading. The three phases (Three columns) are provided on the right side of the page:

**"A"** indicates the time period during which the record series is active, and required for daily business in the office.

**"SA"** indicates the time period during which the record series must be retained by the organization for regulatory or other reasons, but the records are semi-active and no longer needed for daily business. These may be removed from the active office space to a less costly storage location.

**"FD"** indicates final disposition, once the record series has been retained for all required purposes. Where applicable, a note indicates a citation to a relevant law or regulation. Full legal citations are provided as Appendix I.

Codes Defined:

**A** = Active

**SA** = Semi-Active

**FD** = Final Disposition

**CY** = Calendar Year

**SR** = Selective Retention

**FR** = Full Retention

**P** = Permanent Retention

**D** = Destroy

**SO** = until Superseded or Obsolete

ie. fleet records - superseded when vehicle is replaced

-obsolete when vehicle is sold/written off

### Reading a Retention Schedule:

This is originally developed for hard copy files but is easily used for electronic systems. The first column speaks to how long a record is active and meaning its period of daily use. The semi-active column is the period for which records must be maintained, but is no longer needed for daily business (or the series of records that can be kept off-site). The third column specifies final disposition after the timing of the first two columns as either P for permanent or D for destroy.

Example #1: CY+1 6y D

This retention schedule specifies that the record must be retained for the current year (2016) plus 7 years and then destroyed at the earliest - January 1, 2025.

## Classification System

There are seventeen sections that represent the functions of BC local governments. These are arranged as follows:

### **Administration:**

Section 1 – Administration (Primary Numbers 0100 – 0699);

Section 2 – Buildings, Facilities and Properties (Primary Numbers 0700 – 0999);

Section 3 – Equipment and Supplies (Primary Numbers 1000 – 1299);

Section 4 – Information Systems and Services (Primary Numbers 1300 – 1599);

Section 5 – Finance (Primary Numbers 1600 – 2199);

Section 6 – Legal Matters (Primary Numbers 2200 – 2499);

Section 7 – Personnel (Primary Numbers 2500 – 2999);

### **Operations:**

Section 8 – Land Administration (Primary Numbers 3000 – 3699);

Section 9 – Legislative and Regulatory Services (Primary Numbers 3700 – 4699);

Section 10 – Community Services (Primary Numbers 4700 – 5199);

Section 11 – Engineering and Public Works (Primary Numbers 5200 – 5799);

Section 12 – Parks Administration (Primary Numbers 5800 – 6399);

Section 13 – Planning and Development (Primary Numbers 6400 – 6999);

Section 14 – Protective Services (Primary Numbers 7000 – 7699);

Section 15 – Recreation and Cultural Services (Primary Numbers 7700 – 8299);

Section 16 – Transportation and Transit Services (Primary Numbers 8300 – 8799); and

Section 17 – Address Files (by civic address)

**0100- ADMINISTRATION - 0699**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

	<u>A</u>	<u>SA</u>	<u>FD</u>
0110 Administration – General	CY+1	6y	D
0125 Acts And Legislation	SO	nil	D
0220 Appreciation, Complaints, Inquiries	CY+1	6y	D
0230 Associations, Clubs, Societies	CY+1	6y	D
0290 Awards	SO	nil	P
0320 Campaigns And Canvassing	CY+1	6y	D
0330 Ceremonies And Celebrations	SO	nil	P
0340 Policies, Orders, Manuals	SO	nil	P
0360 Committees And Commissions/Meetings	SO	nil	P
0390 Conferences, Seminars, Symposia	CY+1	6y	D
0400 Cooperation And Liaison	CY+1	6y	D
0510 Corporations, Companies, Firms	CY+1	6y	D
0530 Council – General	SO	nil	P
0540 Council – Committees	SO	nil	P
0550 Council – Meetings	SO	nil	P
0560 Council – Meetings – In Camera	SO	nil	P
0570 Delegation Of Authority	SO	nil	D
0580 Information And Privacy (FOI)	SO	10y	D
0590 Intellectual Property	SO	nil	P
0600 Management Services/Reviews	SO	7y	D
0610 Office Services	CY+1	10y	D
0620 Plans and Programs	SO	10y	D
0630 Proclamations and Special Declarations	SO	nil	P
0640 Reports and Statistics	SO	nil	P
0680 Security	CY+1	6y	D
0695 Visits and Tours	CY+1	6y	D

**0700 - BUILDINGS, FACILITIES AND PROPERTIES – 0999**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

**(City owned or leased properties)**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
0710	Buildings, Facilities and Properties – General	CY+1	6y	D
0712	Buildings, Facilities and Properties – Emergency Drills	CY+1	6y	D
0715	Accommodation – General	SO	10y	D
0730	Buildings – General	CY+1	6y	D
0810	Buildings – Individual	SO	nil	P
0860	Facility Administration	CY+1	6y	D
0870	Properties (Leased)	SO	nil	P
0890	Properties (Municipally Owned) – General	SO	nil	P
0970	Utilities - General	CY+1	6y	D

**1000 - EQUIPMENT AND SUPPLIES – 1299**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

**(ie. procure, store, repair, disposal)**

	<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
1010 Equipment and Supplies – General	SO	7y	D
1015 Equipment and Supplies – Vendors	SO	nil	D
1025 Asset Control and Inventories	SO	7y	D
1040 Audio-visual and Photographic Equipment	SO	7y	D
1045 Building Materials	CY+1	6y	D
1060 Clothing	SO*	nil	D
1065 Computers – General	CY+1	6y	D
1070 Computers – Hardware	SO	7y	D
1075 Computers – Software	SO	7y	D
1090 Disposal and Surplus	SO	7y	D
1100 Fire- fighting Equipment	SO	7y	D
1120 Fuels – General	CY+1	6y	D
1130 Fuels – Motor Vehicle	CY+1	6y	D
1150 Furniture and Furnishings	SO	7y	D
1170 Office Machines and Equipment	SO	7y	D
1190 Parks Equipment and Supplies	SO	7y	D
1200 Procurement – General CY+1	6y	D	
1210 Procurement – Purchase Orders and Requisitions	CY+1	6y	D
1220 Procurement – Tenders and Quotations	CY+1	6y	D
1230 Procurement – Standing Offers (open orders)	CY+1	6y	D

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
1245	Public Works Equipment and Supplies – Material	CY+1	6y	D
1250	Public Works Equipment and Supplies – Warehouse Stores	CY+1	6y	D
1260	Recreation Equipment and Supplies	SO	7y	D
1270	Stationery	CY+1	6y	D
1275	Telecommunication Equipment	SO	7y	D
1280	Vehicles	SO*+1	nil	D

**1300 - INFORMATION SYSTEMS AND SERVICES - 1599****PRIMARY NUMBERS AND PRIMARY SUBJECTS**

	<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
1310 Information Systems and Services – General	CY+1	6y	D
1320 Archives	SO	nil	P
1330 Computer Systems – General	CY+1	6y	D
1335 Computer Systems – Applications	SO	7y	D
1340 Computer Systems – Documentation	SO	7y	D
1345 Computer Systems – Networks and Communications	SO	7y	D
1350 Computer Systems – Service Requests	SO	7y	D
1355 Computer Systems – Reports and Statistics	SO	7y	D
1370 Data Resource Management – General	CY+1	6y	D
1375 Data Resource Management – Backup Procedures	CY/SO	nil	D
1385 GIS (Geographical Information System) Mapping	SO	7y	D
1390 Information Services – General	SO	nil	P
1400 Information Services – Audio-Visual Aids	SO	nil	P
1405 Information Services – Books and Publications	SO	nil	P
1415 Information Services – Lectures and Speeches	SO	nil	P
1420 Information Services – Photographs	SO	nil	P
1425 Information Services – Public Programs	SO	nil	P
1440 Library Services– General	CY+1	6y	D
1450 Library Services– Materials	SO	7y	D
1460 Mail, Postal, Courier Services	CY+1	6y	D
1470 Public Relations – General	SO	nil	P
1475 Public Relations – Advertising	CY+1	8y	D
1480 Public Relations – Exhibits, Fairs, Exhibitions	SO	nil	P

		<u><b>A</b></u>	<u><b>SA</b></u>	<u><b>FD</b></u>
1490	Records Management	SO	nil	P
1495	Websites and Intranet	SO	nil	P

**1600 - FINANCE – 2199****PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>	
1610	Finance – General	CY+1	6y	D	
1615	Accounting – General	CY+1	6y	D	
1617	Accounting – Chart of Accounts		SO	7y	D
1620	Accounting – Cash	CY+1	6y	D	
1630	Accounting – Payable	CY+1	6y	D	
1640	Accounting – Receivable	CY+1	6y	D	
1650	Advances	CY+1	6y	D	
1660	Agreements and Arrangements (eg. Potentially recoverable disbursements)	SO	nil	P	
1680	Audits	SO	nil	P	
1690	Banks and Banking	SO	10y	D	
1700	Budgets – General	CY+1	6y	D	
1705	Budgets – Capital	SO	nil	P	
1715	Budgets – Operating	SO	nil	P	
1730	Cheques	CY+1	6y	D	
1750	Debentures	SO	nil	P	
1760	Debt	SO	10y	D	
1765	Development Cost Charges	SO	7y	D	
1770	Donations and Bequests	SO	nil	P	
1780	Encumbrances	SO	7y	D	
1790	Expenditure Control	CY+1	6y	D	
1800	Expense Accounts	CY+1	6y	D	
1810	Fees and Charges – General	CY+1	6y	D	

		<u>A</u>	<u>SA</u>	<u>FD</u>
1820	Fees and Charges – Utilities	CY+1	6y	D
1830	Financial Statements, Audited	CY+1	6y	P
1835	Fixed Assets	CY+1	6y	D
1840	Funds	CY+1	6y	D
1850	Grants to Organizations	CY+1	6y	D
1855	Grants from Organizations	CY+1	6y	D
1860	Investments	SO	7y	D
1870	Letters of Credit	SO	7y	D
1880	Reports, Statistics, Statements	SO	nil	P
1890	Revenue Control	CY+1	6y	D
1900	Salaries and Wages – Benefits and Services	SO	nil	P
1920	Salaries and Wages – Payroll	SO	7	D
1940	Signing Authorities	SO	nil	D
1950	Taxation – Assessments	SO	nil	P
1970	Taxation – Taxes Collected - Tax Operations	CY+1	6y	D
1980	Taxation – Taxes Collected – Properties	SO	nil	P
2000	Taxation – Taxes Paid	CY+1	6y	D
2020	Unclaimed Property	CY+1	28y	D

**2200 - LEGAL MATTERS – 2499**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
2210	Legal Matters – General	CY+1	6y	D
2220	Accidents	SO	7y	D
2240	Agreements	SO	7y	D
2300	Claims	SO	7y	D
2360	Easements and Rights of Way	SO	nil	P
2370	Incorporation	SO	nil	P
2380	Leases	SO	7y	D
2400	Legal Opinions	SO	nil	P
2430	Litigation	SO	nil	P
2450	Restrictive Covenants	SO	nil	P
2470	Risk Management and Insurance	SO	7y	D

**2500 - PERSONNEL - 2999****PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
2510	Personnel - General	CY+1	6y	D
2520	Accidents and Injuries	CY+1	8y	D
2530	Attendance Records	CY+1	6y	D
2540	Awards and Honours	SO	7y	D
2550	Benefits – General	SO	nil	D
	(*SO=until benefit ceases and all claims are settled)			
2560	Classifications – General	SO	7y	D
2570	Classifications – Appeals and Reclassifications	CY+1	6y	D
2580	Classifications – Other Local Governments	CY+1	6y	D
2590	Employees – General	CY+1	6y	D
2600	Employees – Current	SO	nil	P
2620	Employees – Terminated	SO	7y	D
2630	Employment Programs	CY+1	6y	D
2640	Health and Safety	CY+1	6y	D
2641	WHMIS	CY+1	nil	P
2642	Health and Safety – Firefighters’ Occupational Disease	SO*	20y	D
2650	Hours of Work and Overtime	SO	nil	D
2660	Labour Relations – General	CY+1	6y	D
2670	Labour Relations – Collective Agreements	SO	nil	P
2680	Labour Relations – Discipline	SO	nil	P
2685	Labour Relations – Exempt Staff	SO	nil	P
2690	Labour Relations – Grievances	SO	7y	D
2700	Labour Relations – Negotiations	SO	nil	P

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
2710	Labour Relations – Union Relations	SO	nil	P
2720	Leave Management	SO	7y	D
2730	Performance Planning and Review	SO	7y	D
2735	Personnel Planning	CY+1	6y	D
2740	Reports and Statistics	SO	nil	P
2750	Retirements and Pre-retirements	SO	7y	D
2760	Separations and Layoffs	SO	7y	D
2770	Staffing– General	CY+1	6y	D
2780	Staffing– Applications	CY	nil	D
2790	Staffing – Competitions	CY+1	6y	D
2800	Training and Development – General	SO	7y	D
2810	Training and Development – Courses	SO	7y	D
2830	Volunteers	SO	nil	P

**3000 - LAND ADMINISTRATION - 3699**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
3010	Land Administration - General	CY+1	6y	D
3015	Agricultural Land	SO	nil	P
3020	Crown Land	SO	nil	P
3030	Land - Preliminary Review	SO	nil	P
3060	Development Permits	SO	nil	P
3090	Development Variance Permits	SO	nil	P
3170	Forest Land	SO	nil	P
3200	Properties – General	SO	nil	P
3220	Properties – Individual	SO	nil	P
3300	Strata Title Properties	SO	nil	P
3320	Subdivisions and Subdivision Control	SO	nil	P
3360	Zoning and Rezoning	SO	nil	P

**3700 - LEGISLATIVE AND REGULATORY AFFAIRS - 4699**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

	<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
3710 Legislative Affairs – General	CY+1	6y	D
3760 Building Regulations – General	SO	nil	P
3800 Building Regulations – Building Permits and Inspections	SO	nil	P
3900 Bylaws	SO	nil	P
4000 Bylaw Enforcement – General	CY+1	6y	D
4010 Bylaw Enforcement – Complaints	SO	7y	D
4020 Bylaw Enforcement – Issues	SO	nil	P
4050 Bylaw Enforcement – Bylaw Court	SO	nil	P
(*SO=until appeal is determined)			
4100 Cemetery Administration	SO	nil	P
4200 Elections	CY+2	5y	P
4250 Inspections – General	SO	nil	P
4300 Licenses – General	CY+1	6y	D
4320 Licenses – Individual	SO	7y	D
4500 Permits – General	CY+1	6y	D
4520 Permits – Individual	SO	nil	P
4560 Reports and Statistics	SO	nil	P

**4700 - COMMUNITY SERVICES - 5199**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
4710	Community Services – General	CY+1	6y	D
4750	Child Care Services	SO	7y	D
4780	Community Care	SO	7y	D
4790	Family Services – General	SO	7y	D
4800	Family Court Services	CY+1	6y	D
4810	Services to Special Needs Groups	SO	7y	D
4830	Long Term Care	SO	7y	D
4870	Multicultural Services	SO	7y	D
4900	Public Health – General	SO	7y	D
4920	Public Health – Regional Board of Health	SO	7y	D
4940	Public Health – Preventive Health Programs	SO	7y	D
5000	Senior Citizens’ Services	SO	7y	D
5040	Social Housing	SO	nil	P
5080	Social Planning	SO	nil	P
5120	Youth Services	SO	7y	D

**5200 - ENGINEERING AND PUBLIC WORKS - 5799**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
5210	Engineering and Public Works – General	SO	nil	P
5220	Design	SO	nil	P
5225	Drainage and Flood Control	SO	nil	P
5240	Engineering - General	CY+1	6y	D
5260	Engineering and Public Works – Reports and Statistics	SO	nil	P
5280	Environmental Management – General	SO	nil	P
5320	Local Improvement Projects	SO	nil	P
5330	Public Works Projects	SO	nil	P
5340	Sanitary Sewer	SO	nil	P
5360	Solid Waste Disposal	SO	nil	P
5380	Solid Waste Disposal – Recycling	SO	7y	D
5400	Streets and Roads	SO	nil	P
5445	Street Names	SO	nil	P
5460	Traffic Control	SO	nil	P
5480	Traffic Control – Parking Management	SO	7y	D
5500	Utilities – General	SO	nil	P
5600	Water Supply and Distribution	SO	nil	P

**5800 - PARKS ADMINISTRATION - 6399**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
5810	Parks Administration – General	CY+1	6y	D
5830	Boulevards and Gardens	SO	nil	P
5880	Concessions	SO	7y	D
5920	Fields	SO	nil	P
5960	Golf Courses	SO	nil	P
6000	Greenhouses	SO	nil	P
6030	Maintenance	SO	7y	D
6100	Park Design	SO	7y	D
6120	Park Planning	SO	nil	P
6130	Parks - General	SO	nil	P
6200	Playgrounds	SO	nil	P
6240	Projects	SO	nil	P
6280	Street Amenities	SO	nil	P
6300	Trees – Maintenance and Regulation	SO	7y	D
6340	Waterfront/Riverfront Property	SO	nil	P

**6400 - PLANNING AND DEVELOPMENT - 6999**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
6410	Planning and Development – General	CY+1	6y	D
6430	Strategic Planning	SO	nil	P
6440	Community Planning – General	CY+1	6y	D
6480	Community Planning – Official Community Plan	SO	nil	P
6520	Community Planning – Individual Areas	SO	nil	P
6600	Demographic Data	SO	nil	P
6630	Development – General	CY+1	6y	D
6635	Development – Agricultural lands	SO	nil	P
6340	Development – Airport	SO	nil	P
6650	Development – Commercial	SO	nil	P
6700	Development – Residential	SO	nil	P
6740	Development – Waterfront	SO	nil	P
6750	Economic Development	SO	nil	P
6800	Heritage Conservation	SO	nil	P
6830	Historic and Heritage Sites	SO	nil	P
6850	Development – Industrial	SO	nil	P
6900	Tourism	SO	nil	P
6930	Redevelopment	SO	nil	P
6950	Revitalization	SO	nil	P
6970	Planning Reports and Statistics	SO	nil	P

**7000 - PROTECTIVE SERVICES - 7699**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
7010	Protective Services – General	CY+1	6y	D
7060	Alarms	CY+1	6y	D
7100	Ambulance Service	Cy+1	6y	D
7130	Emergency Measures – General	SO	nil	P
7140	Emergency Measures – Business Recovery Plans	SO	nil	P
7150	Emergency Measures – 911 Program	SO	nil	P
7200	Fire Protection – General	CY+1	6y	D
7220	Fire Protection – Arson	SO	nil	P
7260	Fire Protection – Devices	CY+1	6y	D
7280	Fire Protection – Fire Inspections	SO	7y	D
7300	Fire Protection – Fire Investigations	SO	nil	P
7320	Fire Protection – Fire Safety and Prevention Programs	SO	7y	D
7340	Fire Protection – Forest Fires	SO	7y	D
7360	Fire Protection – Pre-fire Planning	SO	7y	D
7380	Fire Protection – Reports and Statistics	SO	nil	P
7400	Police Services – General	CY+1	6y	D
7450	Police Services – Issues	SO	7y	D
7500	Police Services – Community Relations	SO	7y	D
7550	Police Services – Traffic Enforcement	SO	7y	D
7580	Police Services – Reports and Statistics	SO	nil	P

**7700 - RECREATION AND CULTURAL SERVICES - 8299**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
7710	Recreation and Cultural Services – General	CY+1	6y	D
7740	Archives	CY+1	6y	D
7780	Art Galleries	CY+1	6y	D
7800	Cultural Activities	CY+1	6y	D
7930	Museums	CY+1	6y	D
7960	Public Libraries – General	CY+1	6y	D
8000	Recreation Programs – General	CY+1	6y	D
8020	Recreation Programs – Individual	SO	7y	D
8100	Special Events	SO	7y	D
8130	Recreation Services –Special Needs Groups	SO	7y	D
8160	Recreation Services – Reports and Statistics	SO	nil	P

**8300 - TRANSPORTATION AND TRANSIT SERVICES - 8799**

**PRIMARY NUMBERS AND PRIMARY SUBJECTS**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
8310	Transportation – General	CY+	6y	D
8330	Transportation Planning	SO	nil	P
8400	Airports – General	CY+1	6y	D
8420	Airports – Issues	SO	7y	D
8460	Airports – Helicopters and Heliports	SO	7y	D
8500	Bus Transit - General	SO	7y	D
8600	Transportation for the Disabled	SO	7y	D
8460	Rail Transit	SO	7y	D
8660	Rapid Transit	SO	7y	D
8700	Water Transportation – General	SO	7y	D
8710	Water Transportation – Ferries	SO	7y	D
8770	Transportation – Reports and Statistics	SO	nil	P

**Address Files (by civic address)**

		<b><u>A</u></b>	<b><u>SA</u></b>	<b><u>FD</u></b>
3060	Development Permits	SO	nil	P
3090	Development Variance Permits	SO	nil	P
3220	Properties – Individual	SO	nil	P
3800	Building Regulations – Building Permits And Inspections	SO	nil	P
3360	Zoning And Rezoning	SO	nil	P
4320	Licences – Individual (Business/Liquor etc.)	SO	7y	D

# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Interim Chief Administrative Officer  
**From:** Jim Bauer, Chief Financial Officer  
**Subject:** Tourism Fee

File No:

## Staff Recommendation

THAT Council approve 50% of the Tourism Fee collected from Vacation Rental and Bed and Breakfast be provided to Travel Penticton Society (TPS) for the sole purpose of destination marketing initiatives as provided for in the service agreement between TPS and the City of Penticton (City) for the term as specified in the service agreement.

## Strategic priority objective

As part of its strategic vision the City of Penticton commits to the strategic pillar of being Connected and Strong by working in a collaborative manner with Travel Penticton Society (TPS) to market the region as a premier visitor destination.

## Background

In open meeting in September of 2010, council passed resolution 1128/2010 providing direction and authority to staff to transfer all funds collected as vacation rental and B&B tourism fees through to the Chamber of Commerce.

The vacation rental and B&B tourism fee was and is \$200 and is provided for in the City's Fees and Charges Bylaw and is in addition to the normal \$175 business license fee for vacation rentals and bed & breakfasts and is paid annually at the same time as the business license fee. As articulated in the September 2010 report to Council, the fee was to go towards attracting vacationers to the City and the intent was to level the playing field with traditional accommodators and was comparable to the 2% Hotel Room Tax collected by Hotel and Motel owners.

During the 5+ years since Council's prior resolution these funds have been provided to the Chamber of Commerce and subsequently to the Penticton Tourism Society (PTS). With the recent merger of the PTS and the Penticton Hospitality Association (PHA) to form TPS, that prior resolution is no longer valid and a new Council resolution will be required to provide staff with the authority to continue to flow the vacation rental and B&B tourism fee through to the new entity TPS.

In the September 2010 report, the funds collected as vacation rental and B&B tourism fees would be applied by the Chamber of Commerce under the direction of the Tourism Advisory Council (TAC) and would be used for destination marketing initiatives, such as advertising and marketing the City to help

bring more tourists to the City. As provided for under Section 8(2) of the Community Charter, a municipality is allowed to “provide any service that the Council considers necessary or desirable” either directly or through another organization. Under Section 194(1)(a) of the Charter, the City was authorized to collect fees for the purpose of providing a service. The report stressed that, under Section 193 of the Charter, the City was prohibited from charging a fee for a purpose that was not expressly authorized by a provincial statute. In short, all fees collected for vacation rentals would need to be used to either cover the cost of administration or to provide a service. The fees could not be directed to “general” revenue and spent in a discretionary fashion and, as such, the proposed tourism fee was to be applied by the Chamber of Commerce for destination marketing. This is similar to how Hotel Room Tax was administered by the PHA on behalf of the City.

With the growing need for additional accommodation in Penticton there is an additional need for the City to put more resources into licensing and enforcement of vacation rentals and B&Bs. In a companion report to this one, scheduled to come to Council in January, dealing with vacation rentals in general, staff have identified the need for additional resources to help manage the program. Since the regulatory changes that permitted vacation rentals in most residential zones in the City, there have only been 72 businesses that have gone through the process to have their vacation rental units inspected and licensed. Staff estimates that this is most likely less than half of the actual vacation rental businesses that are operating in the city. Without proper inspections and licensing, there is the fear that many of these units may be unsafe. In addition, the units that are not licensed are not contributing to the marketing of Penticton, while reaping the benefits of those efforts - creating an unfair playing field. Utilizing some of these funds to bring greater compliance will bring in additional revenue and create a more legitimate and safe product for those visitors to Penticton that utilize the vacation rental product.

Consideration need to be given to retaining some of these revenues to help defray the costs additional licensing and enforcement.

For greater certainty, the purpose of this report is not to establish, validate, set, or amend any fees levied on vacation rentals or bed and breakfast operations. The purpose of this report is obtain direction from Council, by way of Council resolution, on whether these revenues should flow to Travel Penticton for destination marketing, be retained by the City to defray the costs of licensing and enforcement or some combination thereof.

### **Financial implication**

The current number of registered vacation rentals and B&B's in the City is 72. At the current fee of \$200 provided for in the City's Fees and Charges Bylaw, this represents funds in the approximate amount of \$14,400 available for destination marketing. Staff estimate however, that the true number of vacation rentals and B&B's in the City is over 200. If efforts were undertaken to ensure vacation rentals and B&B's are properly licensed, at the same current fee of \$200, this would represent an amount of approximately \$40,000 available for destination marketing.

### **Attachments:**

None.

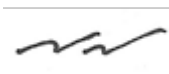
**Alternate recommendations**

- 1) THAT Council approve the continuation of the flow-through of the vacation rental and B&B tourism fee to the Travel Penticton Society (TPS) to undertake destination marketing initiatives as provided for in agreement with the City of Penticton (City),
- 2) THAT Council approve the full amount of the vacation rental and B&B tourism fees collected, to be retained by the City to defray the additional costs of licensing and enforcement of B&B,
- 3) AND THAT Council approves the full transfer of vacation rental and B&B tourism fees collected for 2017 and transition to 50% of the revenue fees in 2018 and subsequent years.

Respectfully submitted,

Jim Bauer

Chief Financial Officer

Interim CAO 	Director Development Services
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# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mayor and Council  
**From:** Mitch Morozuk, Interim Chief Administrative Officer  
**Subject:** **Two Year Skaha Lake Marina Lease Agreement**

File No:

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## Staff recommendation

THAT Council accept the Two Year Skaha Lake Marina Lease Agreement, Attachment "A" to this Council Report and authorize the Mayor and Corporate Officer to execute the said document.

## Strategic priority objective

The enhancement of the Skaha Lake Marina area is supportive of the City of Penticton mission to be an adventurous waterfront city.

## Background

On December 1, 2016 Council approved, via Council Resolution 519/2016, the City entering into a REVISED Settlement Agreement, REVISED Enhanced Marina Agreement, License to Use Agreement to December 31, 2018 and Sub License of Occupation Agreement to December 31, 2018.

Trio currently has a food primary liquor license to sell liquor in the Marina Restaurant. Over the past few weeks Trio has been in discussions with staff at the B.C. Liquor Control and Licensing Branch and has been told that they require a lease of the premises in order to have a liquor license. Solicitors for Trio and the City have put together the Two Year Skaha Lake Marina Lease Agreement, Attachment "A", to meet this requirement. The agreement has been reviewed by the Interim CAO and the Land Administrator and found to be acceptable.

Should Trio not enter into a two year lease with the City they are at risk of losing their liquor license which will have a direct impact on their profitability and will require a significant investment in time to go through the process to have a new liquor license re-issued.

## Financial implications

There are no financial implications to the City at this time. Here are however financial implications to Trio as their revenue stream will drop should they not be licensed to sell liquor in their restaurant and they will incur additional expenses if they have to re-apply for a liquor license.

## **Analysis**

Execution of the Two Year Skaha Lake Marina Lease Agreement, Attachment "A" will allow Trio to continue to sell liquor at their restaurant as they have been doing for the last two years. Should the Lease Agreement not be entered not Trio is at risk of losing their Liquor License.

Alternatively Council could elect to not enter into the Two Year Skaha Lake Marina Lease Agreement with Trio and simply wait until the conditions precedent in the REVISED Enhanced Marina Agreement are fulfilled or waived and the Joint Province of BC, City, Trio Long Term Marina Lease is entered into. Trio would have to then reapply for a liquor license at that time.

## **Alternate recommendations**

THAT Council elect to not enter into the Two Year Skaha Lake Marina Lease Agreement.

## **Attachments**

Attachment "A" – Two Year Skaha Lake Marina Lease Agreement

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA  
Acting Chief Administrative Officer

**Attachment "A" – Two Year Skaha Marina Lease Agreement**

**..\Request for Proposals\Skaha Lake Marina\POSSIBLE NEW AGREEMENT\Lease of Marina Building Agreement 2 year\2017 01 01 Lease of marina building.docx**

LEASE

File: 4380.20

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PARTICULARS: Lease of City-owned premises for the operation of a licensed restaurant and the sale and/ or rental of related recreational equipment located at 124 South Beach Drive, Penticton, B.C. (Skaha Lake Marina)

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THIS AGREEMENT dated for reference January 1, 2017.

BETWEEN: **THE CORPORATION OF THE CITY OF PENTICTON**,  
a duly incorporated City Municipality under the laws of  
The Province of British Columbia, located at 171 Main Street  
Penticton, BC V2A 5A9

(hereinafter called "the City")

OF THE FIRST PART

AND: **TRIO MARINE GROUP INC.** (Inc. No. BC1008060)  
a company duly incorporated under the laws of the Province of British  
Columbia, having its Registered and Records Office at c/o Pushor Mitchell  
LLP, 301 – 1665 Ellis Street, Kelowna BC V1Y 2B3

(hereinafter called "the Lessee")

OF THE SECOND PART

AND:

**THOMAS JOHN DYAS**  
202-3295 Lakeshore Rd, Kelowna, B.C. V1W 3S9

AND

**THOMAS DONALD HEDQUIST**  
121 Uplands Court, Penticton, BC V2A 7Y1

(collectively the "Indemnifiers")

OF THE THIRD PART

WITNESSETH:

- A. The City is the owner of the lands and improvements known as 124 South Beach Drive and legally described as:  
Lot A, DL 189, SDYD, Plan 9936 PID 009-630-929.
- B. Pursuant to a License to Use dated January 1, 2017, the City has granted a non-exclusive License to the Lessee to enter on a portion of lands (the "Land");

- C. Pursuant to a Sub-License of Occupation, the City has granted a non-exclusive sub-license of certain of the City's rights under a license to occupy certain foreshore (the "Foreshore") adjacent to the Land;
- D. The City and the Lessee have entered into a Skaha Park – Enhanced Marina Development Agreement dated December \_\_\_\_, 2016;
- E. The City has agreed to grant a Lease to the Lessee certain premises owned by the City and located on the Land as shown outline in YELLOW on the Aerial Photo attached hereto as Schedule "A" (the "Premises");

NOW THEREFORE, in consideration of the Lease Fee to be paid by, and the covenants of, the Lessee, the parties agree as follows:

Article I - Grant of Lease

- 1.01 The City, subject to the consent of the Province, on the terms set forth herein, hereby grants to the Lessee a Lease of the Premises solely for the purpose of conducting the operation of a marina, licensed restaurant, sale of fuel, recreational items, rental of boats, personal watercraft, and other recreational equipment and accessories associated with the above noted.
- 1.02 The City agrees not to grant any other lease, concession, license or any other interest in the Land, apart from those granted in this Lease, the License to Use, the Sub-License of Occupation and pursuant to the Skaha Park – Enhanced Marina Development Agreement.

Article II - Duration

- 2.01 The duration of the Lease and the rights herein granted shall be for a term of two years (2) commencing on the 1st day of January 2017, (herein called the "Commencement Date"), through the 31st day of December 2018.
- 2.02 This Agreement, the Lease created by it, and all obligations and covenants hereunder shall terminate upon the commencement of the term of the lease contemplated by the Skaha Park – Enhanced Marina Development Agreement dated the \_\_\_\_ day of December, 2016 between the City of Penticton, as lessor, and Trio Marine Group Inc., as lessee, which lease includes the Premises.

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Article III – Lease Terms

3.01 The Lessee covenants to pay an annual fee in the sum of Thirty Three Thousand Dollars (\$33,000.00) plus GST per year for the Lease term commencing January 1, 2017 plus other amounts specifically provided for herein (the "Lease Fee"). The parties hereto acknowledge that the above-noted Lease Fee is inclusive of, and not in addition to, (i) the fee for the License Fee, as defined in an payable pursuant to the terms of the companion License to Use, and (ii) the fee for Sub-license Basic Fee, as defined in and payable pursuant to the terms of the companion Sub-license of Occupation.

3.02 Net Fees

- (a) The Lease Fees payable under this Lease shall be net and care free to the City, and will be payable without deduction or set-off by the Lessee throughout the Lease term. All costs incurred by the City in collecting any amounts payable hereunder or enforcing any right or obligation of the Lessee under this Lease, including services of a bailiff, agent, the City's solicitor's fees on his own client basis and any administrative costs of the City, will be payable by the Lessee on demand and will be deemed to be Lease Fees for all purposes from the date demand therefor is made. In addition to Lease Fees hereunder, the Lessee will remit to the City any goods and services tax or other tax or imposition collectible by the City for the use of the Premises by the Lessee or goods or services provided to the Lessee, and the City will be entitled to exercise all remedies in respect of any failure by the Lessee to pay such amounts as if they were Lease Fees in arrears. From the date any Lease Fees or other amounts payable under this Lease are due until they are actually paid, they will bear interest at the rate of ten percent (10%) per annum.
- (b) The Lessee acknowledges that the City shall not be responsible during the Lease term for any costs, charges, expenses and outlays of any nature whatsoever arising from or relating to the Premises and the Lessee acknowledges and agrees that it is intended this Lease shall be carefree for the City.

Article IV - Covenants of the Lessee

4.01 The Lessee covenants with the City:

- (a) to pay the Lease Fees due to the City;
- (b) to pay and discharge when due all applicable taxes levies, charges and assessments now or hereafter assessed, levied or charged which relate to the Premises or any improvements thereon (herein called "Realty Taxes");
- (c) to observe, abide by and comply with all applicable laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority in any way affecting the Premises and improvements situate thereon, or their use and occupation;
- (d) not to commit or suffer any willful or voluntary waste, spoil or destruction on the Premises or do or suffer to be done thereon anything that may be or become a nuisance or annoyance to owners or occupiers of adjoining land; provided that

the proper use of the Premises as permitted in paragraph 1.01 is not in contravention of this clause.

- (e) to deliver to the City from time to time, upon demand, proof of insurance required to be maintained by the Lessee, receipts or other evidence of payment of Realty Taxes, insurance premiums and other monetary obligations of the Lessee required to be observed by the Lessee pursuant to this Lease;
- (f) to indemnify, save harmless, release and forever discharge the City, its elected and appointed officials and employees from and against all manners of actions, causes of actions, claims, debts, suits, damages, demands and promises, at law or in equity, whether known or unknown, including without limitation for injury to persons or property including death, or any person directly or indirectly arising or resulting from, or attributable to, any act, omission, negligence or default of the Lessee in connection with or in a consequence of this agreement, save and except to the extent caused by any act, omission, negligence or default of the City its elected and appointed officials and employees;
- (g) to keep the Premises in a safe, clean, tidy and sanitary condition satisfactory to the City and to make clean, tidy and sanitary any portion of the Premises that the City may reasonably direct by notice in writing to the Lessee;
- (h) to permit the City, or its authorized representative, to enter upon the Premises, at any time to inspect, test, drill test holes or any other work reasonably required for the purpose of environmental or geotechnical testing;
- (i) on the expiration or at the earlier cancellation of this Lease to peaceably quit and deliver possession of the Premises to the City, and to the extent necessary, this covenant shall survive the expiration or cancellation of the Lease;
- (j) to effect and keep in force during the term, insurance protecting the City and the Lessee (without any rights of cross-claim or subrogation against the City) against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Premises to an amount not less than \$2,000,000.00, and to name the City as a named insured on the policy and to deliver to the City written confirmation of the required insurance coverage upon execution of this agreement;
- (k) that notwithstanding subsection (j) of Section 4.01, the City may from time to time, acting reasonably, notify the Lessee that the amount of insurance posted by the Lessee pursuant to that subsection be changed and the Lessee shall, within sixty (60) days of receiving such notice, cause the amount of insurance posted, pursuant to subsection (j) of Section 4.01 to be changed to the amount specified in the notice and deliver to the City written confirmation of the change;
- (l) not to deposit on the Premises or any part of it, any earth, fill or other material for the purpose of filling in or raising the level of the Premises without the prior written consent of the City and any regulatory bodies that would have an interest in such works;

- (m) not to place any improvements to the Premises without the prior written approval of the City;
- (n) not to cause or permit any unusual or objectionable noises, lights or odors to emanate from the Premises which would be inconsistent with the authorized use referred to in paragraph 1.01 herein;
- (o) that at the expiration, cancellation or termination of the term of this Lease, upon written request of the City, the Lessee will remove its fixtures from the Premises, leave the Premises in good repair and restore the Premises to its original condition at the commencement of the Lease except for capital improvements to the Premises by the Lessee to which the City has consented or improvements to the Premises by the City, none of which the Lessee shall be obligated to remove;
- (p) to observe and comply with all rules or regulations the City may make from time to time pertaining to the operation, reputation, safety, care or cleanliness of the Premises and any use thereof as provided herein.

4.02 The covenants and obligations of the Lessee under this Lease are inclusive of and included in, and not in addition to, the corresponding and/or similar covenants and obligations under the companion License to Use and Sub-License of Occupation, and do not replace or limit the enforceability of the covenants, obligations, requirements and conditions of the companion License to Use and Sub-License of Occupation.

Article V – Assignment

5.01 The Lessee shall not assign, sub-lease, mortgage or transfer this Lease or permit any person to use or occupy the Premises without the written consent of the City which consent may be arbitrarily withheld.

Article VI - Cancellation

6.01 In the event that the Lessee ceases to use the Premises for the purposes permitted herein, the City may on thirty (30) days prior written notice to the Lessee, cancel this Lease and the rights herein granted, in whole or in part and the Lessee agrees that the City shall not be responsible for payment of any costs, compensation, reimbursement or any monies whatsoever as a result of a notice pursuant to this paragraph 6.01.

6.02 If the Lessee is in default in the observance of any covenants, agreements, provisions or other conditions contained herein and such failure continues for a period of thirty (30) days after the giving of written notice by the City to the Lessee of the nature of the failure, or where such default cannot reasonably be cured within 30 days, if the Lessee fails to commence and diligently continue to remedy the default promptly after the Lessee receives such notice from the City, then the City may cancel this Lease, without prejudice to any rights to which the City has accrued under this Lease before the said cancellation.

6.03 In the event the Lessee is in default and such default has not been remedied within the time required with respect to any other agreement or contract between the City and the Lessee such default will be deemed to be a default under this Lease and the Lessee will, at the option of the City, terminate and cancel the Lessee's right to use and occupy the

Premises will cease without prejudice to any rights to which the City has accrued under this Lease before the said termination.

- 6.04 Thirty (30) days after the expiration, termination or cancellation of this Lease, any improvements of the Lessee or fixtures that remain on the Premises shall be absolutely forfeited and become the property of the City and the City may remove them from the Premises and the Lessee shall, on demand, compensate the City for all costs incurred by the City respecting their removal of such improvements except for those in existence at the commencement of the Lease term and those constructed or placed on the Premises with the consent of the City.

Article VII - General

- 7.01 (a) The terms and provisions of the Lease shall extend to, be binding upon and enure to the benefit of the parties, hereto and their successors and permitted assigns.
- (b) This Lease and all the terms and conditions of it may be inspected by the public at such times and at such places as the City may determine.
- (c) Time is of the essence in this agreement.
- (d) In this Lease, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.
- (e) Any waiver or acquiescence by the City of or in any breach by the Lessee of any covenant or condition shall not be deemed to be a waiver of the covenant or condition of any subsequent or other breach of any covenant or condition of this Lease.
- (f) If the Lessee continues to exercise the Lease granted after the expiration of the term of it without objection by the City and without any written agreement providing otherwise, the Lessee shall be deemed to be a Lessee from month to month, and subject to the provisions of this Lease insofar as applicable, but it shall be lawful for the City to cancel and determine the Lease granted by delivering to the Lessee notice to that effect, and upon delivery of such notice the Lease shall cease without prejudice to any rights of the City under this Lease accrued before the cancellation.
- (g) Any notice required to be given hereunder by the Lessee shall be in accordance with the provisions of the Community Charter of British Columbia and if by the City to the Lessee and/or the Indemnifiers any notice hereunder shall be deemed to have been well and sufficiently given if mailed, by prepaid registered mail, or telefaxed to or delivered:

to the Lessee at:

c/o Pushor Mitchell LLP  
301 – 1665 Ellis Street  
Kelowna BC V1Y 2B3

to the Indemnifiers at:

c/o Pushor Mitchell LLP  
301 – 1665 Ellis Street  
Kelowna BC V1Y 2B3

or such other address as the Lessee and/or the Indemnifiers may from time to time direct in writing, and any such notice by the City to the Lessee and/or the Indemnifiers shall be deemed to have been received, if mailed, five (5) days after the time of mailing, or if telefaxed seventy-two (72) hours after the time of telefaxing and if delivered upon the date of delivery. If normal mail service, telefax service is interrupted by strike, slow down, force majeure or other cause, a notice sent by the impaired means of communication will not be deemed to have been received until actually received, and the City may utilize any such services which have not been so interrupted.

(h) The parties agree that there are no representations, covenants, agreements, warranties, or conditions in any way relating to the subject matter of this Lease or the occupation or use of the Premises, whether express or implied, or otherwise, this Lease.

7.02 The Lessee covenants and acknowledges that the City shall not be responsible during the term hereof or any renewal thereof for any costs, charges, expenses and outlays of any nature whatsoever arising from or related to the Premises or in the contents thereof, save and except as expressly set out herein. Except as otherwise provided, the Lessee shall pay, in the manner more particularly described in this Lease all reasonable charges, impositions and costs of every nature and kind related to the Premises whether or not referred to in this Lease and whether or not of a kind now existing or contemplated by the parties.

Article VIII - Capital Works

8.01 The City may, during the term hereof, undertake additional capital expenditures for the benefit of the Premises during the term hereof, provided however, the City shall exercise its best efforts to provide reasonable notice to the Lessee and to minimize the disruption to the Lessee's business.

Article IX - Payment of City's Expenses

9.01 If at any time an action is brought or the City is otherwise required to employ the services of a bailiff, an agent, or its solicitors because of a breach by an act or omission of any covenant herein contained on the part of the Lessee, the Lessee shall pay to the City all expenses incurred by the City in the enforcement of its rights and remedies hereunder (including the City's administrative costs and legal fees on a solicitor and his own client basis in connection therewith) together with interest thereon at the rate equivalent to the prime rate of the Bank of Montreal plus three percent (3%) per annum calculated monthly not in advance from the date due until paid. For the purposes of this paragraph the prime rate shall mean the annual percentage rate of interest established from time to time by the Bank of Montreal, Main Branch, Vancouver, British Columbia as the base rate that will be used to determine rates of interest charged by it for Canadian Dollar loans to customers in Canada and designated by the Bank of Montreal as the prime rate.

Article X - Indemnity

10.01 In consideration of the presents and the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration (the receipt and sufficiency whereof from the City is hereby acknowledged by the Indemnifiers) the Indemnifiers hereby jointly and severally covenant and agree with the City as follows:

(a) The Indemnifiers shall:

- i) make or cause to be made the due and punctual payment of all Lease Fees, monies and charges expressed to be payable by the Lessee under the Lease during the period of the term and any renewals
- ii) effect prompt and complete performance of all and singular the terms, covenants, conditions and provisions in the Lease contained on the part of the Lessee to be kept, observed and performed during the period of the term and any renewals thereof, and
- iii) indemnify and save harmless the City from any and all loss, costs, damages or liability whatsoever arising out of any failure by the Lessee to pay any Lease Fees, monies, and charges, or the failure of the Lessee to perform any and all of the terms, covenants, conditions and provisions in the Lease.

(b) In the event of a default under the Lease, the Indemnifiers hereby waive any right to require the City:

- i) to proceed against the Lessee or pursue any rights or remedies with respect to the Lease;
- ii) to proceed against or exhaust any security from the Lessee held by the City; or
- iii) to pursue any other remedy whatsoever in the City's power or otherwise available to the City.

- (c) The City shall have the right to enforce this Indemnity regardless of the acceptance of additional security from the Lessee by the City or by others, or by operation of any law.
- (d) The Indemnifiers hereby expressly waive notice of the acceptance of this Indemnity and all notice of non-performance, non-payment or non-observance on the part of the Lessee of the terms, covenants, conditions and provisions of the Lease.
- (e) This indemnity is absolute and unconditional and without limiting the generality of the foregoing, the liability of the Indemnifiers under this Indemnity shall not be deemed to have been waived, released, discharged, impaired or affected by reason of the release or discharge of the Lessee in any receivership, bankruptcy, winding up or other creditors' proceedings, or the rejection, surrender, disaffirmation or disclaimer of the Lease by any party or in any action or proceeding, and shall continue with respect to the periods prior thereto and thereafter for and with respect to the term of the Lease and any renewals thereof. The liability of the Indemnifiers shall not be affected by any repossession of the Premises by the City, provided however, that the net payments received by the City after deducting all costs and expenses of repossession and re-licensing the same, shall be credited from time to time by the City to the account of the Indemnifiers and the Indemnifiers shall pay any balance owing to the City from time to time immediately upon ascertainment.
- (f) The Indemnifiers shall, without limiting the generality of the foregoing, be bound by this Indemnity in the same manner as though the Indemnifiers were the Lessee named in this Lease.

All of the terms, agreements and conditions of this Indemnity shall extend to and be binding upon the Indemnifiers, their respective heirs, executors, administrators, and assigns, and shall enure to the benefit of and may be enforced by the City, its successors and assigns.

Article XI - Entire Agreement

11.01 This Agreement, apart from the License to Use, the Sub-License of Occupation and the Skaha Park – Enhanced Marina Development Agreement, constitutes the entire Agreement between the parties hereto and supersedes, except for the foregoing, all prior agreements and understandings, oral or written, by and between the parties hereto with respect to the subject matter hereof.

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Schedule "A"



**Bylaw No. 2016-61**

*A Bylaw to provide for the management, retention and disposition of the City of Penticton's records.*

WHEREAS the *Community Charter* and *Local Government Act* requires a local government officer to maintain records of the municipality;

AND WHEREAS the Council of the City of Penticton wishes to provide specific regulations with respect to records management and procedures;

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 "Records Management and Retention Bylaw No. 2016-61".

**2. Definitions:**

"Designated Officer" means the Corporate Officer, or their deputy, designated under section 148 of the *Community Charter* that is responsible for the safekeeping of the records;

"Record" means any books, documents, maps, drawings, photographs, letters, vouchers, reports, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records;

"Records Management System" means the system used by the City of Penticton to manage the records of the City of Penticton from record creation through to records disposal and includes both paper and electronic record-keeping.

**3. Records Management System Established**

The records management system of the City of Penticton is established and authorized.

**4. Compliance with Records Management system**

All records in the custody and control of the employees of the City of Penticton are the property of the City of Penticton. All records of the City of Penticton must comply with this records management system and this bylaw. All departments of the City shall ensure that all records in the custody and control of their respective departments are classified and scheduled in accordance with the Manual.

**5. Designated Officer**

The Designated Officer is authorized and responsible for the management and maintenance of the records management system.

## 6. Manual of Procedures and Policy

The Designated Officer is authorized to create, amend and maintain a manual of procedures and policy (the "Manual"). Records of the City of Penticton are created, accessed, maintained and disposed of only as provided by the Manual.

## 7. Integrity and Authenticity Maintained

The records management system must maintain the integrity and authenticity of records made or kept in the usual and ordinary course of business.

## 8. Disposal Ordered by Designated Officer

City records must only be destroyed with the written approval of the Designated Officer and in accordance with the Manual.

## 9. Compliance with Law

The records management system must comply with the Manual, applicable laws and any provincial, national or international standards adopted for use and contained in the Manual.

## 10. Appendix A

Appendix A "Records Classification System" attached hereto forms part of this bylaw.

## 11. Severability

If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the bylaw.

READ A FIRST time this	6	day of	December, 2016
READ A SECOND time this	6	day of	December, 2016
READ A THIRD time this	6	day of	December, 2016
ADOPTED this		day of	, 2016

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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

## Appendix A

# Records Classification System

### Administration:

0100 – 0699	Administration
0700 – 0999	Buildings, Facilities and Properties
1000 – 1299	Equipment and Supplies
1300 – 1599	Information Systems and Services
1600 – 2199	Finance
2200 – 2499	Legal Matters
2500 – 2999	Personnel

### Operations:

3000 – 3699	Land Administration
3700 – 4699	Legislative and Regulatory Services
4700 – 5199	Community Services
5200 – 5799	Engineering and Public Works
5800 – 6399	Parks Administration
6400 – 6999	Planning and Development
7000 – 7699	Protective Services
7700 – 8299	Recreation and Cultural Services
8300 – 8799	Transportation and Transit Services

### Civic Files:

Individual Properties, by Civic Address

**The Corporation of the City of Penticton**  
**Bylaw No. 2016-64**

A Bylaw to request the imposition of a tax on accommodation under the provisions of the Provincial Sales Tax Act.

WHEREAS the Council of the City of Penticton wishes to raise revenue for the purposes of financing tourism marketing, programs and projects;

AND WHEREAS under the *Provincial Sales Tax Act*, a municipality may request that the Lieutenant Governor in Council make a regulation imposing, on behalf of the municipality, an additional tax not exceeding three (3) percent of purchase price of accommodation sold within the municipality;

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

1. **Title:**

This bylaw may be cited for all purposes as "Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64".

2. **Purpose:**

2.1 The Lieutenant Governor in Council is hereby requested to make a regulation under Section 240 of the *Provincial Sales Tax Act* declaring that effective July 1, 2017 to June 30, 2022 Section 123 of the said Act applies in respect of accommodation purchased within the City of Penticton.

2.2 The tax to be imposed under the provisions of the regulation is requested to be two (2) percent of the purchase price of accommodation.

2.3 The funds paid to the City of Penticton under the provisions of the regulation shall be applied to tourism marketing, programs and projects delivered by Travel Penticton Society.

3. **Effective Date:**

3.1 This bylaw shall come into full force and effect on July 1, 2017.

4. **Repeal:**

4.1 Bylaws 2005-16, 2011-61, 2012-5016 and 2012-5024 are hereby repealed upon effective date of this bylaw.

READ A FIRST time this	6	day of	December, 2016
READ A SECOND time this	6	day of	December, 2016
READ A THIRD time this	6	day of	December, 2016
ADOPTED this		day of	, 2016

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

**The Corporation of the City of Penticton**

**Bylaw No. 2016-66**

*A bylaw to name roads in the City of Penticton.*

---

The Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

**1. Title:**

This Bylaw may be cited as "Street Naming (Hawthorn Drive) Bylaw No. 2016-66".

**2. Purpose:**

- i. That the City of Penticton name the new road created by the subdivision of 2740 Evergreen Drive, "Hawthorn Drive" as shown on Schedule "A".
- ii. Schedule "A" attached hereto forms part of this bylaw.

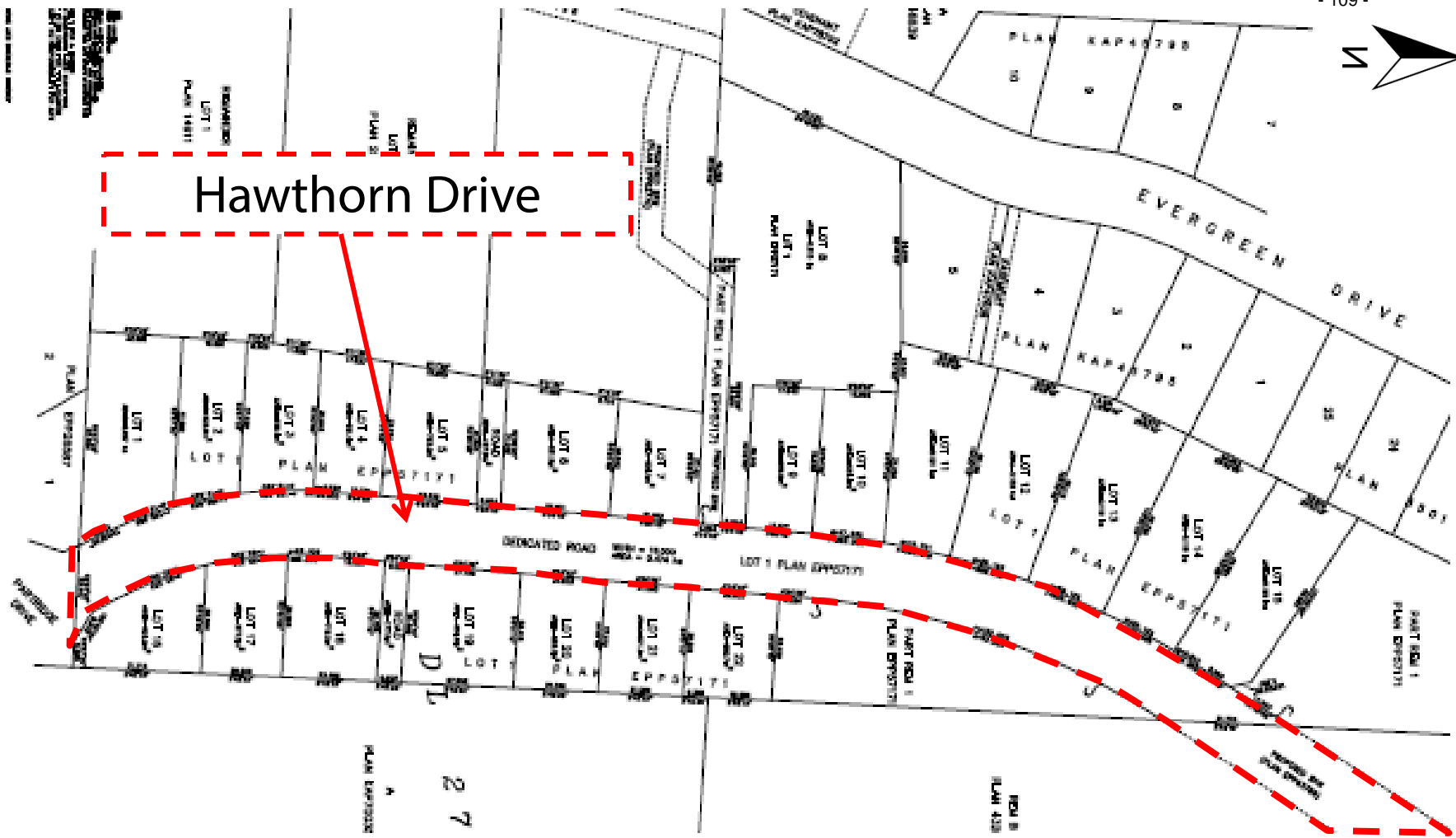
READ A FIRST time this	6	day of	December, 2016
READ A SECOND time this	6	day of	December, 2016
READ A THIRD time this	6	day of	December, 2016
ADOPTED this		day of	, 2016

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer



Hawthorn Drive

City of Penticton – Schedule 'A'

Street Naming Bylaw No. 2016-66

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

**Bylaw No. 2016-67**

*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. 2016-67".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by adding the following to Appendix 5 – Business Licence Fees:

Marijuana Dispensary (including non-profit Marijuana Dispensary)	\$5,000.00
--	------------

READ A FIRST time this            6 day of            December, 2016  
 READ A SECOND time this        6 day of            December, 2016  
 READ A THIRD time this         6 day of            December, 2016  
 ADOPTED this                        day of                , 2016

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

**Bylaw No. 2016-70**

*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. 2016-70".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by adding the following to Appendix 11 – Garbage Rates:

25 Tag a Bag Coupons	\$62.50
----------------------	---------

READ A FIRST time this	6 day of	December, 2016
READ A SECOND time this	6 day of	December, 2016
READ A THIRD time this	6 day of	December, 2016
ADOPTED this	day of	, 2016

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

Bylaw No. 2016-69

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. 2016-69".

2. Amendment:

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

Add Section 10.1.3.6: "In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling."

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

READ A FIRST time this	6	day of	December, 2016
A PUBLIC HEARING was held this	20	day of	December, 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 9 day of December, 2016 and the 14 day of December, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

Site Specific Zoning Amendment to permit a carriage house with vehicular access from a street in conjunction with a secondary suite in the principal dwelling.



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-69

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 424 & 436 Braid Street  
**Subject:** **Development Variance Permit PL2016-7779**

File No: DVP PL2016-7779

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2016-7779" for Lot 3, Block 12, District Lot 202, SDYD, Plan 744, located at 424 Braid Street, and Lot 4, Block 12, District Lot 202, SDYD, Plan 744, located at 436 Braid Street, a permit to decrease the minimum required front yard from 4.5m to 3.5m;

AND THAT staff be directed to issue "Development Variance Permit PL2016-7779."

## Strategic priority objective

N/A

## Background

424 and 436 Braid Street are located side by side on Braid Street and features a single detached dwelling, which straddles both lots (Attachment 'A'). The properties are both designated by the Official Community Plan (OCP) as HR (High Density Residential) and are currently zoned RD2 (Duplex Housing: Lane). Both lots are 278.7m<sup>2</sup> (3,000 ft<sup>2</sup>) in area and are located in a neighbourhood featuring a mix of older single family house and new and older duplex buildings. Photos of the site are included as Attachment 'D'.

The applicant intends to construct two similar duplex buildings on each lot. The proposed duplexes are two storeys with a living area on the main floor and 3 bedrooms on the second storey of each unit.

The proposed construction will result in a 3.5m front yard. The Zoning Bylaw requires a minimum 4.5m front yard. As such, a variance to that section of the bylaw is required.

## Proposal

The applicant is requesting a development variance permit to vary the following section of Zoning Bylaw No. 2011-23:

- Section 10.6.2.6: To decrease the minimum front yard from 4.5m to 3.5m.

**Technical Review**

This application was reviewed by the City’s Technical Planning Committee. Concerns pertaining to tree protection in the City boulevard, lane improvements, electrical upgrades and servicing requirements were raised, but will be addressed at the building permit stage. If the request for the variance is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

**Financial implication**

This project will significantly increase the taxable value of the property, creating two duplex buildings, each with an estimated construction value of over \$300,000 each.

**Analysis**

Support Variance

The proposed development will be 3.5m from the front property line. Adequate space in the front yard will remain for a sidewalk and entrance into the residence. Reducing the front yard maximizes floor area and enhances the appeal of the rear facing unit by providing more of a buffer between it and the on-site parking facilities located at the rear. The development also provides much needed re-development and densification of the lot.

This variance is consistent to other variances approved on this block of Braid Street.

Given the above, staff feel that the variance requested is reasonable and recommend that Council support the application.

Deny/Refer

Council may consider that the variance is not justified and will negatively affect the neighbourhood. If this is the case, Council should deny the variance.

**Alternate Recommendations**

1. THAT Council support “DVP PL2016-7779” with additional conditions that Council considers appropriate.
2. THAT “DVP PL2016-7779” 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: Site Plan
- Attachment F: Elevations
- Attachment G: Letter of Intent (424 Braid Street)
- Attachment H: Letter of Intent (436 Braid Street)
- Attachment I: “DVP PL2016-7779”

Respectfully submitted,

Randy Houle  
Planner I

Approvals

Planning Manager  <i>BL</i>	Interim CAO  <i>MM</i>
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Attachment A – Subject Property Location Map



Figure 1: Subject Properties



Figure 2: OCP Map

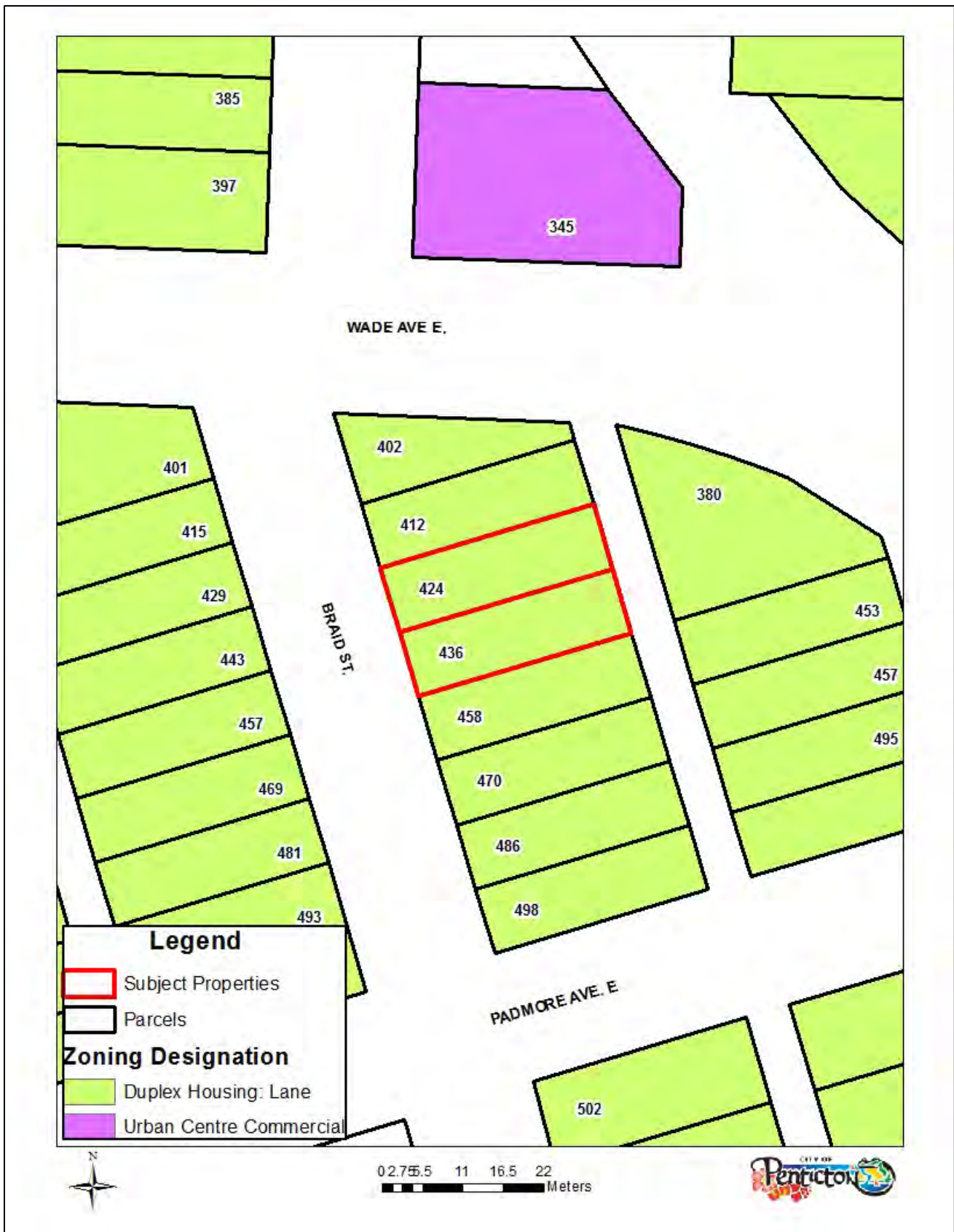


Figure 3: Zoning Map



Figure 4: Street View of Subject Property (Existing House to be demolished)



Figure 5: East Side of property (from lane)



Image of duplex buildings with 3.5m setbacks (directly across the street from the subject property)

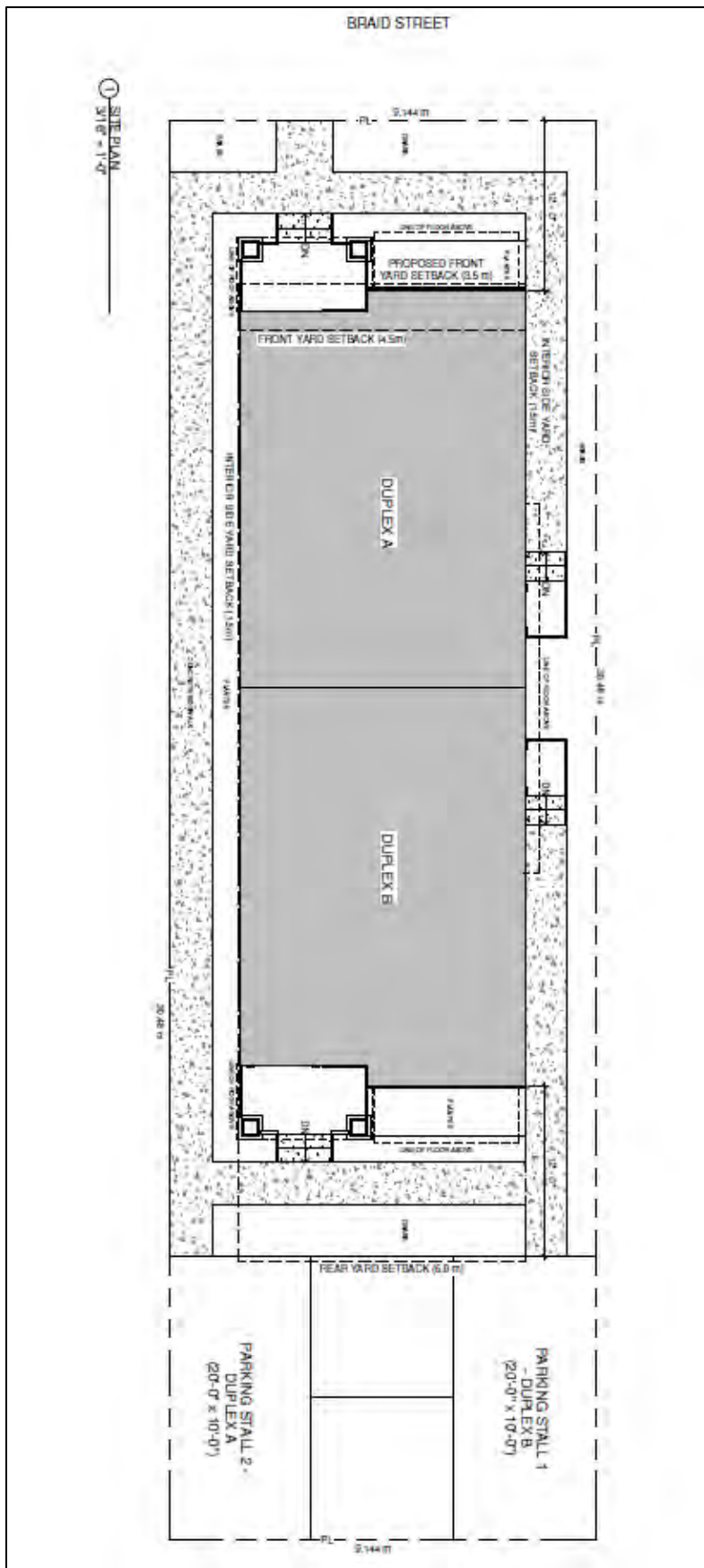


Figure 6: Site Plan



Figure 7: Elevations



October 29, 2016

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

Attention: Audrey Tanguay, Long Range Planner

Re: Development Proposal  
424 Braid Street, Penticton, BC  
Lot 3, DL 202, Plan 774, BLK 12 PID # 012-064-181

---

We are proposing to construct a front to back two storey duplex building on the above noted property. The property is currently zoned RDZ - Duplex Housing Lane and HR - High Density Residential in the Official Community Plan.


As part of this application we are requesting a relaxation in the front yard setback from 4.5m to 3.5m. This request is being asked for to enhance the appeal of the rear facing unit and give it a buffer zoning between it and the on-site parking facilities located at the rear.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Bruce Schoenne', is written over a horizontal line.

Bruce Schoenne  
President  
Schoenne Homes Inc.

Figure 8: Letter of Intent

**SCHOENNEHOMES**  
101-144 Front Street, Penticton, BC, V2A 1H1  
Tel: 250-490-6770  
www.schoennehomes.com

October 29, 2016

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

Attention: Audrey Tanguay, Long Range Planner


Re: Development Proposal  
436 Braid Street, Penticton, BC  
Lot 4, DL 202, Plan 774, BLK 12 PID # 012-064-190

---

We are proposing to construct a front to back two storey duplex building on the above noted property. The property is currently zoned RD2 - Duplex Housing Lane and HR - High Density Residential in the Official Community Plan.

As part of this application we are requesting a relaxation in the front yard setback from 4.5m to 3.5m. This request is being asked for to enhance the appeal of the rear facing unit and give it a buffer zoning between it and the on-site parking facilities located at the rear.

Respectfully submitted



Bruce Schoenne  
President  
Schoenne Homes Inc.

Figure 9: Letter of Intent



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

## Development Variance Permit

**Permit Number: PL2016-7779**

Name:

Address:

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
  - Legal: Lot 3, Block 12, District Lot 202, SDYD, Plan 744
  - Civic: 424 Braid Street
  - PID: 012-064-181
  
  - Legal: Lot 4, Block 12, District Lot 202, SDYD, Plan 744
  - Civic: 436 Braid Street
  - PID: 012-064-190
3. 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 allow for the construction of two front to back duplexes, as shown in the plans attached in Schedule "A":
  - Section 10.6.2.6: To decrease the front yard minimum from 4.5m to 3.5m.

### 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 \_\_\_\_ day of \_\_\_\_\_, 2016

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

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

# Council Report

A decorative horizontal bar consisting of a series of vertical stripes in various colors: blue, orange, red, and dark blue. 

penticton.ca

**Date:** December 20, 2016 File No: DVP PL2016-7793  
**To:** Mitch Moroziuk, Acting CAO  
**From:** Blake Laven, Planning Manager and Michael Hodges, Development Engineer  
**Subject:** **Development Variance Permit PL2016-7793 (530 Okanagan Avenue E)**

---

## Staff Recommendation

THAT Council deny the request to waive the requirement to provide 225 l/s fire flow and to waive the requirement to upgrade the water line in Okanagan Avenue and Barnes street along the frontage of the subject property.

## Strategic Priority

To ensure City infrastructure is constructed to meet safety and operational standards as set out in the City Bylaws and good engineering practice.

## Background

The subject property (Attachment 'A') is a large, industrially zoned property located in the Penticton Industrial Park. The property currently features two businesses, International Bar Coding Systems (IBC) and an RV repair and storage business.

In November of 2016, the owners of the property were issued a Preliminary Layout Approval (PLA) letter from the City's Approving Officer to subdivide the property into two lots (Attachment 'B'). Proposed lot 1 features two existing buildings and is approximately 3100m<sup>2</sup> (0.8 acres) in area. Proposed Remainder Lot B is 3500m<sup>2</sup> (0.9 acres) and features one building. Both proposed lots meet the minimum lot size in the Industrial zone as per Zoning Bylaw 2011-23.

One of the conditions of the PLA letter requires the subdivider to upgrade the City's water main to achieve the required fire flow identified in the City's Subdivision and Development Bylaw. The required fire flow in the industrial park is 225 l/s. Currently, the maximum fire flow in the system is 155 l/s. To achieve the required fire flow extensive upgrades to the City's water main system is required including: The required upgrade involves replacing 175 meters of 150mm water main from Government Street to the intersection of the water main running down Barnes Street with a new 200mm main, and replacing 55 meters of 150mm water main from the water main running down Barnes Street to a new hydrant required near where the water main connects to the existing main in Industrial Avenue with a 300mm main.

In addition to the fire flow requirement, the Subdivision and Development Bylaw also requires the upgrade of the water main adjacent to the subject property from 150mm to 200mm.

The applicant is requesting that Council waive both of these requirements. In a letter submitted with the application the property owner feels that it is unreasonable to put this requirement on one property owner when it is a system wide deficiency. The letter states that no development is being proposed and that any new development will be constructed with the reduced available fire flow in mind or an upgrade to the line can be done at that time.

Staff note that requiring developers to fund the cost of upgrades to City infrastructure to meet the needs of the planned subdivision is common practice and many subdivisions comply with these types of requirements. While it is understood that this puts additional cost onto the developer, it is Staff's position that the City should not fund upgrades so that land can be subdivided and sold by developers.

Under Section 9.8 of the Subdivision and Development Bylaw a building permit for over \$150,000 in construction value may also trigger the fire flow upgrade, or (at the owners choice) the building can be designed to meet the existing available fire flow. This means that the future building proposed by the developer may not require the upgrade of the fire flow to the subdivision.

The City Engineer has some discretion to waive the requirement to provide upgrades, where existing infrastructure currently exists (as it does in this case) and where the Engineer feels that the infrastructure is adequate and in-line with good engineering practice. In this case, the engineer feels that the line should be upgraded to ensure proper fire protection and so as the tax payers are not responsible for the upgrade at a later date.

There is a known fire flow deficiency within the industrial zone that is identified within the Water Master Plan and there is a project to resolve the issue in this area. The upgrade of the water main from Government Street, along Okanagan Avenue and down Barnes Street is identified in the Masterplan but has not yet been scheduled into the Capital Works Plan. The current Capital Works Plan is under review based on the outcomes of the asset assessment testing currently underway. At this stage it is not possible to determine when the upgrades along Okanagan Avenue and down Barnes Street would be carried out as part of the Capital Works Plan. An additional 55 meters of water main upgrade and the hydrant are not included in the Capital works project.

### **Financial implication**

If Council supports the variance request to waive the requirement to upgrade the water line, City tax payers *may* have to pay to upgrade the line when and if the line were to be upgraded.

The cost of the upgrade is estimated to be \$280,000 for the complete scope of works. While it is clear this is a large burden on the Developer, it is also a burden on the City to carry out these works.

## **Analysis**

### *Deny*

The minimum fire flow requirement in the industrial park is 225 l/s and the minimum pipe diameter for a water line in an industrial area is 200 mm. The line is currently 150 mm. Subdivision and Development Bylaw 2007-21 provides the opportunity for the City to require a developer to upgrade City infrastructure at the time of subdivision or when a building permit with a value over \$150,000 in building permit value is issued. Even though the upgrade is quite costly, in this case the City's Development Engineer feels that the upgrade is warranted.

Waiving the requirement at this time may make a future owner responsible for the cost of the upgrade when a building permit is taken out. In similar situations, where requirements have been waived, the question is normally asked "Why are you making me pay this cost, but it was acceptable for the last owner to not pay this cost". Alternatively, City tax payers may be responsible for this upgrade cost.

### *Support*

If Council feels that the request to provide the required fire flow from 155 l/s to 225 l/s and to upgrade the water line to 200mm from 150mm is unreasonable, Council could issue a variance waiving the requirement. Council should be aware however that supporting the variance will require a future owner or tax payers to ultimately provide the upgrades.

It is possible for Council to waive the section of works from Government Street to Barnes Street, but require the Developer to upgrade from Barnes St along the lot frontage for 55 meters. This would reduce the cost to the developer to an estimated \$62,000. When in the future the City implemented the upgrades identified in the Masterplan the entire system would comply with the requirements. This would allow the bulk of the costs to be waived for the Developer, while ensuring that at some point in the future the Development will comply with the fire flows required by our Bylaw.

## **Alternate recommendations**

1. That Council approve "DVP PL2016-7793", a permit that waives the requirement to upgrade the City's water main system to achieve 225 l/s at 530 Okanagan Avenue E and to waive the requirement to upgrade the water mains fronting 530 Okanagan Avenue East from 150mm water mains to 200 mm water mains, subject to the developer upgrading 55m of pipe from Barnes Street along Okanagan Avenue and installing a new hydrant such that when Public Works completes the proposed upgrades the subdivision will meet the fire flow requirements.

AND THAT Council direct staff to include the works in the 2017 Capital Budget.

2. THAT Council approve "DVP PL2016-7793", a permit that waives the requirement to upgrade the City's water main system to achieve 225 l/s at 530 Okanagan Avenue E and to waive the requirement to upgrade the water mains fronting 530 Okanagan Avenue East from 150mm water mains to 200 mm water mains.

3. That Council refer DVP PL2016-7793 back to Staff with any instructions that Council feel are warranted.

**Attachments**

- Attachment A –Subject property location map
- Attachment B – Images of subject property
- Attachment C – Proposed subdivision plan
- Attachment D – Letter of rationale from applicant
- Attachment E – Water main diagram
- Attachment F – Draft DVP for issuance

Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manger

Michael Hodges,  
Development Engineer

Approvals

Interim CAO



Attachment A  
Subject Property Location Map



Attachment B  
Images of Subject Property

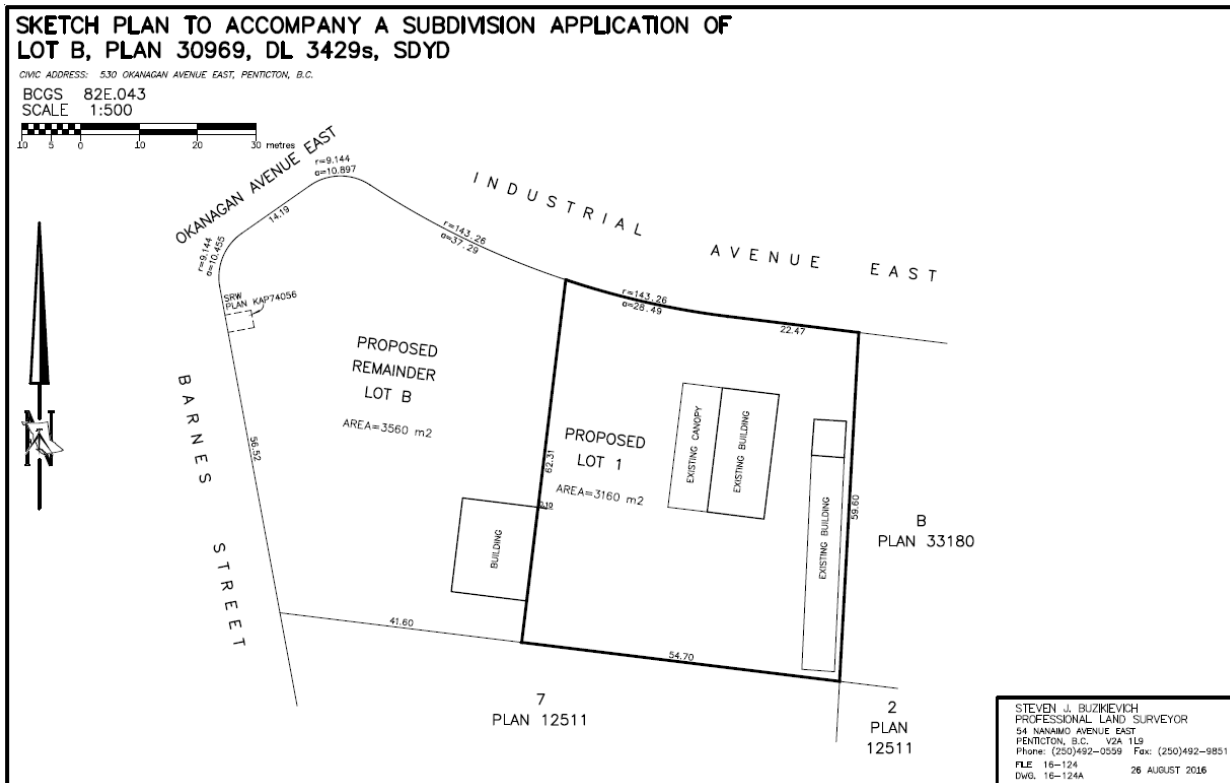


Figure 1: Image of Subject Property from the corner of Okanagan Avenue and Barnes Street



Figure 2: Image from Barnes Street looking north east

### Attachment C Sketch Subdivision Plan



Attachment D  
Letter of Intent from Applicant



**International Bar Coding Systems & Consulting Inc.**   
Head Office: 1940 Barnes Street, Penticton, BC V2A 4C3 Office: 441 - 11th Avenue, Oroville, WA 98844  
Ph: 250.493.3201 Fx: 250.493.3257 Web: www.iboworld.net Email: sales@iboworld.net Ph: 800.661.5570 Fx: 601.760.2519

**Letter of Intent to Seek Variance**

We are seeking a variance to waive the requirement to remove 575 feet of existing 6" City owned watermain from Government Street up to 530 Okanagan Ave East and replace it with 8" watermain.

This phase of the development needs a line drawn on the map to reduce the existing lot size by approximately 2/3. There is NO construction, or additional services planned for this existing development.

The property is currently being safely serviced with an existing 6" water main, as I believe are all the businesses along Industrial and Okanagan Ave's.

The unreasonable length (575 feet) to connect the proposed 8" waterman is far beyond the scope of this small project (selling off 1/3 of the property) for which this variance is sought. If all of the businesses benefiting from the increased waterflow along the route were contributing to the cost equally I could understand the rational.

Is it reasonable to say that if we are reducing the lot size and buildings on the lot by 2/3's and subsequent need of water by 2/3's, that we now be asked to remove all of the 6" and then upgrade to an 8" watermain?

The fact is The City has no 8" watermain nearby to connect to and to expect this small business owner to fund the cities desire for a 575foot 8" watermain along the main industrial arterial route of the city is not reasonable. Once the upgrades are done for all of the industrial areas benefit it would be reasonable to ask owners to connect to the new 8" main to enhance safety and fire protection capabilities.

It is not reasonable to accept or indicate a of lack of safety because of no 8" watermain. This property has been served perfectly since the 1960's till right up to 2016 even though a change was made in 2004 with the same 6" watermain that was engineered for safety when it was built. I believe all of the existing businesses along Okanagan Ave are also served by that same specification of 6" watermain and if they are not safe our insurance companies would have mandated more insurance or a change in watermains or fire protection services.

IF my existing business is not safe, my insurance broker would have advised and sold me more insurance. As this hasn't happened since this bylaw was introduced in 2004 through bylaw 2004-81. Is my current fire protection provided by the City inadequate?

It is interesting to note that the City water main work that was done along Okanagan Ave less than 3 years ago did NOT upgrade to the 8" watermain. IF it was a safety issue then it probably is today but since the City determined we were ok with the 6" main, I'm asking council to grant this Variance.

We are planning in the future to expand our business which will require a new larger 8,000 – 10,000 square foot facility on Barnes St that will add jobs and require additional fire protection services. At that time, we expect to share in the infrastructure & development costs to bring this building to Penticton but are not expecting to pay for an existing building that is only getting a line drawn on the map. This line once drawn will of course raise the industrial tax base in Penticton.

Thank you for your consideration in granting this reasonable request.

Chris Pedersen, President

Attachment E  
Water main diagram



Attachment F  
Draft DVP



City of Penticton  
110 Main St., Penticton, B.C. V2A 3A6  
www.penticton.ca

**Development Variance Permit**

**Permit Number:**

IBC International Bar Coding Systems and Consulting Inc., 0461352  
101 – 100 Nanaimo Avenue  
Penticton BC, V2A 1M4

**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 B, district Lot 34295, Similkameen Division Yale District, Plan 30969  
Civic: 530 Okanagan Avenue E (1940 Barnes Street)  
PID: 003-821-978
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 6.3 of Subdivision and Development Bylaw 2004-81, waiving the requirement to upgrade the City's water system to meet the required fire flow requirement and the requirement to upgrade the water line along the frontage of the property from a 150mm water main to a 200mm water main, to accommodate a two lot subdivision.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2016

Development Variance Permit PL

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

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Interim CAO  
**From:** Blake Laven, Planning Manager  
**Address:** 1875 Chatham Street

File No: PL2016-7741

**Subject:** Temporary Use Permit PL2016-7741  
for a Sign Business in Residential Zone

## Staff Recommendation

THAT Council approve "Temporary Use Permit PL2016-7741", a permit to allow the industrial use: 'sign manufacturing' at Lot 4, District Lot 115, Similkameen Division Yale District, Plan KAP74502, located at 1875 Chatham Street, for a one year period starting on January 1, 2017, subject to the sign business being conducted within the single detached dwelling and the west 10m of the property and with a maximum of two deliveries per week;

AND THAT staff are directed to issue Temporary Use Permit PL2016-7741.

## Strategic priority objective

N/A

## Background

1875 Chatham Street is located in a low density single family neighbourhood that backs onto a service commercial / industrial area (Industrial Place). The property is designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). The lot features a one storey single detached dwelling with an attached garage.

Bylaw Services received a complaint about the use of the property for commercial/ industrial activities, which are not permitted by the zoning bylaw. The complaints related the following issues: large vehicles using residential streets to deliver to and pick up from the property; storage of industrial materials, including large signs, industrial vehicles on the property and the general appearance of the property as a works yard. .

Through an investigation the following facts were determined:

- MacVicar Signs has been operating on the property since 2013.

- MacVicar Signs advertises itself as a business that maintains and installs electrical signs.
- The business has been operating under a 'no location' business licence.
- A no location business licence is intended for businesses that are located outside of the community.
- Large vehicles were indeed coming and going from the property.
- Storage of large electrical signs, under various stages of repair were seen.
- It was determined that MacVicar Signs was operating beyond what the zoning on the property permitted.

The above information was communicated to the owners of the business and property, who were notified that they were in violation of the zoning bylaw and would either have to cease operation or face penalties including fines.

Rather than cease operations, the owners made an application to the Planning Department to rezone a portion of the property to allow for the industrial use. The rationale for this was the western 10m or so of the property could be fenced off and was already adjacent to an industrial area. The Planning Department reviewed the file but advised the applicants that the application would not be supported by the Planning Department, as the traffic through the residential area was concerning and the use was not appropriate for a property with a 'low density OCP designation.

The Planning Department did say they would support a Temporary Use Permit, which, if supported by Council, would allow for the business to operate for a year, which would give the owners that amount of time to transition to a properly zoned location.

The applicants have agreed to this arrangement and amended their application as such.

### **Financial implication**

N/A

### **Analysis**

Temporary use permits allow for uses that are not permitted in a zone, to occur for a specified period of time. The City's Official Community Plan speaks to how staff and Council should evaluate whether issuance of a TUP is in the public interest. The OCP gives the following guidelines:

- The use is not noxious or undesirable;
- The use does not have a negative impact on adjacent lands;
- The use does not create a significant increase in demand for City services;
- Any development complies with the Development Permit Area guidelines for the area;
- The use operates at hours that do not disturb the surrounding neighbourhood;
- Development in support of the non-conforming use will not permanently alter the site; and
- The use otherwise complies with council conditions and other provincial and federal enactments

In this case, the use is currently causing a nuisance to the neighbourhood with the unsightliness of the property and the amount of truck deliveries coming and going. Staff consider though that through some small interventions (screening and restrictions in the amount of deliveries) that this nuisance can be mitigated in the short amount of time the business will be operating at the location.

The business owner has, since Bylaw services been involved, constructed a fence around the compound area where the sign business is operating. The owner has also committed to having no more than two deliveries a week.

While this still represents more commercial activity than the neighbouring residential neighbourhood should expect, the purpose of this permit is to limit this activity to allow for the business to transition to a permanent location in an area that allows for the sign business to operate.

Given the above staff consider that the intent of the OCP guidelines are being met. As such staff are recommending that Council support the permit with the conditions that the businesses only be conducted within the single detached dwelling and within the fenced compound on the property, which is the roughly 10 westerly meters of the property and that the business be limited to a maximum of two deliveries per week. .

**Alternate recommendations**

THAT Council deny the application for TUP2016-7741.

THAT Council approve the TUP 2016-7741 with additional conditions that Council feels are appropriate.

THAT Council approve the TUP2016-7741 with a time limit of less than a year.

**Attachments**

- Attachment A – Subject Property Location Map
- Attachment B – OCP and Zoning Maps of Subject Property
- Attachment C – Images of Subject Property
- Attachment D – Letter from Applicant
- Attachment E – Draft Permit

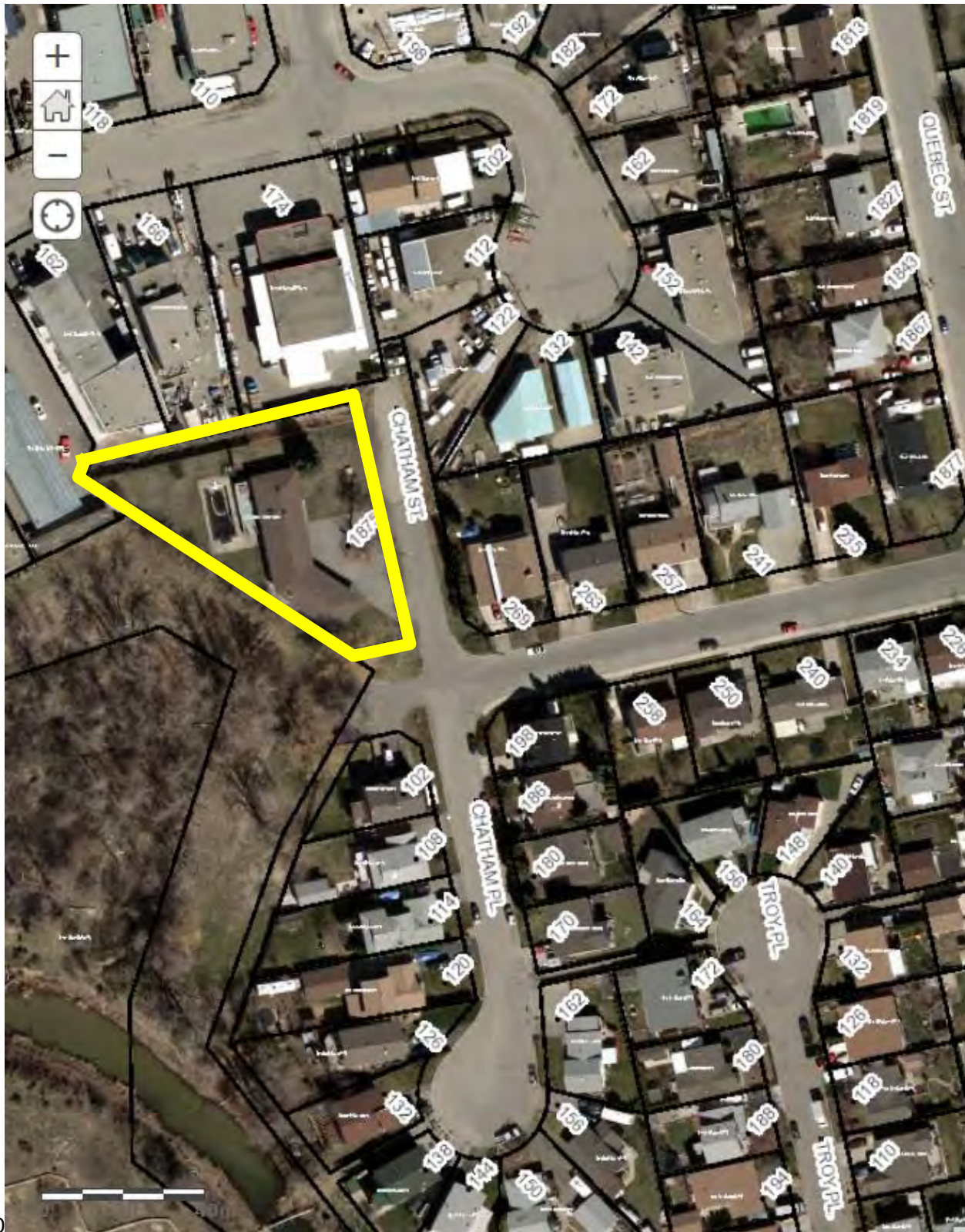
Approval

<p>Interim CAO</p> 
--

Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Attachment A  
Subject Property Location Map



Attachment B  
OCP Future Land Use and Zoning Maps for 1875 Chatham Street



Figure 1: OCP Future Land Use Map for 1875 Chatham Street – LR (Low Density Residential)



Figure 2: Zoning Map for 1875 Chatham Street - R2 (Small Lot Residential)

Attachment C  
Images of Subject Property



**Figure 3: Image of large truck bed parked in front of subject property with a lift truck also visible**



**Figure 4: Image of subject property with a large electric sign being stored on a truck trailer**



**Figure 5: Image of storage area showing work materials, with barbed wire fencing (not permitted in residential zone)**



**Figure 6: Image of commercial work vehicle parking in front of subject property**

Attachment D  
Letter from Applicant

Sept 8 /2016

Re: 1875 Chatham St Penticton

Intent of use for proposed rezoning of sectioned off property

Dear Sirs

The nature of the business is providing maintenance and installation of electrical signs.  
I would be parking service vehicles in a gated and cross fenced area.  
2 deliveries a week to yard  
80% of the mobile installations are out of the Penticton area .

Regards, Scott Macvicar



Attachment E  
Draft Permit



City of Penikese  
210 Main St., Penikese, B.C. V7A3-8  
www.penikese.ca | info@penikese.ca

### Temporary Use Permit

**Permit Number: TUP PL2016-7741**

Owner Name  
Owner Address

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
Legal: Lot 4, District Lot 115, Similkameen Division Yale District, Plan KAP74502  
Civic: 1875 Chatham Street  
PID: 025-813-277
3. This permit has been issued in accordance with Section 493 of the *Local Government Act* to allow for the temporary use of the above noted lands for the industrial use: sign manufacturing.
4. The use of the property for a sign manufacturing business shall only take place within the single detached dwelling or within a fenced compound on the approximately 10 westerly meters of the property.
5. Deliveries for the sign business are only permitted at a maximum frequency of twice per week.

#### General Conditions

6. 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.
7. In accordance with Section 497 of the *Local Government Act*, This permit shall expire on **December 31, 2017**.
8. 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.
9. 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.
10. 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 20th day of December, 2016

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

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

---

**From:** Rene Spence  
**Sent:** December-15-16 11:37 AM  
**To:** Public Hearings  
**Cc:** Darryl Haddrell; Heather McDonald  
**Subject:** att: Corporate Officer re Temporary Use Permit PL2016-7741  
**Attachments:** IMG\_20160418\_123629410\_HDR.jpg; IMG\_20160713\_113922202\_HDR.jpg

Att: Corporate Officer

**Regarding Temporary Use Permit PL2016-7741**

We live and have owned our house at 102 Chatham Place for the last 22 years and wish to state our **opposition** to the Temporary Use Permit PL2016-7741 at the residence across from us at 1875 Chatham Street.

Our fear is that, if a Temporary Use Permit is granted, it will turn into a full Re-zoning application later. In our view, this temporary permit is only a prelude to an application for Re-zoning. Not to "buy time" to relocate the Industrial Sign Business to an Industrial area where it belongs.

We believe the Owner bought this property with full intentions of relocating his business to it (which he did from the industrial area), to Re-zone it, or run the business illegally without a permit as he has for the last few years. If a Temporary permit is given, with the conditions laid out, it will result in an old adage " Give an inch , Take a Mile" and escalate the traffic and congestion in this residentially zoned neighborhood(We have had Semi-Truck Trailers having to back into our driveway to turn around .see attached pictures taken from our living room window).

The condition of 2 Delivery's a week does not include Day to Day operations and the deliveries the business is conducting to it's customers from the Residence every day. While his crew is working , or assembling at the residence to begin the day , they leave in one of the many Industrial sign trucks with a new sign to deliver to their customer( these are very large signs like car dealerships have) . Many times the job may not be finished, so the big truck returns with the sign still on the trailer, or the Bucket Truck, and or, the old sign that was replaced. Does this count as a delivery?.

There is no question that this is an Industrial Business, that has very large equipment traveling through, and on the residential streets on a daily routine.

This industrial type business needs to be in an industrial area only. Allowing this residence to continue running it's Industrial business from a residence will set precedence to other residents and residential areas in Penticton

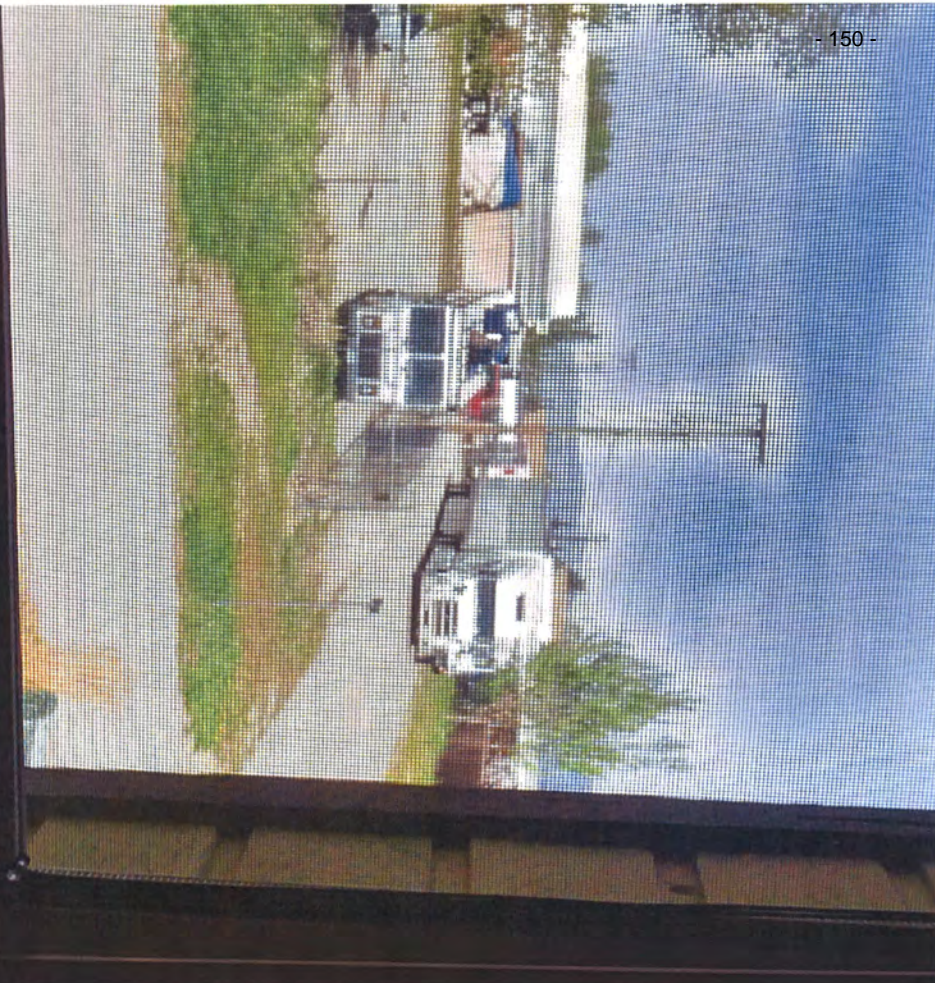
We know that if this Temporary Permit happens it will cause a negative impact on our -once- nice little quiet property, as well as others on Chatham Place and Okanagan Ave West.

These are the reasons why we are strongly opposed to the Temporary Use Permit or any Future Re-zoning.

Thank you for your attention to this matter. If you have any questions please feel free to call at home

Kindest regards,

Sharon and René Spence  
102 Chatham Place  
Penticton B.C.  
V2A 7L6





# Council Report

penticton.ca

**Date:** December 20, 2016 File Nos: DP PL2016-7652  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 175 Kinney Avenue  
**Subject:** **Housing Agreement Bylaw 2016-68, Zoning Amendment Bylaw 2016-62 and Development Permit PL2016-7652**

---

## Staff Recommendation

### *Zoning Amendment*

THAT Council adopt Housing Agreement Bylaw 2016-68;

AND THAT Council adopt Zoning Amendment Bylaw 2016-62.

### *Development Permit*

THAT Council approve "Development Permit PL2016-7652" on Lot 1, District Lots 115 and 116, Similkameen Division Yale District, Plan 25981, located at 175 Kinney Avenue, a permit to develop two six (6) storey apartment buildings;

AND THAT Council direct staff to issue "DP PL2016-7652".

### *Development Variance Permit*

AND THAT Council direct staff to issue "Development Variance Permit PL2016-7651"

## Strategic priority objective

The subject application meets the strategic pillars of creating a sustainable city and a livable city, through increasing residential density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

## Background

On November 2, 2016, Council gave third reading to "Zoning Amendment Bylaw 2016-62", a land use amendment bylaw that will rezone 175 Kinney Avenue from R1 (Large Lot Residential) to RM3 (Medium Density Residential). The land use amendment is in support of a proposed 119 unit residential apartment complex, containing two six storey buildings. The buildings are intended for rental occupancy. Adoption of Zoning Bylaw Amendment Bylaw 2016-62 was subject to a housing agreement in place to maintain the property as a rental building for a period of 10 years as well as a submission of a traffic impact assessment.

The following resolution represents the Council outcome at the November 2, 2016 meeting;

492/2016                      It was **MOVED** and **SECONDED**  
 THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2016-62";

AND THAT Council request the applicant enter into a housing agreement with the City, stating that the buildings will remain for rental for a minimum 10 year period from the time of occupancy, and submit a traffic impact assessment, prior to final adoption of the bylaw.

CARRIED  
 Mayor Jakubeit, Opposed

### Housing Agreement

The applicant was required to enter into a housing agreement, which will necessitate the buildings to remain for rental occupancy for a minimum of 10 years. As per Section 483 of the *Local Government Act*, a local government may enter into a housing agreement with respect to the form of tenure of a building. In order to enter into the housing agreement, a bylaw was necessary. Council gave first, second and third reading to the Bylaw No. 2016-68" on December 6<sup>th</sup>, 2016. Staff have a signed copy of the housing agreement and once the bylaw is adopted, the Mayor and Corporate Officer can execute the document on behalf of the City. Staff consider that this will satisfy this Council requirement.

### Traffic Impact Study

As requested by Council, the developer engaged CTQ Consultants to prepare a traffic review for the site. CTQ is a reputable engineering and planning firm that is familiar with the local context. This review looked at the impact that the proposed development would have on the existing traffic conditions on Kinney Avenue and surrounding streets. The consultant analysed the existing traffic data collected by the City from 2013 to 2015 to understand the current traffic conditions on the road. The review highlights that the existing road is below its design capacity with an average daily traffic count of 3,000 vehicles compared to the 8,000 vehicles that the road could accommodate. The study has been included in this report as Attachment "J". When CTQ considered at peak traffic conditions they took into consideration the AM and PM peak hour. The table below summarises their findings:

	Existing conditions		Additional traffic past school			Additional traffic in past Cherry Lane Towers		
	Vehicles per hour							
	highest recorded peak	Average peak	Count	% increase	Total	Count	% increase	Total
AM peak		287	12	4%	299	24	8%	311
PM Peak	354	262	15	6%	277	31	12%	293

Based on the information presented, the consultant suggested that the proposal will not generate a significant impact on the existing traffic conditions on Kinney Avenue and did not recommend any further investigation. The report was reviewed by the City's Development Engineer, who is satisfied with the conclusions and the methodology used.

*Proposed Development*

The applicant is requesting a Development Permit approval to develop two six (6) storey apartment buildings with underground and surface parking. A total of 119 units are proposed in the two buildings with a mix of 1, 2 and 3 bedroom residential units. The buildings are located on the west side of the site, 6m away from the school property. Approval of the development permit will 'lock-in' the building design and provide some assurance that what was being proposed will ultimately be what is built on the property. The building plans are relatively the same as presented to Council during the zoning amendment process, with a few changes to improve the street orientation of the building and more detail on the landscaping.

**Project Specifications**

The following table outlines the proposed development statistics as indicated on the submitted plans:

Item	Requirement RM3 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	50%	22%
<b>Minimum Lot Width</b>	25m	73.8m
<b>Minimum Lot Area</b>	1,400m <sup>2</sup>	9,308m <sup>2</sup>
<b>Maximum Density:</b>	1.6 FAR	1.28 FAR
<b>Vehicle Parking:</b>	1 space per unit (119) 0.25 visitor(30) <b>149</b>	119 spaces 26 visitors stalls 2 barrier free spaces <b>Total: 147 +10 additional bicycle parking spaces = 149</b>
<b>Bicycle Parking</b>	Resident 0.5 per unit ( <b>60stalls</b> ) Guest 0.1 per unit( <b>12stalls</b> )	60 22
<b>Required Setbacks Principal Building</b>		
Front yard	3.0m	3.0m
Rear yard	6.0m	6.0m
Interior Side yard	4.5m	4.5m
<b>Maximum Building Height:</b>	24m*	18.6m (6 storey)
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>• Property is the General Multiple Family Development Permit Area (DPA)</li> <li>• The parkade is below grade</li> </ul>	

**Development Engineering Review**

This application was reviewed by the City's Technical Planning Committee. Frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant. There were no 'out-of-the-ordinary' items noted.

## **Financial implication**

The project will be required to pay \$659,260 in development cost charges at the time of building permit issuance. DCCs are intended to go towards sewer, water, parks and other capital infrastructure to off-set the capital cost burden created by the additional residents to the community. This development will also significantly increase the assessed value of this property adding to the City's property tax revenue. Each building is estimated to represent close to 6 million dollars in construction value.

## **Analysis**

### *Adopt Housing Agreement Bylaw 2016-68*

Adoption of this Bylaw will ensure that the development remains a rental building for a minimum of ten years and satisfies a Council requirement. Staff recommend adoption of the bylaw.

### *Adopt Zoning Amendment Bylaw 2016-62*

Council supported the rezoning of the subject property with the condition that the development remain rental for a minimum of 10 years and that the developer do a transportation impact assessment. The current property owner has provided staff with a signed Housing Agreement, which will restrict the development to rental occupancy for a ten year period and have submitted a preliminary transportation assessment concluding that no further investigation is required.

As these conditions have been met, staff are recommending that Council adopt the bylaw.

### *Approve Development Permit DP PI2016-7652*

The subject property is in the General Multiple Development Permit Area. When evaluating an application in this DPA, staff review the proposed plans against the DPA guidelines contained in the Official Community Plan. Staff feel that the plans conform to the DPA guidelines and the zoning regulations of the RM3 zone.

The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. The development meets the following objectives of the OCP under the development permit guidelines:

- The proposed design is livable with sun exposure and design of the landscaping that incorporates open spaces with a variety of plantings to enhance the livable environment.
- The building design incorporates architectural detailing and a variety of building finishes that provide visual interest.
- The proposed building provides strong linkage with the rest of the neighborhood and is compatible with the surrounding land use.
- The buildings have been positioned in such a way as to protect existing views as best as possible.
- Landscaping is extensive and includes a number of trees, several shrubs and bushes that provide a decent view from the street level.
- Given the proximity to the ball field, additional fencing is proposed with a 8ft tall wooden fence that will run along the rear property line

Additionally, the development meets the following general objectives of the OCP:

- Provides for the integration of new medium density development adjacent to commercial use and other high density development in the area;
- Provide a wide-ranging of medium density residential housing;
- Encourage densification in areas where existing services can accommodate higher densities;
- Facilitating the development of affordable housing and rental accommodations in Penticton.

This application blends into the established neighbourhood and meets the objectives of the medium density residential development permit area. The overall design and finish of the buildings is of a high quality and will add positively to Penticton as a whole. The OCP encourages intensification of residential land use and density within the Urban Villages including the Cherry Lane location. Staff considers that the design is fitting and consistent with the latest high density development in the area. The plans, submitted in support of the rezoning application to RM3, demonstrate that the development meets the intent of the OCP. Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff are recommending that Council approve the development permit.

*Deny or refer*

Council may consider that the proposed development does not meet the guidelines of the Medium Density Residential Development Permit Area and the intent of the Official Community Plan. If this is the case, Council can deny the amendments, development variance permit and the development permit. Alternatively, Council may want to refer the application back to staff for further work with the applicant.



**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Development Permit Map
- Attachment E: Letter of Rationale
- Attachment F: Building Rendering
- Attachment G: Site Plan
- Attachment H: Development Permit
- Attachment I: Traffic Impact Study

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

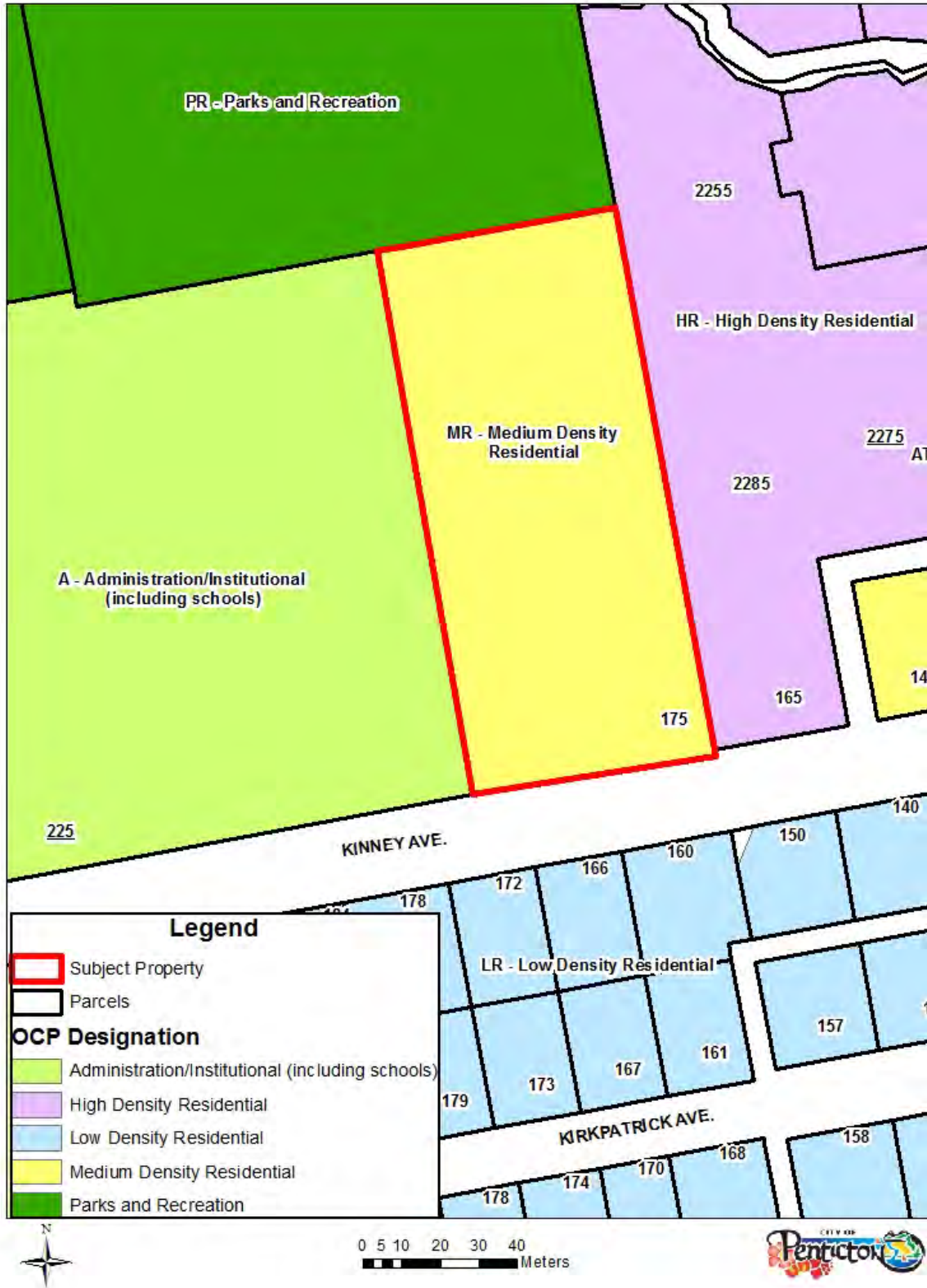
Acting Director  	Interim CAO  
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Attachment A - Subject Property

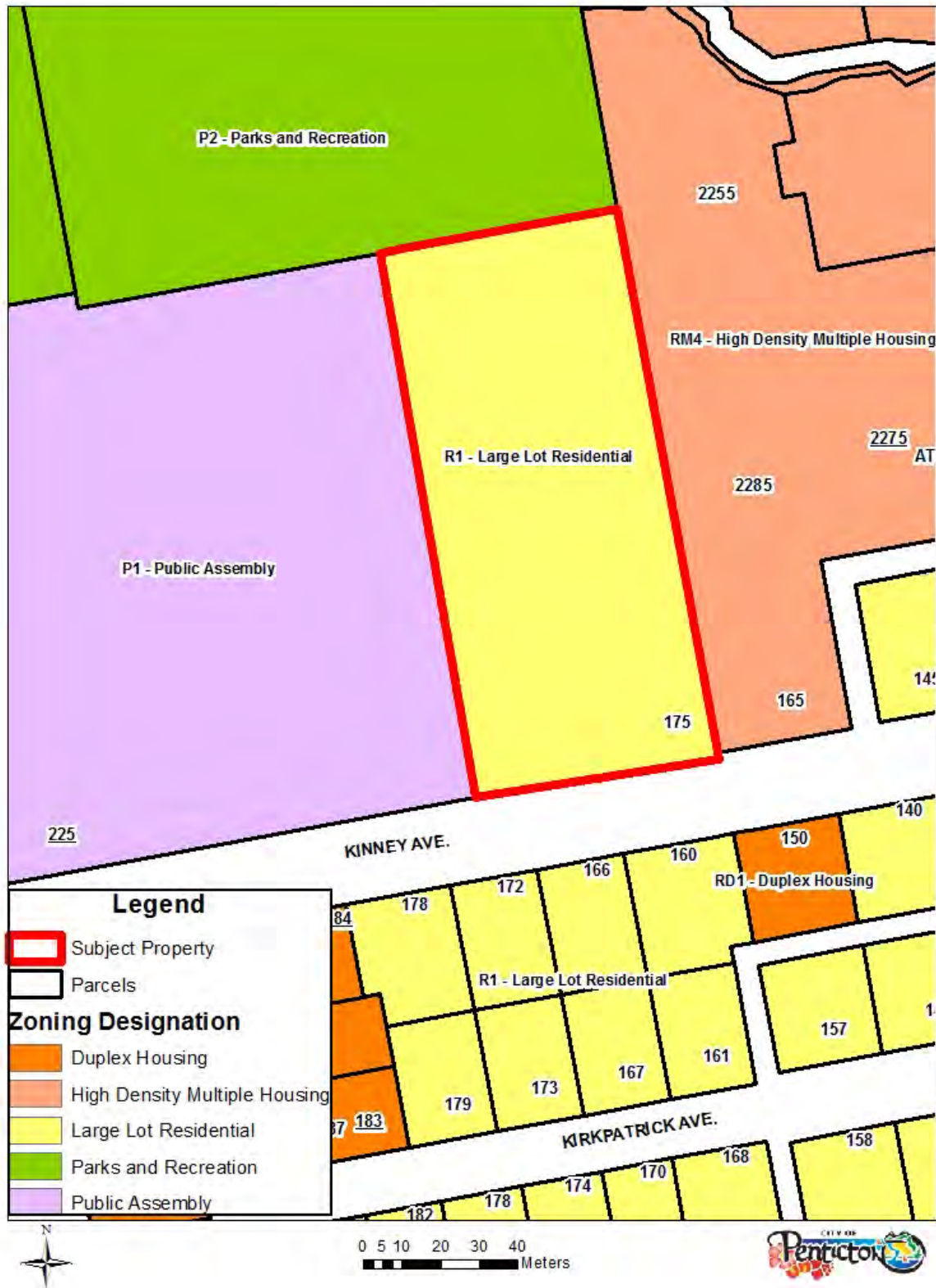


Figure 1: Location Map

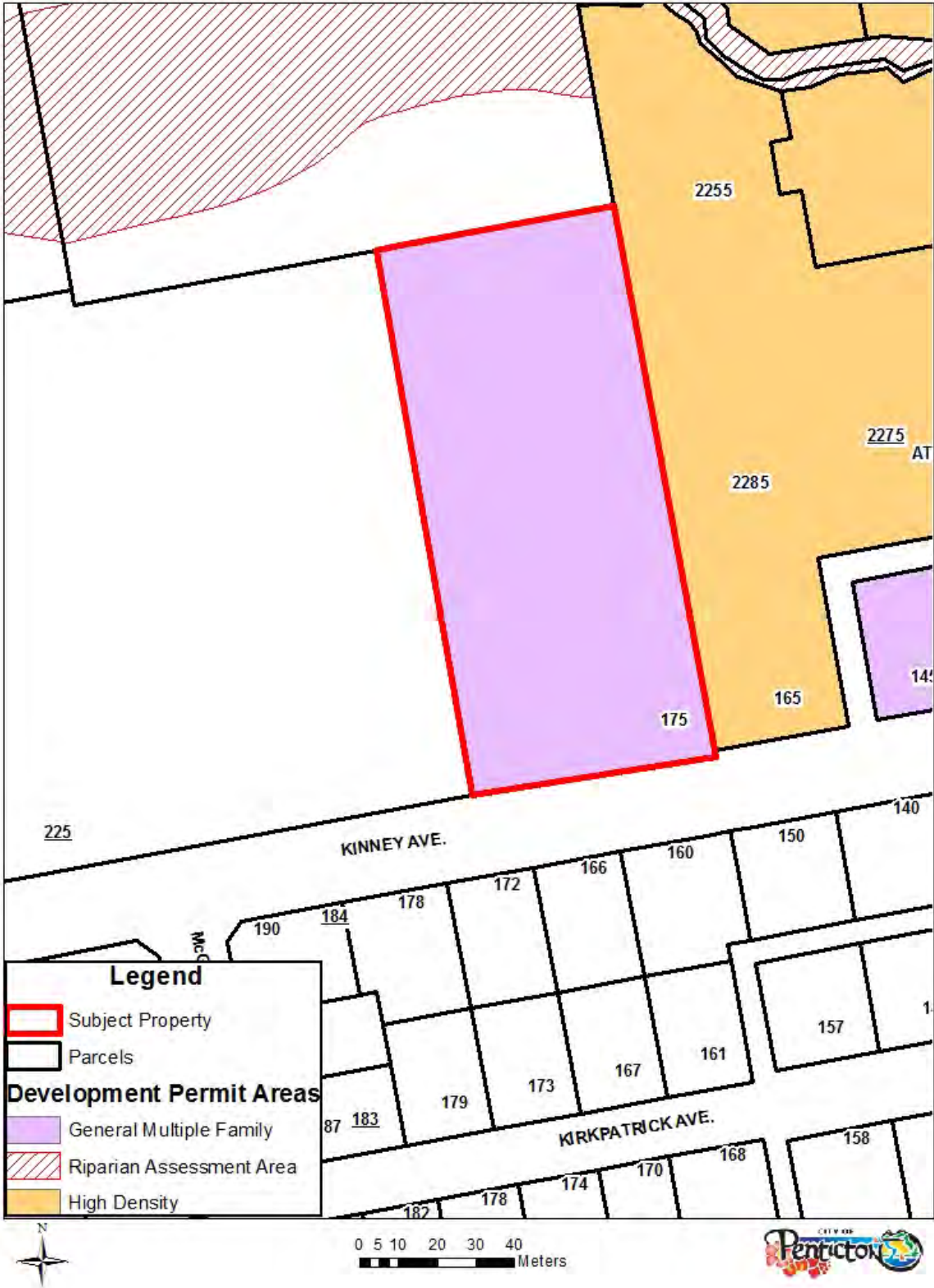
Attachment B - OCP Map



### Attachment C - Zoning Map



Attachment D - Development Permit Map



## Attachment E–Letter of Rationale



### **Valley View Apartments, 175 Kinney Avenue Multifamily Rental Development Proposal**

**Date: August 2, 2016**

#### **Design Rationale**

Broadstreet Properties is pleased to submit to the City of Penticton our Development Permit, application for what will become our second rental housing community in Penticton – The Valley View Apartments.

The site for Valley View is located at 175 Kinney Ave. approximately 300m west of the Cherry Lane shopping center at the intersection of Kinney Ave, Skaha Lake Road and Main St. The 2.25 acre site sits between the 8 story Cherry Lane Towers to the east and Parkway Elementary school to the west. Currently, the site is zoned R1 (Large Lot Residential), with an OCP designation of MR (Medium Density Residential). The zoning and OCP designation supports the development of apartment buildings with a maximum density of 125 dwelling units per hectare at a maximum height of 6 story's.

The surrounding area known as Cherry Lane Village area has seen a significant amount of development and today is one of the most walkable and transit accessible locations in Penticton. The site has convenient walking, cycling and vehicle access to daily necessities like groceries, shopping, schools, parks and employment areas. The subject site at 175 Kinney Ave. is one of the few remaining sites to be redeveloped in the Cherry Lane Village and its build-out as a multifamily rental project will be consistent with the city's allocation of servicing capacity, the intent of the OCP and the existing form and character of the neighbourhood.

At Valley View, life's daily necessities will literally be on your doorstep. The close proximity of the site to the Parkway Elementary School, Save-On-Foods, London Drugs, and other essential services located in the Cherry Lane Mall, make the location ideal for a rental community. The mixture of land uses and transportation options in the neighbourhood supports the development of a pedestrian oriented site and presents an opportunity for Broadstreet Properties to capitalize on the latest planning doctrine by building at higher densities and with less focus on vehicle parking. Rather than focusing on developing an automobile oriented site, we are taking a sustainable approach to this project; limiting vehicle traffic while promoting local amenity connection and pedestrian friendly design.

The large rectangular site is bound by the Lion's Community Park to the north, Parkway Elementary to the west and Cherry Lane Towers to the east. Our proposed development sits in the middle of these existing uses, complementing them and providing a natural step down in the density from the 8 story Cheery Lane Towers to the adjacent school and single family homes. Primary vehicle access and egress to the site is via Kinney Ave. which has the capacity to support our proposed density and already contains traffic calming measures designed to enhance pedestrian safety around the school. Pedestrian connections are also proposed to Kinney Avenue and the Lion's Community Park to the north, ensuring that residents are not fully reliant on vehicles.

100 St. Ann's Road, Campbell River, BC V9W 4C4  
T: 250.286.8045 | F: 250.286.8046 | W: www.broadstreet.ca | W: www.seymourpacific.ca



The overall massing and siting of the two buildings represents the implementation of sound planning principles and a fundamental understanding of orderliness and safety. The buildings have been located as far away as possible from the adjacent Cherry Lane Towers, preserving natural daylight and maximizing privacy for the new and existing residents. The resultant configuration boasts large, pleasantly landscaped amenity areas in front of each building and along the eastern property line. Upon landscape maturation, the planting selection will provide a beautiful landscape screen between the two projects. On the east side, a utility right-of-way has limited our ability to provide planting, but this had the unexpected benefit of ensuring high visibility between the school and our site, which responds to CPTED principles and brings a measure of safety by limiting areas for people to hide.

The well thought out landscape plan by created by local design firm Outland Design, creates an attractive, shaded amenity area in front of each building, with a sunnier lawn on the west side. The landscape treatments have been designed to highlight our building accesses, as well as the pedestrian and vehicle access to the site. Planting locations and species selection have been carefully chosen with the intent of providing year-round visual interest as well as shade and visual screening where appropriate and possible.

The two buildings on the site will each be 6 story's tall, with a total of 119 rental units in 1, 2 and 3 bedroom unit configurations. One of the two buildings will contain 60 rental units, while the other will have 59 units and a rental office that will be staffed by leasing agents and property managers. Each building has independent underground parking accessed via a shared ramp that can accommodate a total of 51 vehicles, with the remainder of the resident, visitor and accessible parking provided at grade. Short term bicycle parking is also provided at the surface, with secure options provided in the parkades.

The exterior details of the buildings themselves exemplify tasteful references to traditional and familiar craftsman-style neighbourhoods. The overall interplay of shapes, proportions, durable materials and muted colours will provide enduring interest to the facades and roof-lines. The use of stone on the entry ways adds a touch of mountain reference to suit the neighbourhood context. Over time, the well-proportioned buildings will settle securely into the maturing, peaceful landscape of the project and neighbourhood.

**Explanation of Variances**

**Parking Variance –**

Valley View requires two minor parking variances, one to the total number of stalls provided and a second to the number of small car stalls. For the total number of stalls we are proposing 147, where the city requires 149, a very minor variance of 1.3% or 2 stalls in total. We are also proposing to provide 51 small car stalls, where the city permits only 38. This variance is being requested in order to maximize the number of vehicle stalls we can provide in our underground parking. While our parking stalls in the parkade will meet the city's required width, we cannot provide the full length of a standard parking stall. Given the push towards more compact, sustainable development and this



sites relative proximity to local amenities, we are confident that these modest parking variances will not result in negative impacts to the neighbourhood or our tenants.

Overall, we anticipate that this site and its location will explicitly attract residents seeking to forgo vehicle ownership in order to find value and convenience in the Penticton housing market. We anticipate that the future Valley View Apartments will be home to people who own and require fewer vehicles: seniors who drive less and want the convenience of easy walking access to groceries, young people attracted to Penticton for the winter and summer lifestyles, as well as young families and adults renting before entering the housing market. As such, we feel that the proposed parking is sufficient to meet our expected parking demand.

**Conclusion**

Broadstreet Properties would like to thank you for the opportunity to provide detailed information on our proposed project. Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'A' followed by a long horizontal stroke.

Adam Cooper MCIP, RPP  
Development Manager  
Broadstreet Properties

Attachment F – Building Rendering



Figure 7: View on Kinney Avenue



Figure 8: View on Kinney Avenue



Figure 9: Front Elevation



Figure 10: Back Elevation

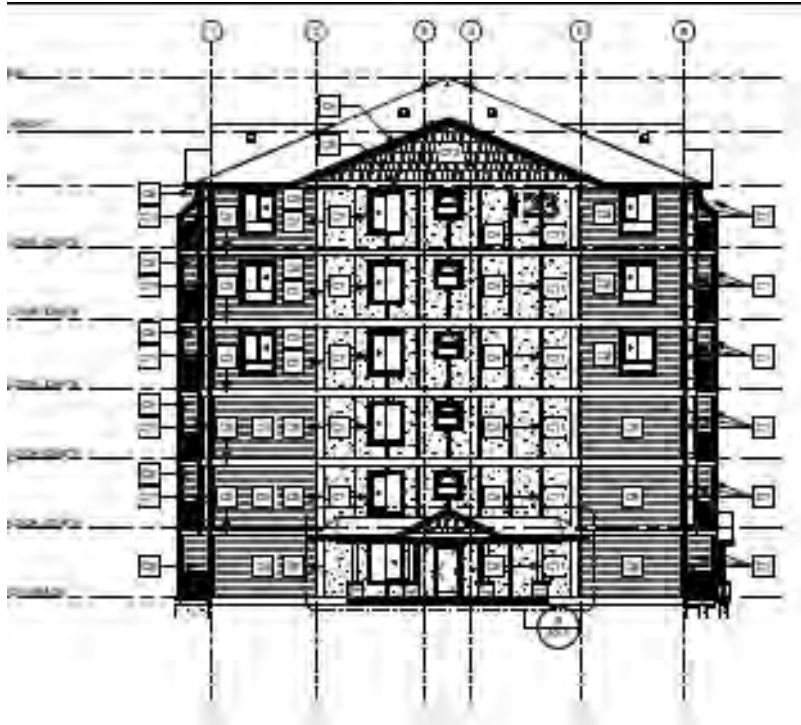


Figure 11: Left Elevation

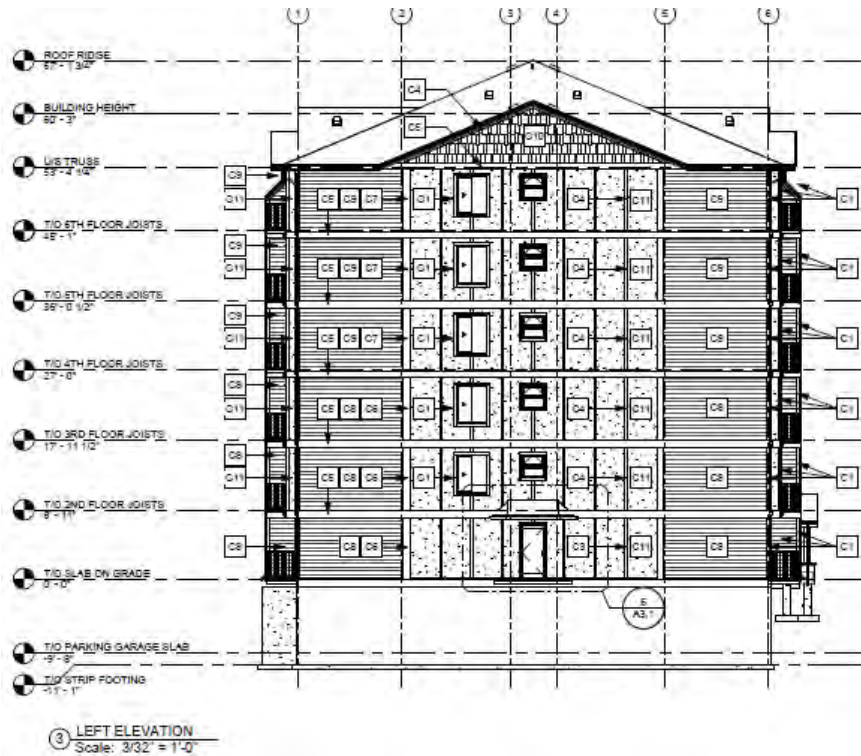


Figure 12: Right Elevation



Figure 12: Right Elevation ( showing underground parking)

Attachment G: Site Plan

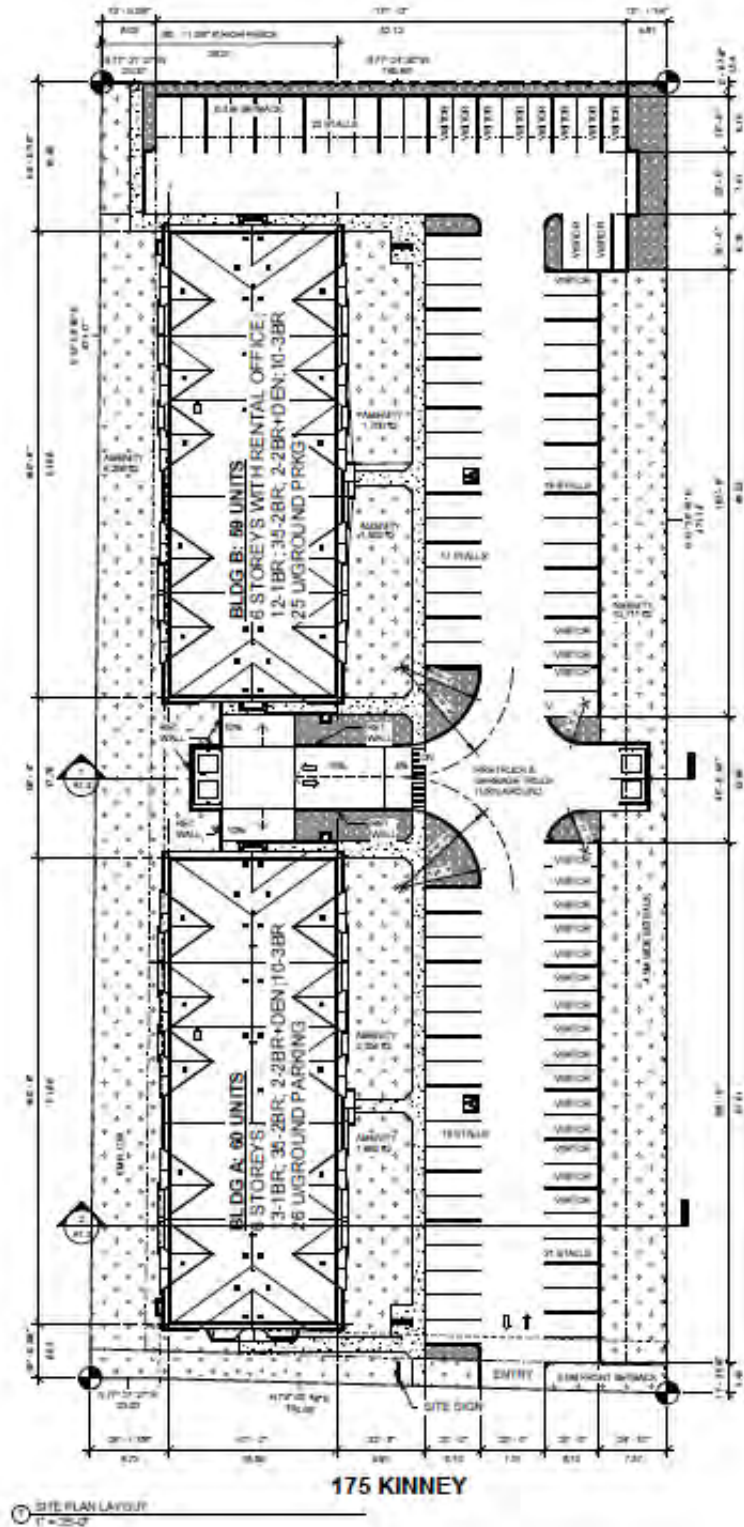


Figure 13: Site Plan

## Attachment H: Development Permit



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

### Development Permit

Permit Number: DP PL2016-7652

#### 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 1 District Lots 115 and 116 Similkameen Division Yale District Plan 25981  
Civic: 175 Kinney Avenue  
PID: 005-283-329
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a multi-family project comprising two six (6) storey apartment buildings as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$83,633 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
  - a. the permit has lapsed as described under Condition 8, or
  - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> Inspection or additional inspections	\$200

**General Conditions**

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. 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.
9. 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.
10. 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.
11. 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 2016

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

\_\_\_\_\_  
 Dana Schmidt,  
 Corporate Officer

Attachment I: Traffic Study



Project No.: 16041-20  
File No.: 5-L-002

November 30, 2016

Broadstreet Properties Ltd.  
Seymour Pacific Developments Ltd.  
100 St. Ann's Rd  
Campbell River, BC V9W 4C4

Attn: Adam Cooper, Development Manager

COST

TIME

QUALITY

Dear Sir:

**Re: 175 Kinney Avenue Apartment, Penticton BC  
Traffic Review**

We are pleased to provide the following review of the anticipated traffic generated by the proposed 119 unit Apartment Residential Development with access off of Kinney Avenue. The site location is shown on the air photo below.



Figure 1 - Site Location

1334 St. Paul Street, Kelowna, BC V1Y 2E1 • Phone: (250) 979-1221

November 30, 2016  
Mr. Adam Cooper  
Broadstreet Properties Ltd.  
Page 2 of 4

**Reference: 175 Kinney Avenue Apartment, Penticton BC  
Traffic Review**

The development is planned to have:

- 119 units of 1, 2 , and 3 bedroom Condominium Units (Market Housing), in two 6 story buildings made up as follows;
  - 25 - 1 bedroom units;
  - 4 – 2 bedroom plus den units; and
  - 20 – 3 bedroom units.

In support of the anticipated traffic generation from the project, we have reviewed the existing roadway cross section and traffic on Kinney Avenue. There is a sidewalk on the north side of Kinney Avenue fronting the site and extending to the east and west for the full length of the avenue. There are bike lanes on Kinney Avenue to the east of Atkinson Street.

Kinney Avenue connects with Baskin Street to the west, and via Baskin Street to Warren Avenue and the Channel Parkway (Highway 97). Heading west Kinney Avenue intersects with Atkinson Street; Wilkinson Street; Skaha Lake Road (signal); prior to terminating with the stop controlled 'T' intersection at Main Street. On the City of Penticton Road Classification Map Kinney Avenue is classified as a residential collector to the east of Atkinson Street and as a commercial collector to the west of Atkinson Street. Baskin Street is classified as a local residential street, and Atkinson Street is classified as a commercial collector.

The Parkway Elementary School is located on Kinney Avenue, just to the west of the site. The 30km/hr speed zone adjacent to the school also has a number of traffic calming features added to the roadway cross section. As shown on **Figure 2**, to the east and west of the school there are speed humps and marker posts to delineate the travelled portion of the roadway.



**Figure 2 – Traffic Calming on Kinney Avenue (looking west)**

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November 30, 2016  
 Mr. Adam Cooper  
 Broadstreet Properties Ltd.  
 Page 3 of 4

**Reference: 175 Kinney Avenue Apartment, Penticton BC  
 Traffic Review**

The Cherry Lane Towers apartments (made up of five towers, are located directly to the east of the site, followed by the Cherry Lane Mall.

The City of Penticton installed a traffic counter adjacent to the Parkway Elementary School on Kinney Avenue, from September 2013 until January 2015, with the follow results:

- The average two way Peak Hour traffic from 8 AM until 5 PM, for the observation period, was 205 vehicles per hour, with an average speed of 34 km/hr;
- The highest two way Peak Hour volume recorded was 354 vehicles from 2:30 to 3:30 on Friday November 15, 2015, with an average speed of 32 km/hr;
- The average two way AM Peak Hour weekday traffic was 287 vehicle between 8:15 and 9:15;
- The average two way PM Peak Hour weekday traffic was 262 vehicle between 1:45 and 2:45;
- The observed average two way traffic volume of 3,000 vehicles per day on Kinney Avenue is well below the collector road threshold of 8,000 trips per day.

We anticipate the development will generate traffic of a similar proportion and distribution to the *Institute of Transportation Engineers Trip Generation 9<sup>th</sup> Edition Manual* for the following, and as presented in **Table 1**:

- Mid Rise Apartment (Land Use Code 223);

**ITE Trip Generation Rates - 9th Edition**

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates						Expected Units	Total Generated		Total Distribution of Generated					
		AM		PM		AM In	AM Out		PM In	PM Out	AM Hour	PM Hour	AM In	AM Out	PM In	PM Out
		In	Out	In	Out											
Mid-Rise Apartment 223	DU	0.30	0.39	31%	69%	58%	42%	119.0	36	46	11	25	27	19		

**Table 1 – ITE Trip Generation Rates**

The ITE Trip Generation rates from **Table 1** produce the following average weekday traffic volumes:

- AM Peak Hour - 25 out bound trips, 11 inbound trips;
- PM Peak Hour - 19 outbound trips, 27 inbound trips.

The *Institute of Transportation Engineers Trip Generation 9<sup>th</sup> Edition Manual* is used as an industry standard to provide estimates of vehicle trips for specific developments. The rates are based on information collated from actual traffic studies, and presented for the average weekday Peak Hour volumes the specific land use will generate, during normal operations.

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November 30, 2016  
Mr. Adam Cooper  
Broadstreet Properties Ltd.  
Page 4 of 4

**Reference: 175 Kinney Avenue Apartment, Penticton BC  
Traffic Review**

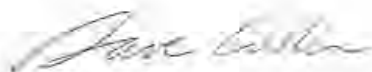
We anticipate the traffic from the development site will have a distribution of 1/3 to and from the west, and 2/3 from the east. This will add 12 trips to the existing AM Peak Hour traffic adjacent to the school, for an average combined two way Peak Hour volume of 299 vehicles, and add 15 trips to the existing PM Peak Hour traffic, for an average combined two way Peak Hour volume of 277 vehicles. This will add 24 trips to the existing AM Peak Hour traffic to the east of the site on Kinney Avenue, for an average combined two way Peak Hour volume of 311 vehicles, and add 30 trips to the existing PM Peak Hour traffic, for an average combined two way Peak Hour volume of 292 vehicles.

Based on the above review, our professional opinion is the traffic generated by the proposed apartment development will have a minimal impact on the operation of the adjacent street network.

The Ministry of Transportation and Infrastructure uses a threshold of developments generating more than 100 trips during the Peak hour as a starting point for the completion of a detailed traffic impact study. With the site anticipated to generate less than 50 trips during the PM Peak Hour we do not foresee the need to complete a detailed traffic impact analysis for the proposed development.

We trust the above meets your requirements. Please contact the undersigned if you have any questions on the above or require further information.

Yours very truly,  
**CTQ CONSULTANTS LTD.**  
Per:



Mr. David D. Cullen, P.Eng  
Transportation Engineer

DDC: dc

**Bylaw No. 2016-68**

*A Bylaw to authorize an agreement for rental housing for the lands known as 175 Kinney Avenue.*

---

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of the City of Penticton enacts the following provisions:

**1. Title**

This Bylaw may be cited as the "Housing Agreement (175 Kinney Avenue) Bylaw No. 2016-68".

**2. Agreement authorized**

The Mayor and the City's Corporate Officer are authorized to execute the Housing Agreement:

- (a) substantially in the form attached to this Bylaw as Schedule A;
- (b) between the City and Hebert Edward Denis Atkinson and Lance Victor Johnston, Administrators with Will Annexed of the Estate of Muriel Margaret Atkinson, Deceased, see CA1384621, or other registered owners from time to time of the lands described in subsection (c); and
- (c) that applies to the lands with a civic address of 175 Kinney Avenue, Penticton, British Columbia, and legally described as:

PID 005-283-329  
Lot 1 District Lots 115 and 116 Similkameen Division Yale District

READ A FIRST time this	6 day of	December, 2016
READ A SECOND time this	6 day of	December, 2016
READ A THIRD time this	6 day of	December, 2016
ADOPTED this	day of	, 2016

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

**HOUSING AGREEMENT- RENTAL UNITS**  
**(Pursuant to Section 483 of the *Local Government Act*)**

**THIS AGREEMENT** is made the \_\_\_\_ day of \_\_\_\_\_, 2016.

BETWEEN:

**THE CORPORATION OF THE CITY OF PENTICTON**

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

(the "**City**")

OF THE FIRST PART

AND:

**HERBERT EDWARD DENIS ATKINSON**  
**LANCE VICTOR JOHNSTON,**  
**Administrators with Will Annexed of the Estate of Muriel Margaret Atkinson,**  
**Deceased, See CA1384621**

#201-100 Front Street  
Penticton, B.C.  
V2A 1H1

(collectively, the "**Owner**")

OF THE SECOND PART

**WHEREAS:**

- A. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- B. The Owner is the registered owner in fee simple of lands in the City of Penticton, British Columbia, with a civic address of 175 Kinney Avenue, Penticton, B.C. and legally described as:

PID 005-283-329  
Lot 1 District Lots 115 and 116 Similkameen Division Yale District

(the "**Lands**");

- C. The Owner has applied to the City to rezone the Lands to permit the development of one hundred and nineteen (119) Dwelling Units contained within two (2) apartment buildings.
- D. The City and the Owner wish to enter into a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that, for the duration of the Term, all Dwelling Units within the Development will be available for use as rental housing.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

**1.0 Definitions**

1.1 In this Agreement:

"**Development**" means the development and use of the Lands as two (2) residential apartment buildings containing a combined total of one hundred and nineteen (119) Dwelling Units, or such other number of Dwelling Units as are constructed on the Lands from time to time as permitted by the zoning bylaws of the City.

"**Dwelling Unit**" means any self-contained residential dwelling unit within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Units**" means, collectively, all such dwelling units located within the Development or on the Lands.

"**Non-Owner**" means a person other than the Owner who occupies a Dwelling Unit for residential purposes.

"**Occupancy Permit**" has the same meaning as under the City of Penticton Building Bylaw 94-45 (1994), as amended or replaced from time to time.

"**Owner**" has the same meaning as under the *Community Charter*, and includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement.

"**Statutory Notice**" means notice that the Lands are subject to this Agreement, filed in the Land Title Office in accordance with section 483(5) of the *Local Government Act*.

"**Term**" means the term of this Agreement as defined in section 2.1 of this Agreement.

1.2 In this Agreement:

- (a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

**2.0 Term**

2.1 This Agreement will commence and is effective on the date that the Statutory Notice is filed in the Land Title Office, and will remain in effect for a period of ten (10) years from the date on which an Occupancy Permit is issued and is in effect for the entire Development. For certainty, if the Development is constructed, and Occupancy Permits are issued, in stages, the Agreement will remain in effect for ten (10) years from the date on which the last Occupancy Permit was issued

**3.0 Dwelling Units To Be Used And Occupied As Rental Units**

3.1 The Owner covenants and agrees that during the Term, all Dwelling Units must only be used and occupied as rental housing, such that each Dwelling Unit is occupied by Non-Owners under the terms of a Tenancy Agreement (as that term is defined in the *Residential Tenancy Act*) between the Owner and the Non-Owner who occupies the Dwelling Unit.

**4.0 Reporting**

4.1 The Owner covenants and agrees that on February 1<sup>st</sup> of each year following execution of this Agreement, the Owner will provide the City's Planning Manager with a written report confirming that the Owner is in compliance with this Agreement.

4.2 The Owner hereby irrevocably authorizes the City to make all inquiries that it considers necessary to confirm that the Owner is complying with this Agreement.

**5.0 Statutory Notice to be Registered in Land Title Office**

The Statutory Notice will be filed by the City in the Land Title Office at the cost of the Owner and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Statutory Notice.

## **6.0 Liability**

- 6.1 The Owner agrees to indemnify the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs (including on a solicitor and own – client basis) and liabilities, which all or any of them will or may be liable for, or suffer, incur, or be put to by reason of, or arising out of, failure of the Owner to comply with the terms and conditions of this Agreement.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs (including on a solicitor and own-client basis) and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

## **7.0 General Provisions**

### Notice

- 7.1 If sent as follows, notice under this Agreement is considered to be received
- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
  - (b) on the date of delivery if hand-delivered,

to the City:

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

Attention: Corporate Officer

to the Owner:

at such address as is recorded from time to time in the records of the Land Title Office.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of delivery, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

Time

7.2 Time is of the essence of this Agreement.

Binding Effect

7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

Waiver

7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

Headings

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief

(mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

7.11 This Agreement may amended by written agreement of the parties, if authorized by a bylaw duly adopted by the Council of the City.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

7.13 Nothing in this Agreement shall:

- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
- (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

7.15 This Agreement may be executed in counterparts, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

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

**THE CORPORATION OF THE CITY OF** )  
**PENTICTON** by its authorized signatories: )  
) )  
\_\_\_\_\_) )  
Mayor Andrew Jakubeit )  
) )  
\_\_\_\_\_) )  
Corporate Officer Dana Schmidt )

**SIGNED SEALED AND DELIVERED**  
**by HERBERT EDWARD DENIS ATKINSON,** )  
in the presence of: )  
) )  
\_\_\_\_\_) )  
Witness Signature )  
) )  
\_\_\_\_\_) )  
Name ) HERBERT EDWARD DENIS  
) ATKINSON  
) )  
\_\_\_\_\_) )  
Address )  
) )  
\_\_\_\_\_) )  
) )  
\_\_\_\_\_) )  
) )  
\_\_\_\_\_) )  
Occupation )



Bylaw No. 2016-62

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. 2016-62".

2. Amendment:

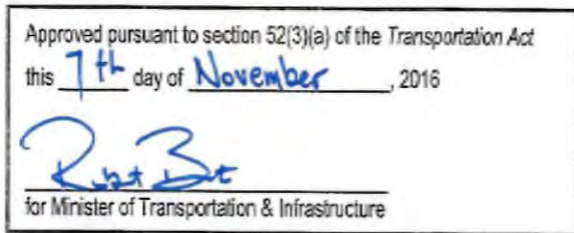
2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 1, District Lots 115 and 116, Similkameen Division Yale District, Plan 25981, located at 175 Kinney Avenue, from R1 (Large Lot Residential) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	18	day of	October, 2016
A PUBLIC HEARING was held this	1	day of	November, 2016
READ A SECOND time this	2	day of	November, 2016
READ A THIRD time this	2	day of	November, 2016
RECEIVED the approval of the Ministry of Transportaton on the	7	day of	November, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 21 day of October, 2016 and the 26 day of October, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.



Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer





## Development Variance Permit

Permit Number: DVP PL2016-7651

### 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 1 District Lots 115 and 116 Similkameen Division Yale District Plan 25981  
Civic: 175 Kinney Avenue  
PID: 005-283-329
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary: **Section 7.1.6.2** where up to **34%** of the off-street parking spaces may be designated as small car parking as part of a development and 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 2016

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

---

Dana Schmidt,  
Corporate Officer

# Council Report

penticton.ca

**Date:** December 20, 2016 File Nos: RZ PL7728 & DVP PL2016-7729  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 750 Kamloops Avenue  
**Subject:** **Zoning Amendment Bylaw No. 2016-71**  
**Development Variance Permit DVP PL2016-7729**

## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2016-71," a bylaw that amends Zoning Bylaw 2011-23 changing the zoning district for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan, located at 750 Kamloops Avenue from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the January 17, 2017 Public Hearing;

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2016-7729" on Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan, located at 750 Kamloops Avenue, a permit to vary the minimum lot width from 13m to 12m; to vary the minimum lot area from 390m<sup>2</sup> to 290m<sup>2</sup>; and decrease the minimum rear yard setback from 6m to 3.5m to construct 3 side-by side duplexes, be heard at the January 17<sup>th</sup> Public Hearing;

AND THAT Council consider "DVP PL2016-7729" following the adoption of "Zoning Amendment Bylaw No. 2016-71".

## Strategic Priority Objective

Approval of the zoning change and variances represents sustainable growth, utilizing the City's existing infrastructure to increase density in a sensitive way and provides additional housing.

## Background

The subject property (Attachment 'A') is zoned RM2 (Low Density Multiple Housing) and is designated by the City's Official Community Plan as MR (Medium Density). Photos of the site are incorporated as Attachment 'D'. The site is 929m<sup>2</sup> (0.229 acre) in area and presently features a single detached dwelling of older building stock. The surrounding area is a mixture of single family dwellings, duplexes and townhomes. All the properties along Kamloops Avenue are designated Medium Density Residential (MR) in the OCP. Housing in

this neighbourhood is slowly being replaced with more compact forms of development. Other recent redevelopment in the immediate area features cluster housing and townhouses on Revelstoke Avenue.

The developer intends to demolish the existing single family house and build three side-by-side duplex buildings, on three separate lots. A zoning amendment and variances to the zoning bylaw are required to accommodate the proposal. There is no existing rear lane on the south side of Kamloops Avenue hence the access and parking for each unit will be from Kamloops Avenue. Each unit is estimated to have an approximate floor area of 123 m<sup>2</sup> (1,325 sq.ft).

### Proposal

The applicant is requesting that the subject property be rezoned from RM2 (Low Density Multiple Housing) to RD2 (Duplex: Lane), as identified in Zoning Bylaw 2011-23.

Additionally, the applicant is pursuing a Development Variance Permit to vary the following sections of Zoning Bylaw 2011-23:

- Section 10.6.2.1.: To vary the minimum lot width from 13m to 12m
- Section 10.6.2.2.: To vary the minimum lot area from 390m<sup>2</sup> to 293m<sup>2</sup>
- Section 10.6.2.8.: Decrease the minimum rear yard setback from 6m to 3.5m

### Project Specifications

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

Item	Requirement RD2 Zoning	Provided on Plans
<b>Minimum Lot Size:</b>	390 m <sup>2</sup>	293m <sup>2</sup> (Variance Required)
<b>Minimum Lot Width</b>	13m	9.35m (Variance Required)
<b>Maximum Lot Coverage:</b>	40%	39.5%
<b>Maximum Density:</b>	0.95 FAR	0.79 FAR
<b>Vehicle Parking:</b>	6 spaces required ( 2 per lots)	6 spaces
<b>Required Setbacks</b>		
Front yard:	4.5m	6m
Side yard (east):	1.5m	1.5m
Side yard (west):	1.5m	1.5m
Rear yard :	6.0m	3.5m (Variance Required)
<b>Maximum Building Height:</b>	10.5m	7.4m
<b>Other Information:</b>	The property is in the Downtown Multiple Development Permit Area and a development permit will be required	

## **Financial Implication**

Approval of the subject proposal will allow for the increase in property value substantially, replacing an older single family house with 6 new strata units. This increase in land value will have a positive impact on the City's tax base.

## **Development Engineering Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant.

## **Analysis**

### *Support "Zoning Amendment Bylaw 2016-71"*

Staff considers that rezoning the lot from RM2 (Low Density Multiple Housing) to RD2 (Duplex: Lane) to enable this development is an appropriate use of the land for the following reasons:

- The Official Community Plan designates the property for Multi-Family Residential development. Duplex is a permitted use in the Medium Density (MR) designation;
- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, duplexes and townhouses, this application encourages a mixed range of housing, types, tenures and densities;
- The plan supports residential intensification near commercial activities and institutional facilities (for example, Okanagan College) and supports densification in areas where existing services can accommodate higher densities; and
- The proposed duplexes will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community

Given the above, staff find adequate policy to support the proposal to rezone the subject property from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane) and recommend that Council support the zoning amendment bylaw and forward it to the January 17<sup>th</sup>, 2017 Public Hearing for comments from the public.

### Deny/Refer

Council may feel that duplex development is not appropriate for this lot and the developer should conform to the existing zoning. If that is the case Council should deny first reading of the amendment bylaw.

Alternatively, Council may refer the application back to staff with further instructions.

### Support DVP PL2016-7729

When considering a variance to a City bylaw, staff encourages Council to contemplate whether there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the

variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable.

The developer has requested three zoning bylaw variances and each variance is discussed independently:

**Section 10.6.2.1: To vary the minimum lot width from 13m to 12m**

The applicant is requesting a minimum lot width reduction to facilitate the creation of three duplex lots. In other neighborhoods, smaller sized lots have been established successfully with single family and duplex dwellings. The lot width being proposed is common in the core area of Penticton where most duplex lots have 9.1m width. As 1 m variance is not a substantial variance, the assessment is that it will not have a negative impact on the existing neighbourhood.

**Section 10.6.2.2 : To vary the minimum lot area from 390m<sup>2</sup> to 293m<sup>2</sup>**

The applicant is asking for a minimum lot area reduction to create three buildable parcels under the RD2 zoning. In considering this request for a variance, staff has concluded that the reduction in lot area will facilitate the development of 3 duplex lots while utilizing an area with existing services available without compromising the evolving development in the neighborhood. A lot area of 293m<sup>2</sup> can comfortably support a duplex, including the provision of yard space and adequate parking. The RD2 zone requires that each unit have one parking stall from the rear lane. In this case, the lot has no rear lane therefore the parking requirement will be provided in the front yard. The assessment is that this does not generate a negative impact on surrounding land uses or the City's existing infrastructure.

**Section 10.8.2.8 of Zoning Bylaw 2011-23 to vary the minimum rear yard setback from 6m to 4.6m**

The applicant is requesting a reduction of the rear yard setback from 6.0m to 3.5m. It is typical for this style of development to have parking access at the rear of a property, generally as the majority of these types of parcels are in locations with rear lanes. However, this is not the case for this property and the parking is provided along the front of the building, on Kamloops Avenue. The proposed development maximizes the use of each lot. By reducing the rear yard setback, a functional layout, design and use of the site results. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on neighbouring properties.

In considering this submission, staff recognized the limitations of this site to accommodate the development and determined that the variances being requested are in keeping with the objectives of the OCP. In the case of infill development, where single family lots are used to accommodate multiple-family development, variances are often needed to satisfy the enhanced benefit that the development represents.

Before final approval of a subdivision application, a number of requirements will need to be addressed, as indicated by Subdivision and Development Bylaw 2004-81. Staff have been working with the applicants on these requirements.

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. Alternatively, Council may refer the application back to staff with further instructions.

**Alternate Recommendations**

1. THAT Council gives first reading to "Zoning Amendment Bylaw No.2016-71" but denies support for "Development Variance Permit PL2016-7729".


**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: Elevations
- Attachment G: Site Plan
- Attachment H: DVP
- Attachment I: Zoning Amendment Bylaw No. 2016-71

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Acting Director <i>BL</i>	Interim CAO 
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map



Figure 2: OCP Map

Attachment C - Zoning Map



Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Kamloops Avenue



Figure 4: View from Kamloops Avenue

Attachment E –Letter of Rationale



August 18, 2016

Giroux Design Group  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 750 Kamloops Avenue Rezoning & Development Permit Application

To City Planning Department,

This letter is in regards to the rezoning and development permit application for 750 Kamloops Avenue as submitted by the developers and partners in 0796333 BC Ltd. The proposed development is to subdivide a large residential lot with an older single family home into three duplex zoned lots to allow for the construction of three duplex building with two units in each. This development will provide affordable housing for six families in an area of the city where similar development is taking place. Kamloops avenue is primarily made up of small duplex buildings as well as single family residences. To the back of the property is a townhouse development, the driveway access for the development is adjacent to the back yard of the property. The size of the proposed parcels allows for dwelling units suitable for young families or as starter homes for individuals entering the housing market. The close proximity to the college as well as businesses and recreational facilities makes the location ideal for this type of development.

Discussions were had early with the City planning department to discuss options for developing the property. One of the options considered was to not subdivide the property and build three duplex buildings on one larger strata property. We discussed this with the developers and after much consideration it was agreed that in the case of this development it was better to subdivide the property. Also discussed was the option to buy back from the City a 3 m strip of property at the front of the property that had previously been purchased for future road widening. While this was an option presented by City staff it was ultimately decided against by the City's Technical Planning Committee. With this in mind, please note there was a need to adjust the setbacks for the proposed developments.

Variations are required to allow for the proposed development, we feel very strongly that these variations are justified in this case as there are some unique aspects to the lots location. The variations and justifications are as follows:

- 1) **Rezoning to RD2 from RM2.** RD2 zoning normally applies to small duplex lots with rear lanes, in the case of this property there is no rear lane which is unusual for this area of the city. The zoning for RD1 is meant for larger duplex lots, therefore, while this lot has no lane we feel the zoning to RD2 is more in line with what is being proposed.
- 2) **Minimum Parcel Width.** The minimum parcel width is 13 m, the proposed parcel width is 12.19 m. We feel this is a reasonable request as we have designed many duplexes for lots only 9.1 m wide as are a number of the duplex lots currently on Kamloops Ave.
- 3) **Minimum Lot Area.** The minimum lot area for an RD2 lot is 390 m<sup>2</sup>, the proposed lots will be 293 m<sup>2</sup>. As shown in the plans for the project this smaller size is quite adequate for the proposed development.
- 4) **Setbacks.** Currently the zoning requires a front yard setback of 4.5 m and a rear yard setback of 6.0 m. This is to allow for parking from the lane. In this case as there is no lane we are asking for a variance to reverse the setbacks, having 6.0 m in the front and 4.5 m in the rear, this will allow for front yard parking. We do not feel in any way that this will have a negative impact on the townhouse behind the property as the rear yards are adjacent to the two lane driveway and parking for the townhouse. The buffer from the rear of the proposed developments to the front of the existing townhouse will be much larger than most homes or developments in town, and will be more similar to the feel of being across the street from each other rather than beside each other.

In summary, we believe that this development will provide much needed affordable housing in an area well suited for it. Rather than one older home on a large parcel of land, there will be six new economical, energy efficient, attractive homes. Our initial meetings with the City planners were very positive and we look forward to seeing this project approved by council and have it move ahead to construction as soon as possible.

Best regards,

**Tony Giroux** Registered Building Designer, ASTTBC, BDIBC  
Owner/Designer  
Giroux Design Group

Attachment F – Building Rendering



Figure 7: Rendering



FRONT ELEVATION (FACING KAMLOOPS AVENUE)

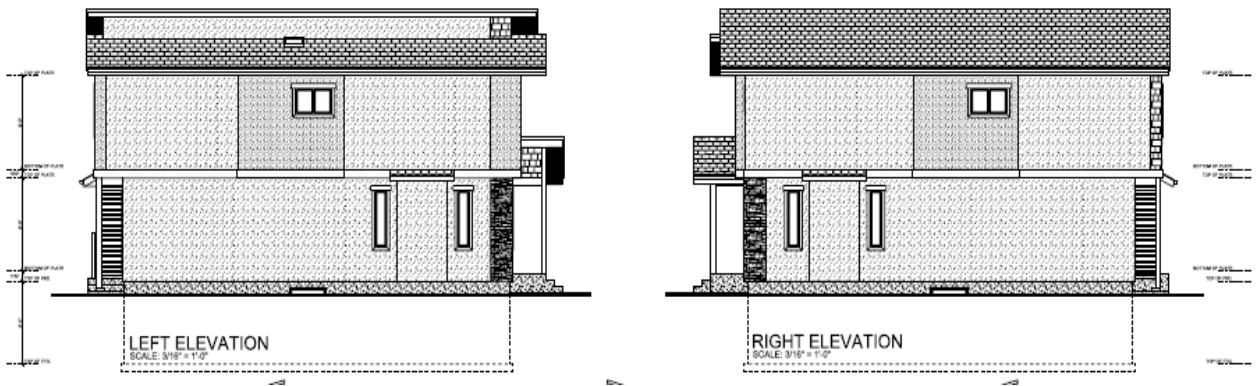
SCALE: 1/4" = 1'-0"

Figure 8: Front View



REAR ELEVATION (FACING SOUTH)

Figure 8: Rear Elevations



LEFT ELEVATION  
SCALE: 3/16\" = 1'-0\"

RIGHT ELEVATION  
SCALE: 3/16\" = 1'-0\"

Figure 9: Side Elevation



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 PL2016-7729

### 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 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton)  
District Plan 8381  
**Civic:** 750 Kamloops Avenue  
**PID:** 009-817-981
3. This permit has been issued in accordance with Section 498 of the *Local Government Act* to vary the following sections of Zoning Bylaw 2011-23 as shown in the plan attached in Schedule "A":
  - Section 10.6.2.1.: To vary the minimum lot width from 13m to 12m
  - Section 10.6.2.2.: To vary the minimum lot area from 390m<sup>2</sup> to 293m<sup>2</sup>
  - Section 10.6.2.8.: Decrease the minimum rear yard setback from 6m to 3.5m

### 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 day of , 2016

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

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Bylaw No. 2016-71

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. 2016-71".

2. **Amendment:**

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

Rezone Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 8381, located at 750 Kamloops Avenue from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane).

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

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

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

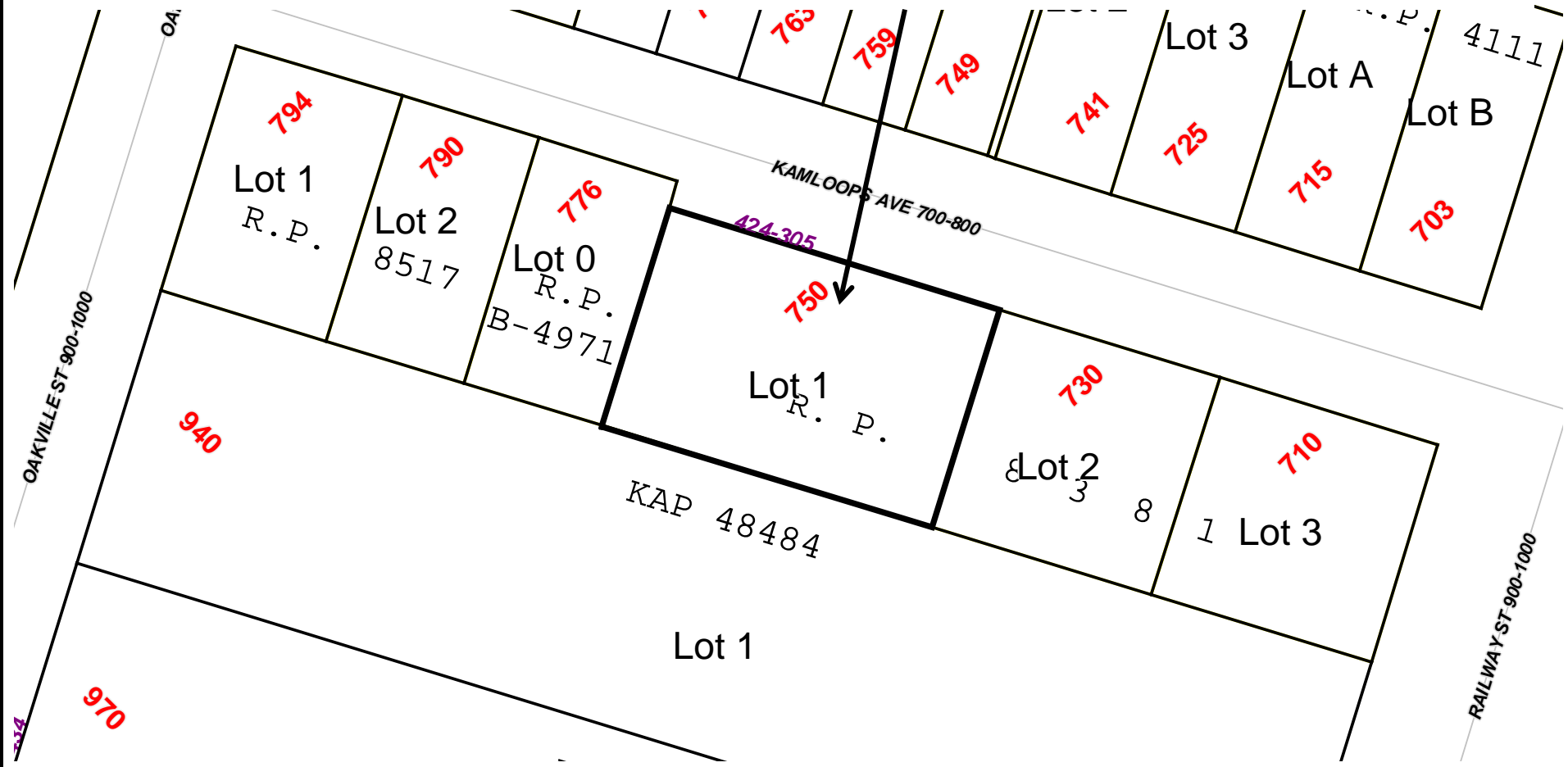
<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this ____ day of _____, 2016</p> <p>_____  for Minister of Transportation &amp; Infrastructure</p>
--

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Rezone 750 Kamloops Avenue

## From RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-71

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** December 20, 2016 File No: PL2016-7807  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Subject:** **Amend Development Permit PL2015-067 for 3388 Skaha Lake Road**

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## Staff Recommendation

THAT Council approve amended "Development Permit PL2015-067", a permit that adds phase II and phase III to the original permit on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, shown on Attachment 'A' of this report and located at 3388 Skaha Lake Road;

AND THAT Staff are directed to issue the permit.

## Strategic priority objective

This project will add valuable units to the city's housing stock supporting housing affordability in Penticton, meeting the strategic priority of creating an affordable community.

## Background

City Council passed an amendment to the zoning bylaw, creating a comprehensive development zone for the subject lands, at its August 17th, 2015 Regular Meeting. Council then gave development permit approval, in November 2015, to develop the first tower of this three tower development. That building is now under construction.

The developer has at this time applied to amend the existing development permit to have Phase II and Phase III of the project included. The permit will also change the access road that leads from the development through a remainder piece and onto Yorkton Avenue. The additional phases need to be added to the permit at this time so that the developer may begin to see the units in Phase I of the project.

## Proposal

The applicant is requesting that "Development Permit PL2015-067" be amended to include Phase II and Phase III of the three phase project to the permit.

## Project Specifications

The original permit gave approval for a 12 storey building with 71 units located in a condominium tower and 4 garden apartments constructed at the ground floor of the building, facing Skaha Lake Road for a total of 75 dwelling units. The amendments to the permit add two additional towers, proposed to be 14 stories in

height each as well as a shared parkade and amenity building with a gazebo and hot tubs. The total number of residential units this project is creating is 261.

The overall specification of the project in relation to the CD zone is presented in the following table:

Item	CD Zone as per Zoning Bylaw 2011-23	All phases
<b>Total number of dwelling units</b>	N A	261 suites
<b>Vehicle Parking</b>	1 per unit + 15 visitor spaces = 276	281 spaces
<b>Bicycle Storage</b>	Resident 0.5 per unit = 131 spaces	131 spaces
	Guest 0.1 per unit = 27	34
<b>Building Height</b>	Maximum height permitted by Transportation Canada (airport)	45m
	Maximum Height 45m and 14 storeys	Maximum 45m(14 storeys)
	Minimum height 20m and 6 storeys	N/A
<b>Amenity</b>	5m <sup>2</sup> per suites = 375m <sup>2</sup> required	1,205m <sup>2</sup>

### Technical Review

The developer and Staff have been working with regard to this site for the past year. The application has been to the City's Technical Planning Committee several times. As part of the start of Phase II, the developer is responsible to upgrade the City's sewer main in Skaha Lake Road. This work will compliment work done by the City in 2016 to improve the sewer capacity in Skaha Lake Road to help accommodate development in the area.

### Financial implication

This project will add significantly to the city's tax base, with each tower estimated to be between \$10 million - \$12 million in estimated construction value.

### Analysis

#### *Support*

The proposed amendments to the original development permit are intended to include Phase II and Phase III of the project into the original development permit. Those phases could not be included when Tower I was first being considered as several issues, such as proper exiting from the site and landscaping were still being discussed. Phase I was permitted originally so that the developer could begin construction within the proposed timeline.

When considering issuance of a development permit, staff and Council are obliged to review the applicable development permit area guidelines for the property that the development is located in. In this case the buildings are proposed in the High Density Residential Development Permit Areas. The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area.

In terms of the High Density Development Permit Guidelines, the following is noted:

Development Permit Area Guidelines	How the buildings comply
<p>The design guidelines encourage a high standard of livability</p>	<p>The proposed design provides sun exposure and a landscape design that incorporates open spaces with a variety of plantings to enhance the livable environment.</p> <p>The development has a shared amenity room with a gazebo area and hot tubs for the exclusive use of residents.</p> <p>The proposed development enhances the visual character of the neighbourhood. The extensive landscaping provides added visual appeal to the area along Skaha Lake Rd.</p>
<p>The design guidelines encourage a high standard of development, including site planning, massing, materials and building practices.</p>	<p>The design of the buildings incorporates architectural detailing and a variety of building finishes provide visual interest.</p> <p>Building finishes are consistent in terms of appearance and color on all elevations including brick veneer and hard plank panels.</p> <p>Building articulation is used to provide visual interest and create a less bulky appearance to a flat wall structure.</p>
<p>The design guidelines seek the enhancement of the public realm</p>	<p>The proposed buildings provides strong linkage with the rest of the neighborhood and are compatible with the surrounding land use.</p> <p>Pedestrian connection through the site is provided with a stamped concrete walkway.</p>
<p>Screening and Landscaping of high quality</p>	<p>Landscaping is extensive and includes a number of street trees, a small decorative iron fencing and several shrubs and bushes that provide a good view from the street level.</p> <p>Landscaping has open green areas and common areas that encourage the use for all residents of the development.</p> <p>Parking is generally screened from Skaha Lake Road</p>

This application blends well into the established neighbourhood and meets the objectives of the high density residential development permit area with the use of quality finishing and design and by creating a more spacious landscaped boulevard and public realm. The overall design and finish of the buildings is of a high quality and will add positively to Penticton as a whole. In addition to the several on-site amenities that

are being proposed for the residents of the complex, the developer will also be constructing a walkway from Wilson Street to Skaha Lake Road, creating an important active transportation link between the two streets. Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff are recommending that Council approve the amended development permit.

**Deny or refer**

Council may consider that the development does not meet the guidelines of the High Density Residential Development Permit Area. If this is the case, Council can deny the development permit. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

**Attachments**

Attachment A – Subject property location plan

Attachment B – Rendering of proposed towers


Attachment C – Revised site plan

Attachment D - Development Permit

Respectfully submitted,

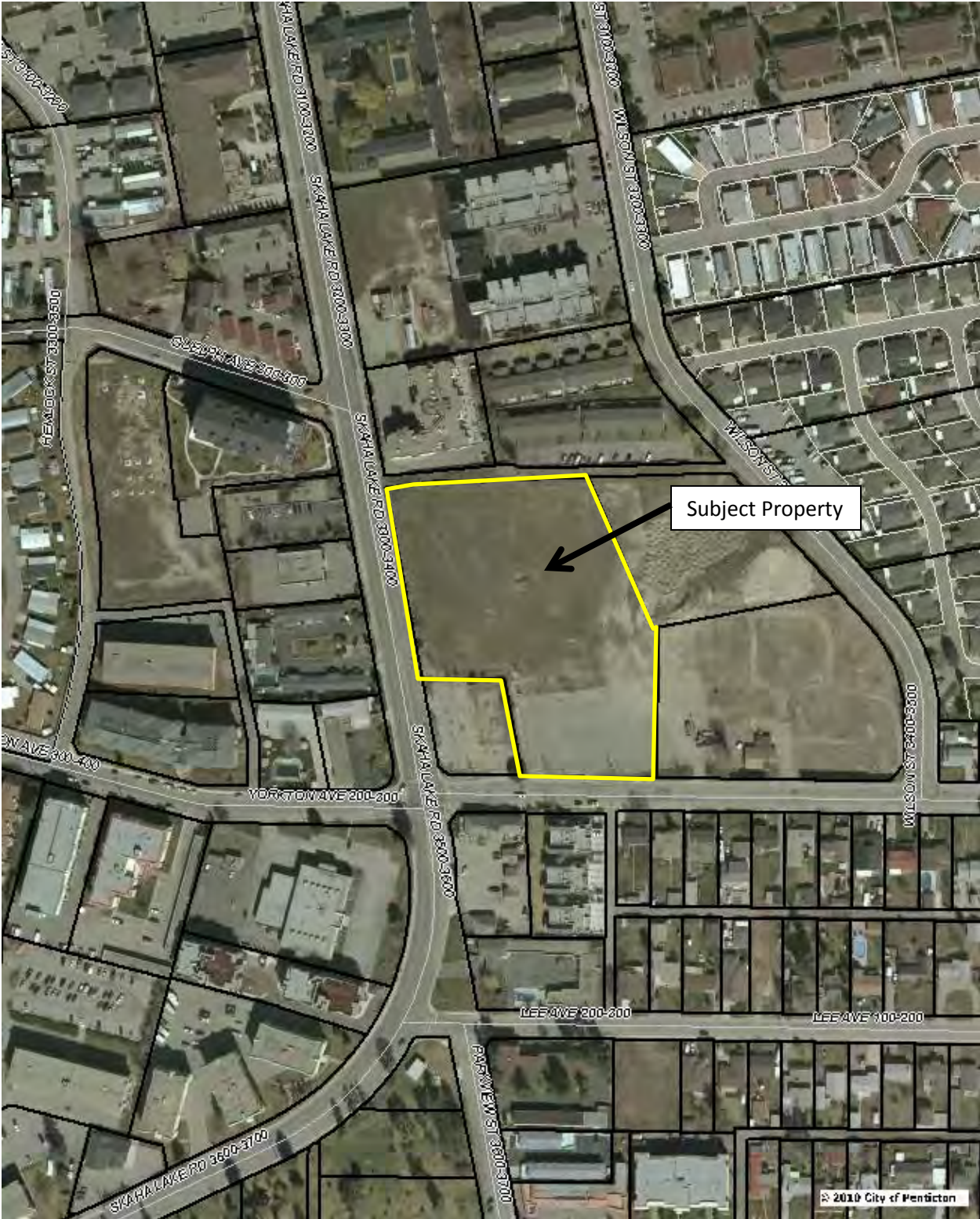
Blake Laven, RPP, MCIP  
City of Penticton

Approvals

Director  AH	Acting CAO  
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Attachment A

Subject Property Location Map

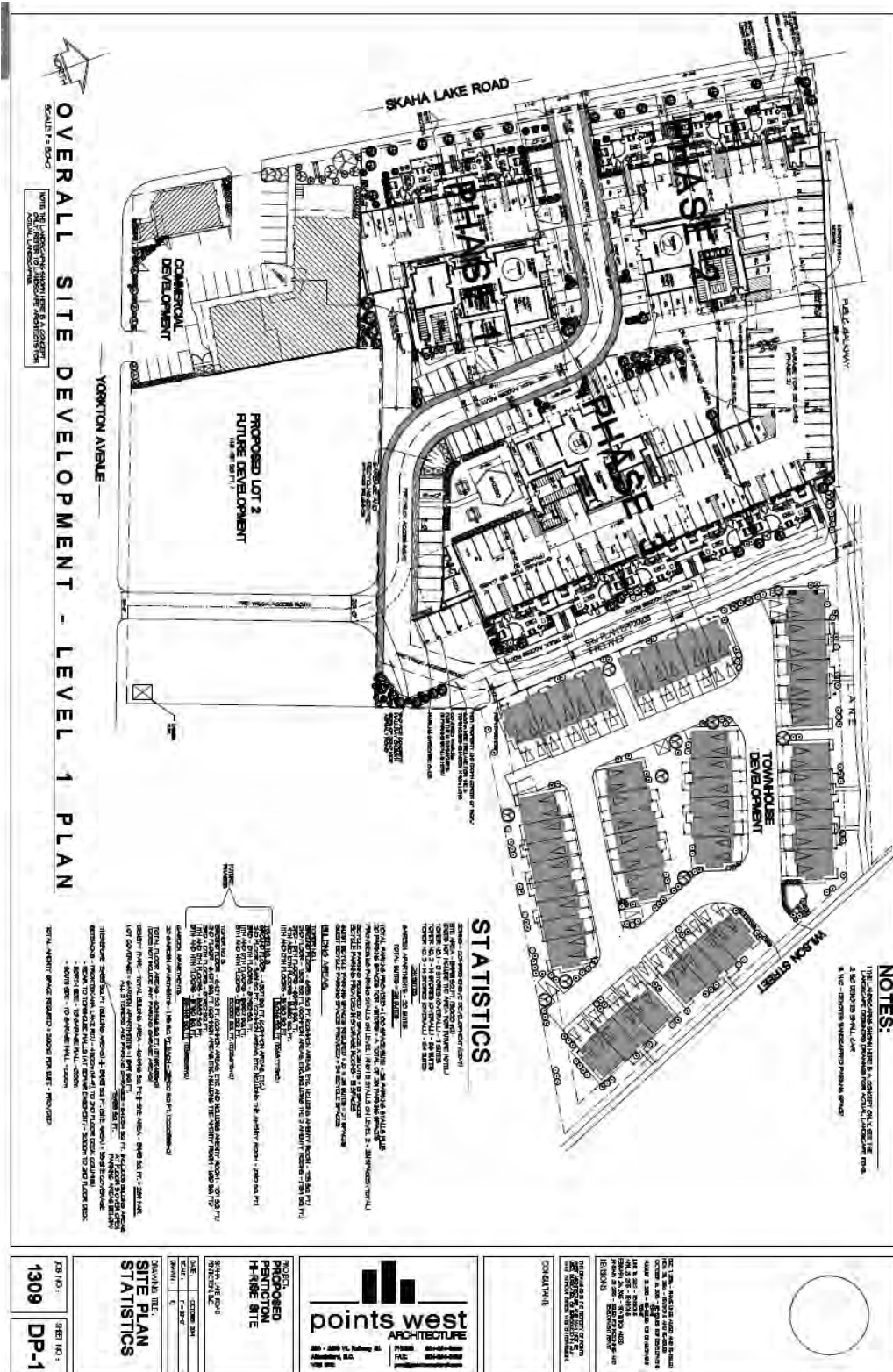


Attachment B

Architect Rendering of Proposed Building with surrounding development



Attachment C  
Revised Site Plan



OVERALL SITE DEVELOPMENT - LEVEL 1 PLAN

SCALE: 1/8" = 1'-0"

NOTE: SEE LAYOUTS FOR SPECIFIC BUILDING FOOTPRINTS AND LANDSCAPING DETAILS.

NOTES:

- 1. ALL DIMENSIONS SHOWN ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 4. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE SPECIFIED.

STATISTICS

**GENERAL COMMENTS:** THIS SITE PLAN IS A CONCEPTUAL DEVELOPMENT PLAN FOR THE PROPOSED LOT 2 FUTURE DEVELOPMENT. THE PLAN SHOWS THE PROPOSED BUILDING FOOTPRINTS, PARKING LOTS, AND LANDSCAPING. THE PLAN IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY.

**STATISTICS:**

- TOTAL AREA: 10,000 SQ. METERS
- TOTAL FLOOR AREA: 15,000 SQ. METERS
- TOTAL PARKING SPACES: 100
- TOTAL TREES: 50
- TOTAL PLANTINGS: 100

<p>points west ARCHITECTURE</p>	<p>PROPOSED PENTAGON H-RISE SITE</p>	<p>DATE: 10/10/2018 SCALE: 1/8" = 1'-0" SHEET NO.: 1309</p>	<p>PROJECT NO.: 1309</p>	<p>SHEET NO.: DP-1</p>	

## Attachment D Development Permit



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

### Development Permit

**Permit Number: Amended DP PL2015-067**

#### 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 B, District Lot 116, Similkameen Division Yale District, Plan EPP43254  
Civic: 3388 Skaha Lake Road  
PID: 029-375-452
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of three residential towers as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$120,000 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. This amount may be phased with 100% of the estimated costs of landscape installation and materials submitted at the building permit for each phase. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
  - a. the permit has lapsed as described under Condition 8, or
  - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> Inspection or additional inspections	\$200

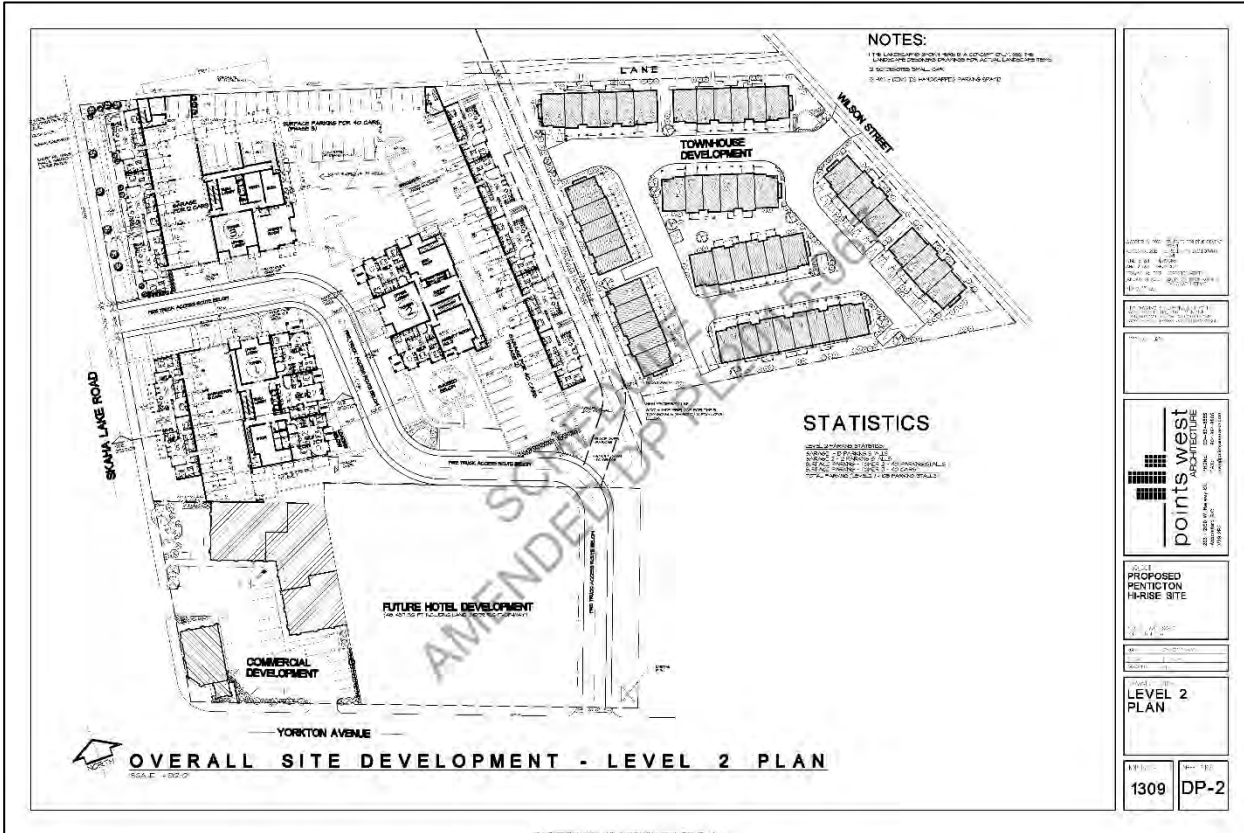
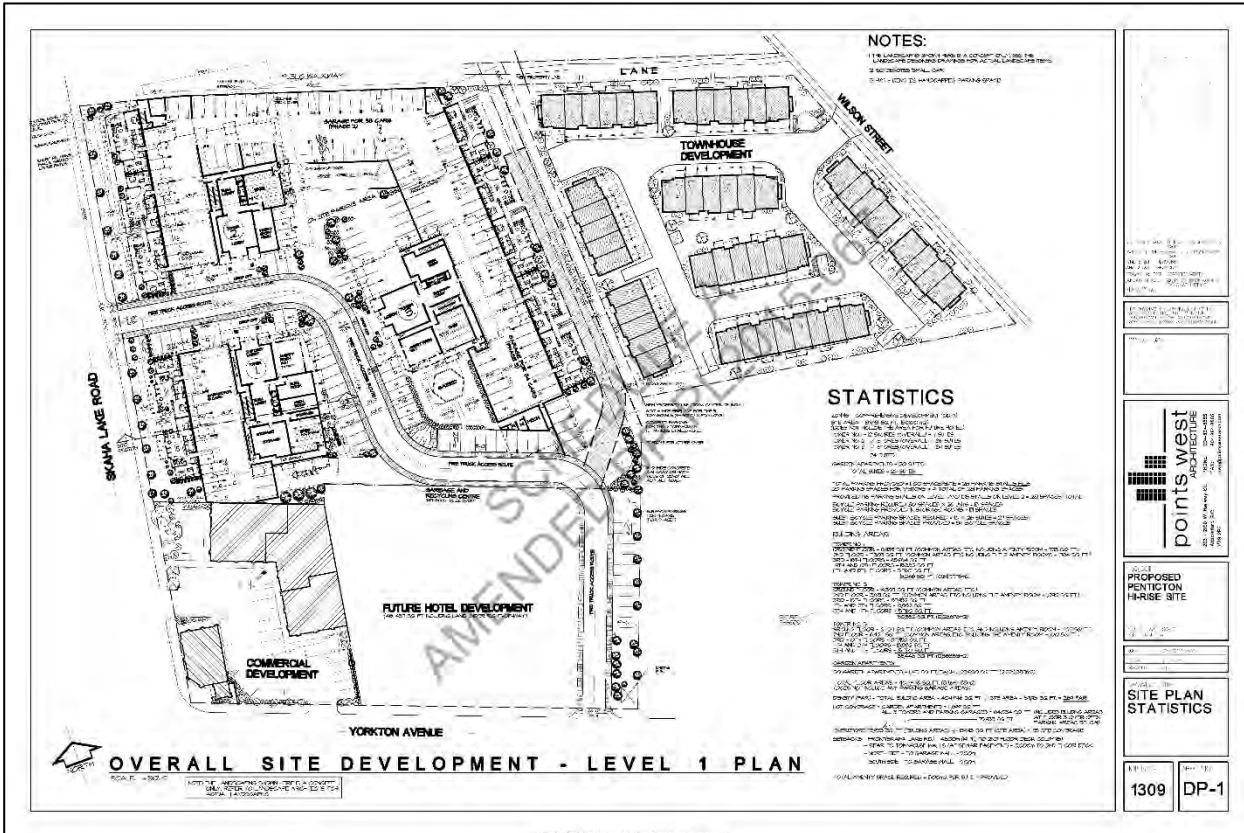
**General Conditions**

7. In accordance with Section 510(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. 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.
9. 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.
10. 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.
11. 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.

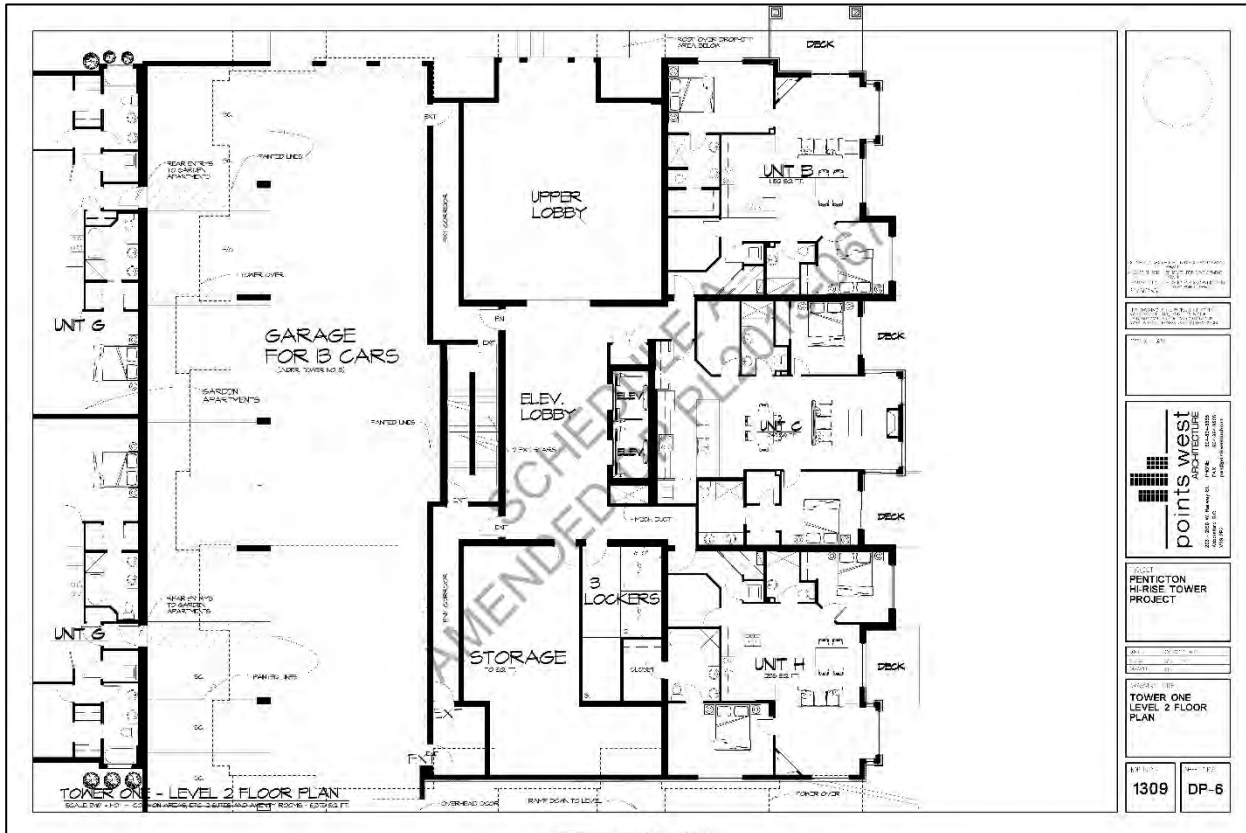
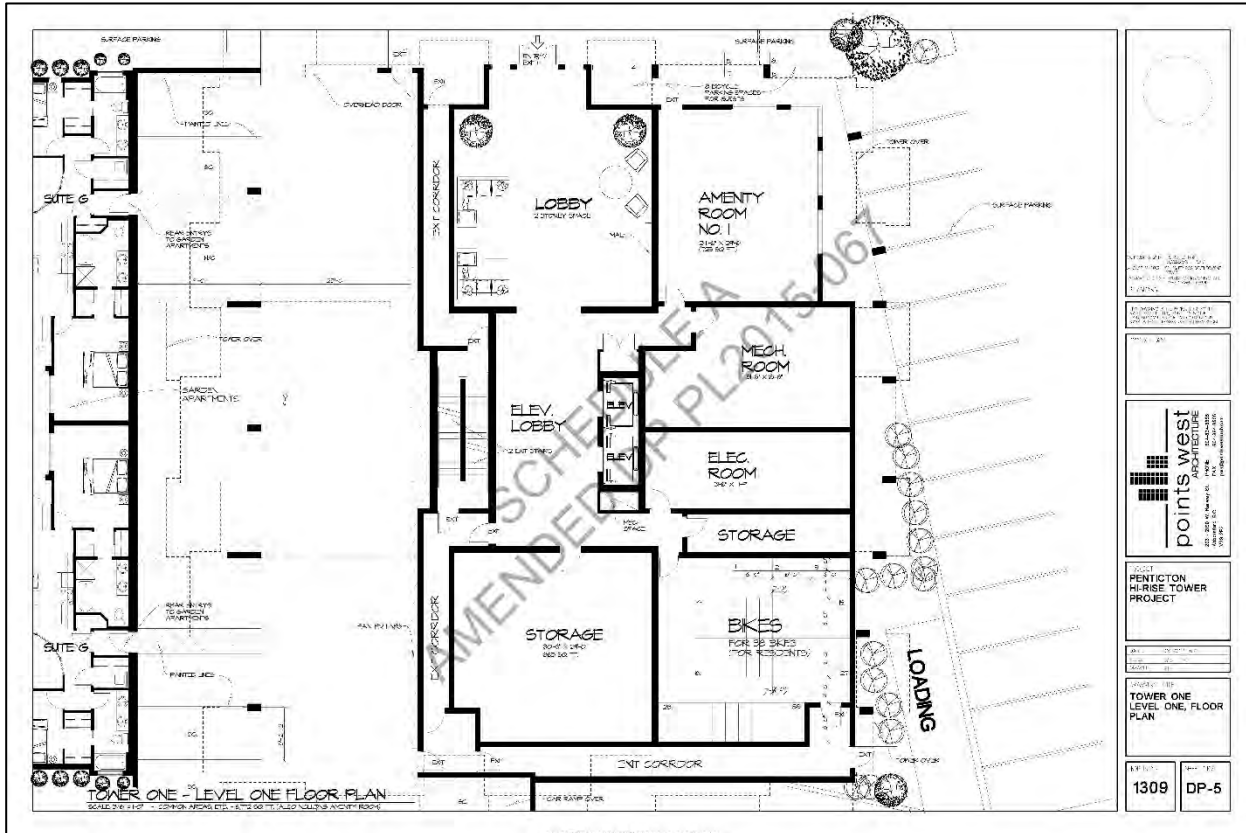
Authorized by City Council, the 20<sup>th</sup> day of December, 2016

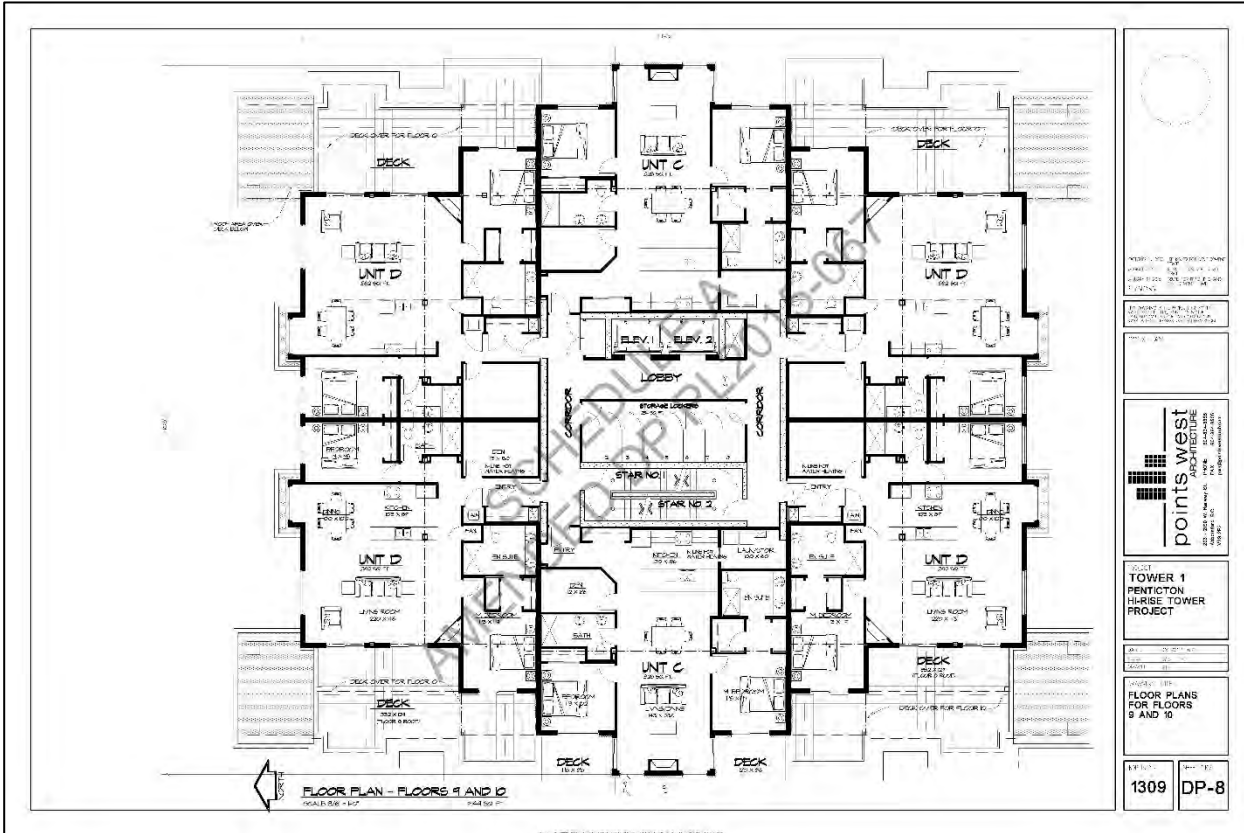
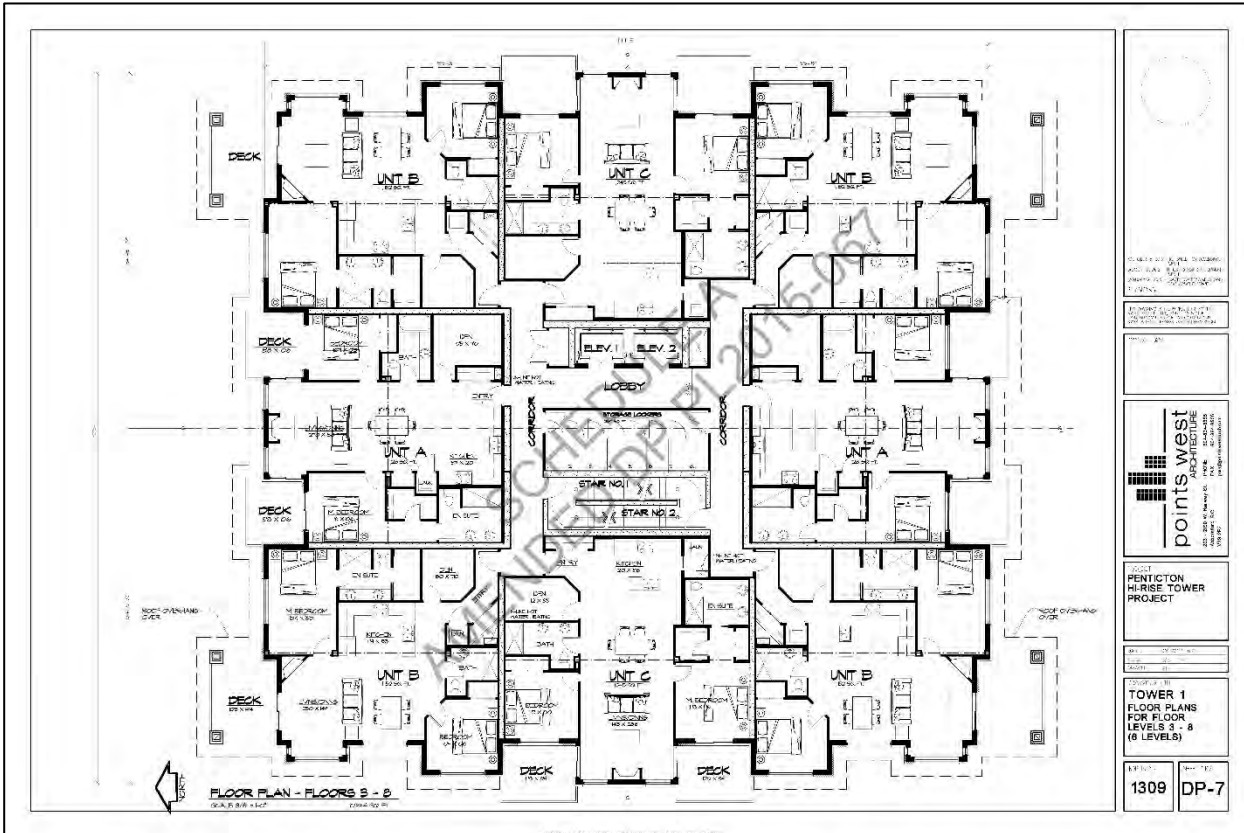
Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016

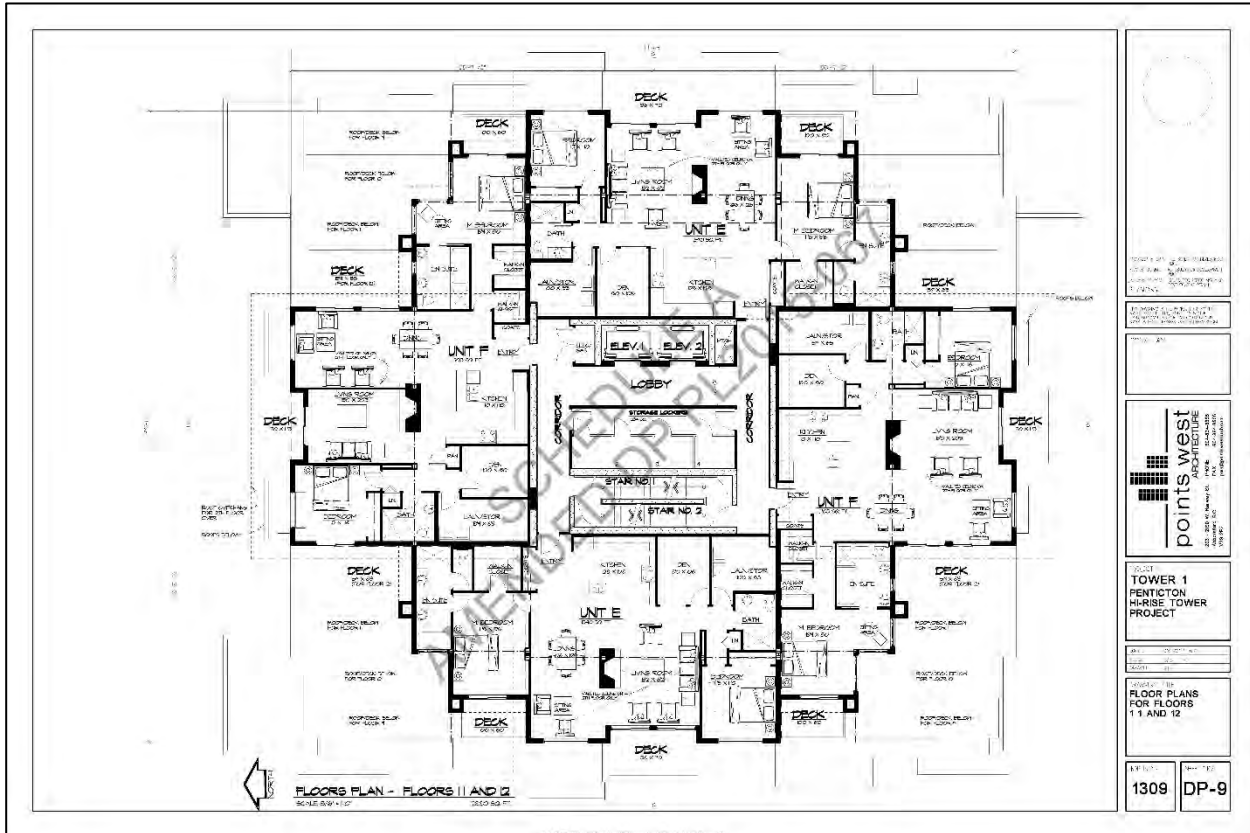
\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer









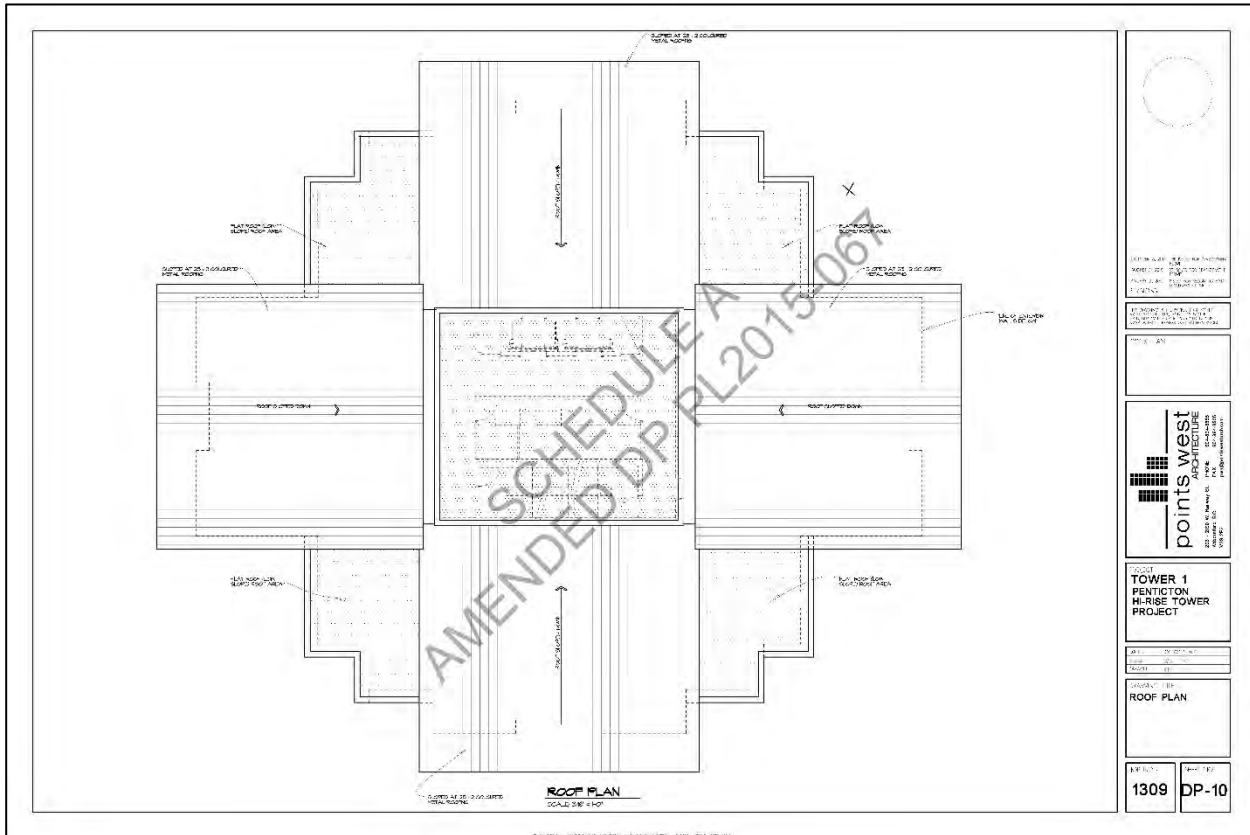


points west  
ARCHITECTS

TOWER 1  
PENTICON  
MIRISE TOWER  
PROJECT

PROJECT NO. 1309  
SHEET NO. DP-9

DATE: 08/14/15

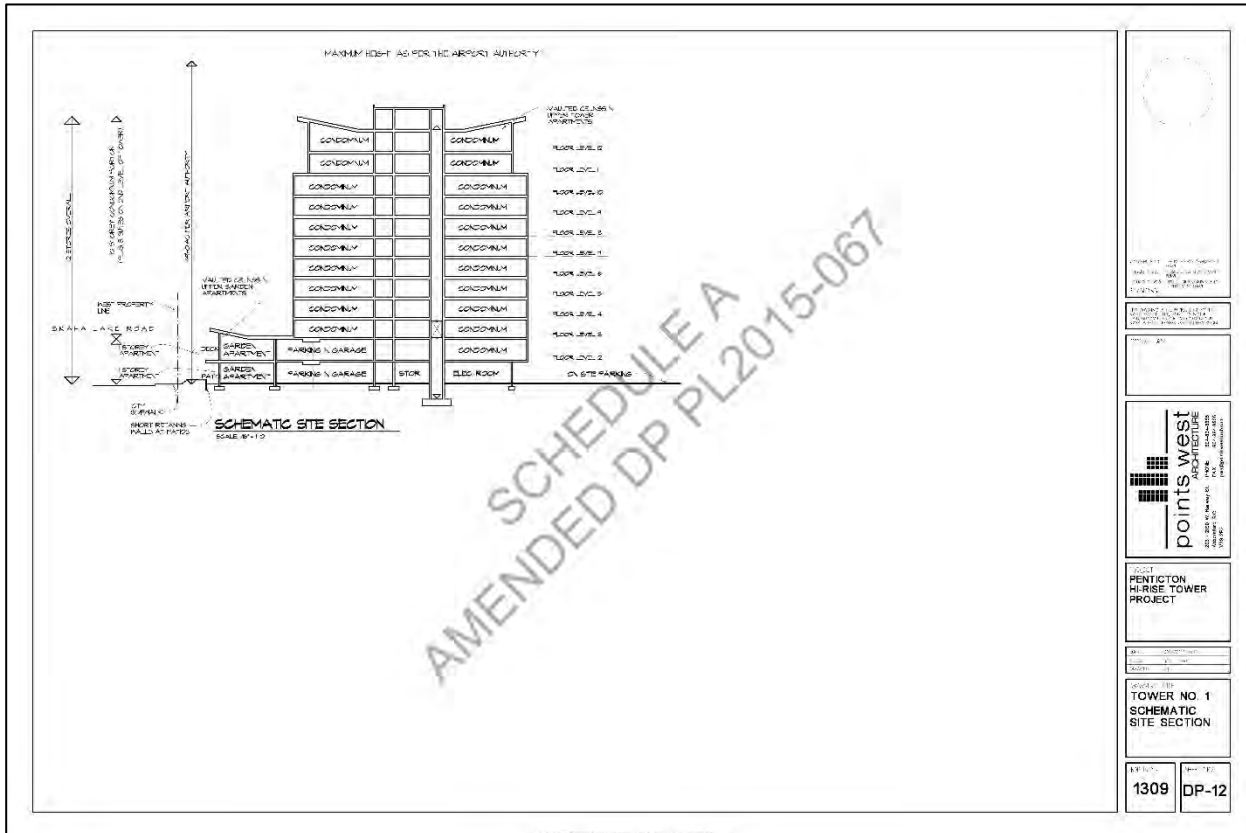
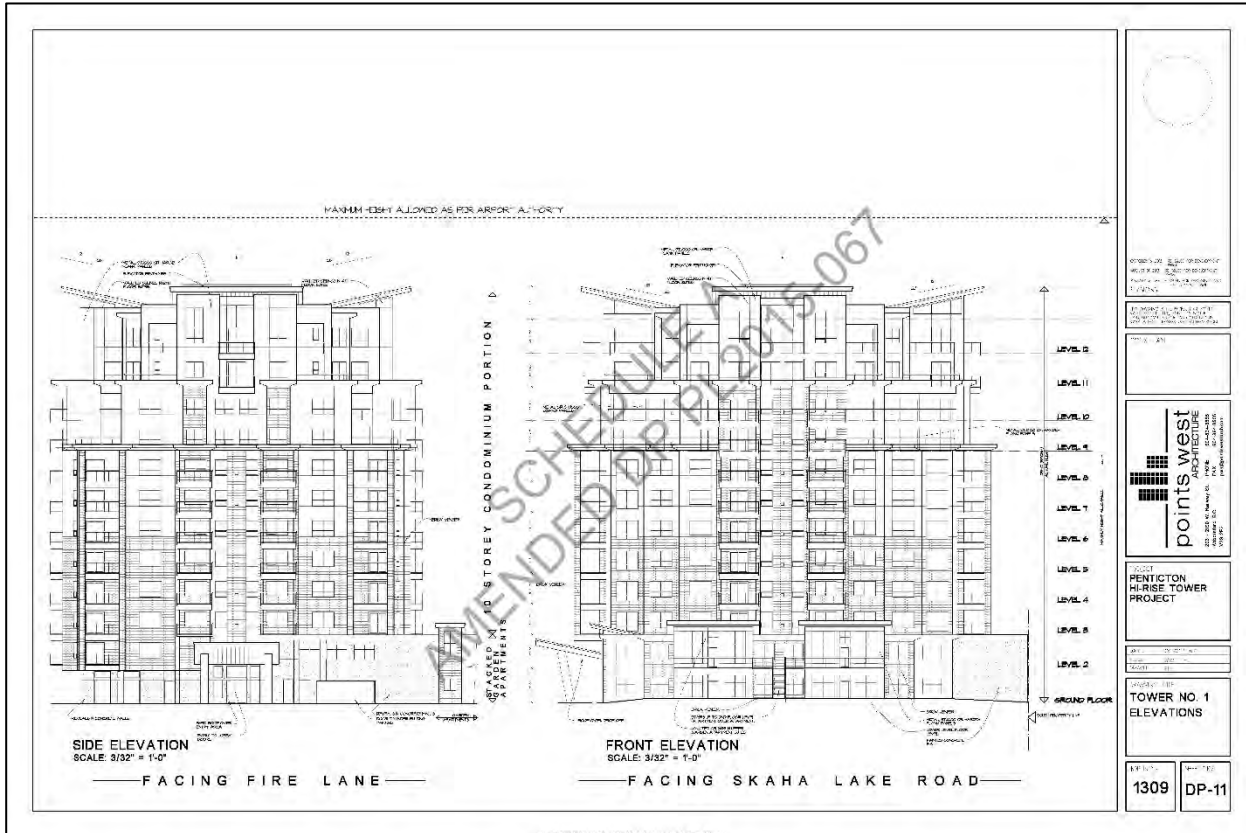


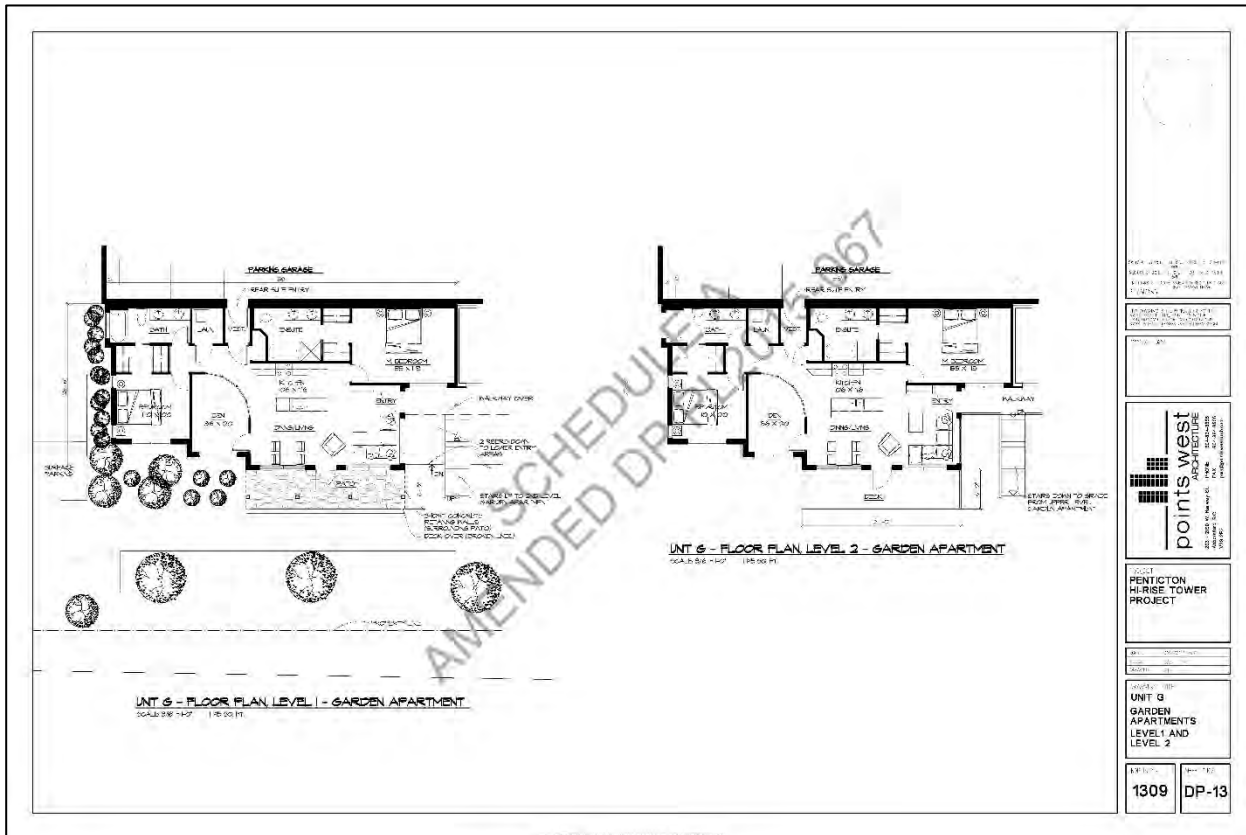
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ARCHITECTS

TOWER 1  
PENTICON  
MIRISE TOWER  
PROJECT

PROJECT NO. 1309  
SHEET NO. DP-10

DATE: 08/14/15





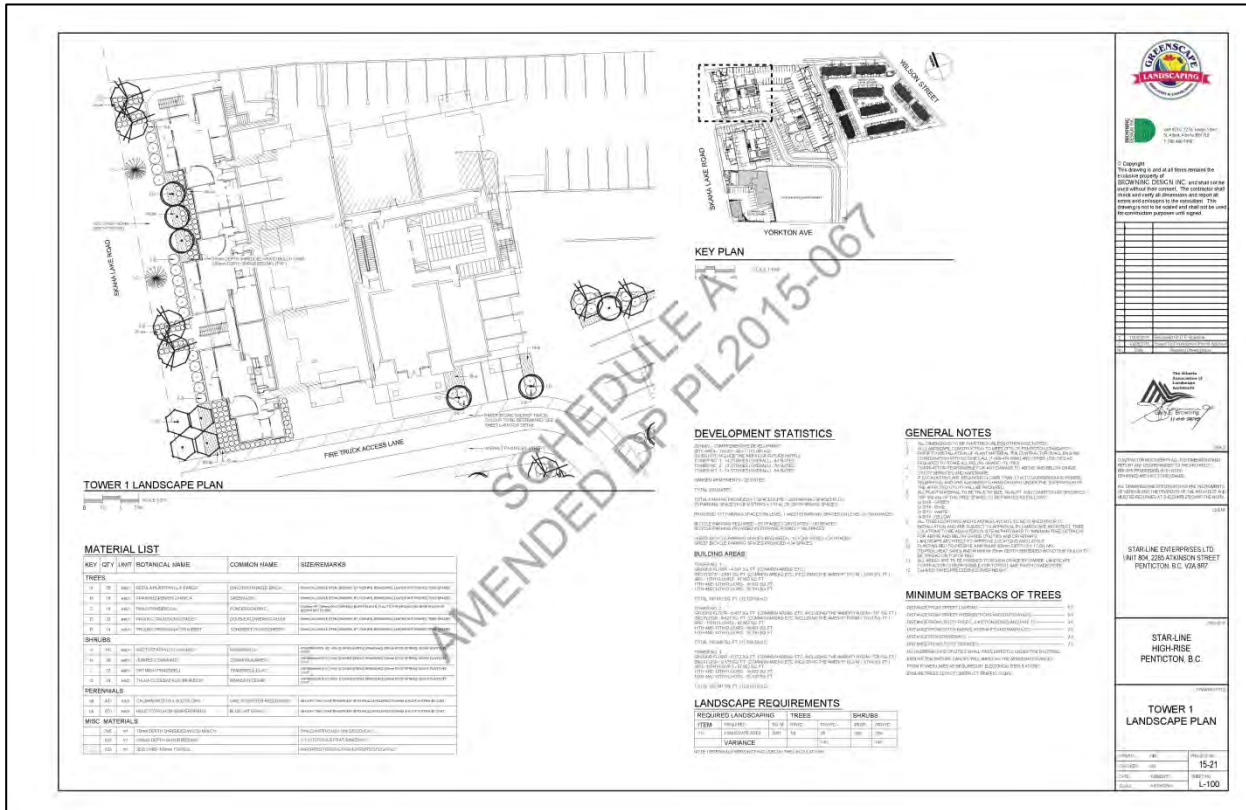
STARLINE ENTERPRISES LTD.  
1910 20th Street S.E.  
Penticton, BC V2A 2G5  
Tel: 250-321-1111  
Fax: 250-321-1112

**points west**  
ARCHITECTS  
1000-10th Street S.E.  
Penticton, BC V2A 2G5  
Tel: 250-321-1111  
Fax: 250-321-1112

**PENTICTON HIGH-RISE TOWER PROJECT**

**UNIT 6 GARDEN APARTMENTS LEVEL 1 AND LEVEL 2**

1309 DP-13



**GREENSCAPE LANDSCAPING**

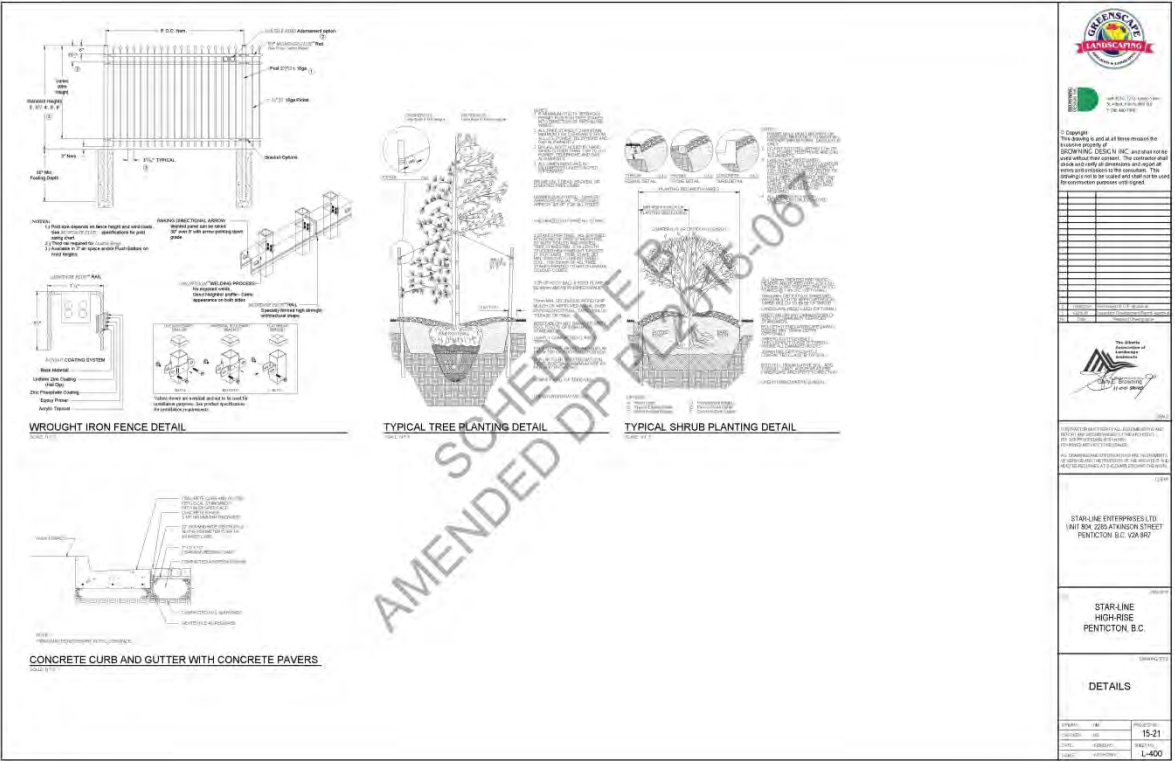
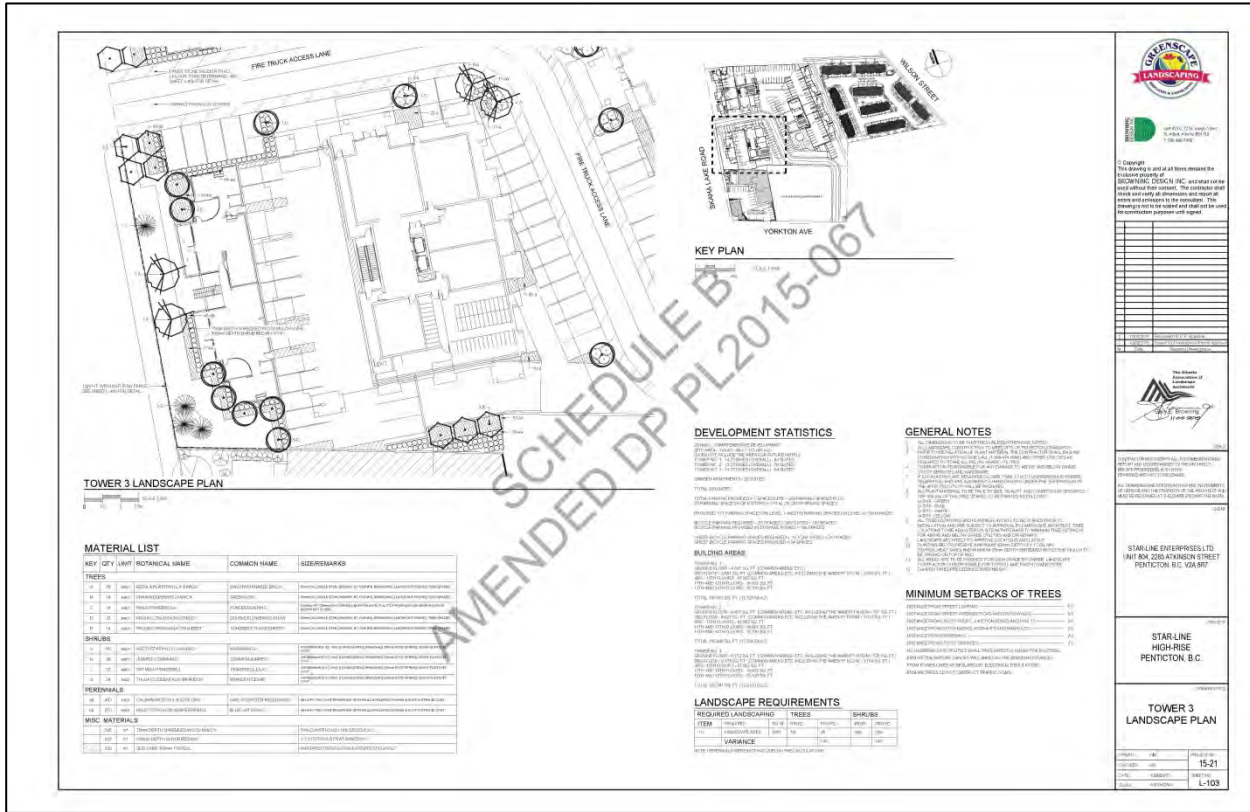
1910 20th Street S.E.  
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Tel: 250-321-1111  
Fax: 250-321-1112

**STARLINE ENTERPRISES LTD.**  
1910 20th Street S.E.  
Penticton, BC V2A 2G5  
Tel: 250-321-1111  
Fax: 250-321-1112

**TOWER 1 LANDSCAPE PLAN**

15-21  
L-100





# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Michael Hodges, Development Engineer

**File No:** RMS 3150-20

**Subject:** "Development Cost Charges Amendment Bylaw 2016-72" and DCC Program Review

## Staff Recommendation

*"Development Cost Charge Bylaw 2016-72"*

THAT "Development Cost Charges Amendment Bylaw 2016-72", being a housekeeping bylaw to amend "Development Cost Charges Bylaw 2007-79", be given first reading, second and third reading;

AND THAT in accordance with Section 560 of the *Local Government Act*, the bylaw be forwarded to the Inspector of Municipalities for approval.

*Development Cost Charge Program Review*

THAT Council support the beginning of a comprehensive review of the City's Development Cost Recovery Program in 2017.

## Strategic Priority Objectives

Development Cost Charges are a way to ensure that new development does not create a capital cost burden on the existing city taxpayers. An efficient and fair DCC program can promote development and lead to a more fiscally secure asset management program.

## Background

Since the adoption of Development Cost Charges Bylaw 2007-79, in 2007, several City bylaws have been amended and trends in construction have changed. In addition, the City's Development Services Division has faced organizational changes. Because of this, the bylaw in some ways has become unclear. For instance, in the Schedules to the bylaw, the table makes reference to the downtown zone that no longer exists. This came about when the new Zoning Bylaw was adopted in 2011. In another instance, the bylaw states that the Administrator of the bylaw is the "Director of Development and Engineering Services." Given that Engineering and Development are now under separate divisions, it is unclear who has the ultimate responsibility and authority over the administration of the bylaw.

Beyond these minor inconsistencies, another issue has come up with the wording of one of the sections that is allowing development that was intended to pay DCCs to avoid payment. Currently any developer that constructs a duplex on a multi-family zoned lot does not pay Development Cost Charges if they submit the

building permits for each duplex separately. So if one were to build a four-plex a DCC would apply, but if one were to build two duplexes, DCCs would not apply. This was not the intent of the DCC Bylaw.

In the minor review that has been done to date, it has become apparent that in addition to the housekeeping changes identified in this report, that the DCC program could become a much larger asset to the City's growth and sustainability strategy. The bylaw is coming up on its 10<sup>th</sup> year without review. Best practices with DCC Bylaws is to review the program every year, removing projects that have been complete, adding new projects that are linked to new development and development interest and adjusting fees accordingly.

This review process has not been done in Penticton. The result is the DCC program is collecting funds for projects that are currently finished or that are not really strategically important to the growth of Penticton and is not collecting for projects that would assist developers grow the community.

## **Proposal**

Staff are proposing a full review of the DCC Program starting in 2017. This review will work in conjunction with the OCP review. As a full review will take time to complete, Staff are also recommending that Council consider the following housekeeping amendments. The current housekeeping amendments propose a number of changes to Development Cost Charges Bylaw 2007-79 as outlined in Attachment 'A'.

The changes include the following:

- Administrator of the Bylaw:** Clarified the correct title of the Administrator, "Director of Development Services"
- Updating definitions to improve clarity:** These have been revised to ensure they are complete and accurate and to close loop holes or additional charges, which have been created by revisions to other bylaws that are referenced in these definitions.
- Bare Land Strata:** Clarify that Section 4 applies to Bare Land Strata, not the creation of any Strata.
- Simplifying wording:** To make the Bylaw more simple to understand, words such as "hereto" have been removed and where required replaced with more common word without changing the meaning of the sections.
- Closing of the "Duplex Loophole":** The bylaw has been updated to ensure that Multi-family development pay Development Cost Charges based on the number of Dwelling Unit that are created regardless of the built form. The amendment also clarifies that Duplex zoned lots are charged Development Cost Charges at the same rate as a Single Family lot. This will bring the bylaw in line with the original intention and match the calculations that have been used in calculating the values of the Development Cost Charges. This loop hole has thus far resulted in the under collection of Development Cost Charges estimated at \$205,000.

## **Financial Implications**

Staff cannot estimate the cost of a full DCC review at this time. The calculation of DCCs are based upon a City's comprehensive development plan and infrastructure master plans (water, sewer, storm etc.). To determine how extensive of a program an initial review of all the applicable plans needs to be done. Staff are budgeting \$10,000 in the 2017 budget to do this scoping work with the intent of a full proposal and budget request at the conclusion of that work.

## **Analysis**

### Support

A well function DCC program assists in the development of a community, by linking capital infrastructure spending to areas of new development and appropriately recovering the costs of new development.

Penticton's DCC program is no longer functioning as it should be. This is resulting in developers having to pay large amounts of money up front for infrastructure and in other areas not paying their fair share of the impact of their development on the City's existing infrastructure.

These minor amendments to the DCC bylaw are intended to make the bylaw easier to use in the meantime, with a full update scheduled to begin in 2017.

For the reasons listed above staff recommend that Council give first, second and third reading to the bylaw. Staff are also recommending that Council support the beginning of a full review of the DCC program by supporting a budget request of \$10,000 for 2017.

### Deny / refer

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

Council may also not wish to proceed with a review of the DCC Bylaw.

## **Alternate Recommendations**

1. THAT Council deny first reading of "Development Cost Charges Amendment Bylaw 2016-72"
2. THAT Council support "Development Cost Charges Amendment Bylaw 2016-72" with conditions that Council feels are appropriate.

## **Attachments**

Attachment A:	Proposed Development Cost Charges Bylaw Amendments
Attachment B:	Development Cost Charges Amendment Bylaw No. 2016-72

Respectfully submitted,

Michael Hodges  
Development Engineer

Approvals

<p>Director</p> <p><i>BL</i></p>	<p>A/ Chief Administrative Officer</p> 	<p>City Engineer</p> 
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Attachment 'A'  
Proposed Development Cost Charges Bylaw Amendments

**Amend Section 2 Administration**

Delete existing

The Director of Development and Engineering Services or designate is hereby appointed to administer this bylaw.

Replace with

The Director of Development Services is hereby appointed to administer this bylaw.

**Amend Section 3**

Delete existing

"boarding home" is as defined in the Zoning Bylaw.

Replace with

"boarding home" is defined as a building in which the owner or manager supplies accommodation and/or sleeping unit accommodation for remuneration. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes.

Delete existing

"development" means the net increase in commercial, industrial or institutional gross floor area; or the construction of dwellings.

Replace with

"development" means the increase in commercial, industrial or institutional floor area; or the construction of dwellings.

Delete existing

"Director of Development and Engineering Services" means the Director of Development and Engineering Services of the City or an authorized representative.

Replace with

"Director of Development Services" means the Director of Development Services of the City or an authorized representative.

Delete existing

"gross floor area" means gross floor area as defined in the Zoning Bylaw.

Replace with

“floor area” means the total floor area of all storeys of all buildings or structures with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include the following sub-areas:

- Garages, other enclosed or open parking areas
- balconies, decks and patios.

Insert

“duplex zoned lot” is a lot that is currently zoned RD1 or RD2 in accordance with the Zoning Bylaw.

“single family zoned lot” is a lot that is currently zoned R1, R2 or R3 in accordance with the Zoning Bylaw.

Delete existing

“institutional” means development in the institutional land use zones as designated in the Zoning Bylaw and boarding homes and senior citizens boarding home that provide sleeping units only, not dwelling units.

Replace with

“institutional” means development in the Public Assembly land use zones as designated in the Zoning Bylaw and boarding homes that provide sleeping units only, not dwelling units.

Delete existing

“net increase in floor area” means the difference between the gross floor area that exists on the development lands at the time a building permit is issued and the amount that will exist when the construction authorized by the building permit has been completed, and in the case of development lands in respect of which a demolition permit has been issued within a 24 month period immediately preceding the issuance of the building permit, or the difference between the greatest gross floor area that existed on the development lands within that 24 month period and the gross floor area that will exist on the development lands when the construction authorized by the building permit has been completed.

Replace with

“increase in floor area” means the difference between the floor area that exists on the development lands at the time a building permit is issued and the amount that will exist when the construction authorized by the building permit has been completed, and in the case of development lands in respect of which a demolition permit has been issued within a 24 month period immediately preceding the issuance of the building permit, or the difference between the greatest gross floor area that existed on the development lands within that 24 month period and the gross floor area that will exist on the development lands when the construction authorized by the building permit has been completed.

Delete existing

“parcel” means parcel as defined in the Zoning Bylaw.

Replace with

“parcel” Refer to “lot” Definition.

“lot” means a parcel of land, including Crown Land, which is legally defined either by **registered plan** or legal description.

Delete existing

“senior citizens boarding home” is as defined in the Zoning Bylaw.

Delete existing

“Zoning Bylaw” means the City Zoning Bylaw No. 87-65 as amended from time to time.

Replace with

“Zoning Bylaw” means the City Zoning Bylaw No. 2011-23 as amended from time to time.

#### **Amend Section 4**

Delete existing

Every person who obtains approval of a subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act* shall pay to the City at the time of approval of the subdivision the applicable development cost charges as set out in Schedule “A1”, Schedule “A2” and Schedule “B” hereto and in accordance with Sector Map “A”, Sector Map “B1” and Sector Map “B2”.

Replace with

Every person who obtains approval of a subdivision of a parcel of land under the *Land Title Act* or the creation of a bare land strata under the *Strata Property Act* shall pay to the City at the time of approval of the subdivision the applicable development cost charges as set out in Schedule “A1”, Schedule “A2” and Schedule “B” and in accordance with Sector Map “A”, Sector Map “B1” and Sector Map “B2”.

#### **Amend Section 5**

Delete existing

Except as provided in the Local Government Act, every person who obtains a building permit shall pay to the City at the time of issuance of the building permit the applicable development cost charges as set out in Schedule “A1”, Schedule “A2” and Schedule “B” hereto and in accordance with Sector Map A, Sector Map B1 and Sector Map B2.”

Replace with

Except as provided in the Local Government Act, every person who obtains a building permit shall pay to the City at the time of issuance of the building permit the applicable development cost charges as set out in Schedule “A1”, Schedule “A2” and Schedule “B” and in accordance with Sector Map A, Sector Map B1 and Sector Map B2.”

### **Amend Section 7**

Delete existing

Development cost charges will be imposed at the time of building permit issuance on the basis of the net increase in gross floor area of commercial, industrial and institutional development, as the case may be.

Replace with

Development cost charges will be imposed at the time of building permit issuance on the basis of the increase in floor area of commercial, industrial and institutional development, as the case may be.

### **Amend Section 8**

Delete existing

Development cost charges will be imposed at the time of building permit issuance on the number of residential dwelling units over two units in any building and/or mobile home.

Replace with

Development cost charges will be imposed at the time of building permit issuance on the number of residential dwelling units in any building and/or mobile home, on a parcel that are not Single Family Zoned or Duplex Zoned.

### **Amend Section Schedule A1 and A2**

Update the Classification from

“Single Family Residential per lot”

To

“Single Family Zoned and Duplex zoned per lot”

Update the Classification from

“Multi Family Residential in the C3 Zone per unit”

To

“Multi Family Residential in the C5 Zone per unit”

### **Amend Section Schedule B**

Update the Classification from

“Single Family Residential per lot”

To

“Single Family Zoned and Duplex zoned per lot”

**Bylaw No. 2016-72**

*A Bylaw to Amend Development Cost Charges Bylaw 2007-79*

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

AND WHEREAS the Council of the City of Penticton wishes to amend Development Cost Charges Bylaw 2007-79;

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 "Development Cost Charges Amendment Bylaw No. 2016-72".

2. **Amendments:**

Development Cost Charges Bylaw 2007-79 is hereby amended as follows:

2.1 Delete and replace section 2 with the following:

ADMINISTRATION

2. The Director of Development Services is hereby appointed to administer this bylaw.

2.2 Delete and replace the following existing definitions from section 3:

DEFINITIONS

"boarding home" is defined as a building in which the owner or manager supplies accommodation and/or sleeping unit accommodation for remuneration. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes.

"development" means the increase in commercial, industrial or institutional floor area; or the construction of dwellings.

"Director of Development Services" means the Director of Development Services of the City or an authorized representative.

"institutional" means development in the Public Assembly land use zones as designated in the Zoning Bylaw and boarding homes that provide sleeping units only, not dwelling units.

"parcel" refer to "lot" definition.

"Zoning Bylaw" means the City Zoning Bylaw No. 2011-23 as amended from time to time.

- 2.3 Delete the definition for “gross floor area” and replace with the following definition:  
“floor area” means the total floor area of all storeys of all buildings or structures with a clear ceiling height of 1.8 meters or more, measured from the outside face of the exterior walls. This does not include the following sub-areas:
- Garages, other enclosed or open parking areas
  - balconies, decks and patios.
- 2.4 Add the following new definitions:  
“duplex zoned lot” is a lot that is currently zoned RD1 or RD2 in accordance with the Zoning Bylaw.  
“single family zoned lot” is a lot that is currently zoned R1, R2 or R3 in accordance with the Zoning Bylaw.  
“lot” means a parcel of land, including Crown Land, which is legally defined either by registered plan or legal description.
- 2.5 Delete the definition for “net increase in floor area” and replace with the following definition:  
“increase in floor area” means the difference between the floor area that exists on the development lands at the time a building permit is issued and the amount that will exist when the construction authorized by the building permit has been completed, and in the case of development lands in respect of which a demolition permit has been issued within a 24 month period immediately preceding the issuance of the building permit, or the difference between the greatest gross floor area that existed on the development lands within that 24 month period and the gross floor area that will exist on the development lands when the construction authorized by the building permit has been completed.
- 2.6 Delete the definition “senior citizens boarding home”.
- 2.7 Delete and replace with the following:

#### SUBSTANTIVE PROVISIONS

4. Every person who obtains approval of a subdivision of a parcel of land under the *Land Title Act* or the creation of a bare land strata under the *Strata Property Act* shall pay to the City at the time of approval of the subdivision the applicable development cost charges as set out in Schedule “A1”, Schedule “A2” and Schedule “B” and in accordance with Sector Map “A”, Sector Map “B1” and Sector Map “B2”.

5. Except as provided in the *Local Government Act*, every person who obtains a building permit shall pay to the City at the time of issuance of the building permit the applicable development cost charges as set out in Schedule “A1”, Schedule “A2” and Schedule “B” and in accordance with Sector Map “A”, Sector Map “B1” and Sector Map “B2”.

7. Development cost charges will be imposed at the time of building permit issuance on the basis of the increase in floor area of commercial, industrial and institutional development, as the case may be.

8. Development cost charges will be imposed at the time of building permit issuance on the number of residential dwelling units in any building and/or mobile home, on a parcel that are not Single Family Zoned or Duplex Zoned.

- 2.8 Amend Schedule A1 and A2 Classification from "Single Family Residential per lot" to read "Single Family Zoned and Duplex zoned per lot" and "Multi Family Residential in the C3 Zone per unit" to read "Multi Family Residential in the C5 Zone per unit".
- 2.9 Amend Schedule B Classification from "Single Family Residential per lot" to read "Single Family Zoned and Duplex zoned per lot".

READ A FIRST time this	day of	, 2016
READ A SECOND time this	day of	, 2016
READ A THIRD time this	day of	, 2016
RECEIVED the approval of the Inspector of Municipalities on the	day of	, 2016
ADOPTED this	day of	, 2016

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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

# Council Report

penticton.ca

**Date:** December 20, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 1220, 1228 & 1236 Government Street  
**Subject:** Zoning Amendment Bylaw No. 2016-73

File No: RZ PL2016-7768

## Staff Recommendation

*Rezone*

THAT "Zoning Amendment Bylaw No. 2016-73," a bylaw to amend City of Penticton Zoning Bylaw 2011-23 for Lot 69, District Lot 250, SDYD, Plan 881, located at 1220 Government Street, Lot 70, District Lot 250, SDYD, Plan 881, located at 1228 Government Street & Lot 71, District Lot 250, SDYD, Plan 881, located at 1236 Government Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the January 17, 2017 Public Hearing.

## Strategic priority objective

N/A

## Background

The subject properties (Attachment 'A') are zoned R2 (Small Lot Residential) and are designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. Each lot is 393m<sup>2</sup> (4230.22ft<sup>2</sup>). A single family dwelling straddles 1228 and 1236 Government Street and will be demolished. There are currently no plans on demolishing the single family dwelling on 1220 Government Street, but the applicants are requesting to re-zone it for possible future development. The surrounding properties are primarily zoned residential and designated by the OCP as Medium Density Residential (LR) and Low Density Residential (LR).

The applicant is proposing to construct two side-by-side duplexes on both 1228 and 1236 Government Street. A duplex is not a permitted use in the R2 Zone. As such, a zoning amendment from Small Lot Residential (R2) to Duplex Housing: Lane (RD2) is required.

## Financial implication

N/A

## Proposal

The applicant is requesting that the subject properties (1220, 1228 & 1236 Government Street) be rezoned from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

## Development Statistics

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

Item	Requirement of R2 Zone (current)	Requirement of RD2 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	40 %	40%	31%
<b>Vehicle Parking:</b>	2 spaces per lot	2 spaces per lot	2 spaces per lot
<b>Required Setbacks</b>			
Front yard (west):	4.5m	4.5m	4.5m
Side yard (north):	1.5m	1.5m	1.5m
Side yard (south):	1.5m	1.5m	1.5m
Rear yard (east):	6.0m	6.0m	6.0m
<b>Maximum Building Height:</b>	10.5m	10.5m	6.908m
<b>Other Information:</b>	Subject property is located within the General Multiple Family Development Permit Area, but does not require development permit approval as all vehicular access is located from the rear lane. No variances are being proposed for any of the lots.		

## Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. Concerns pertaining to servicing requirements and lane improvement were raised, but will be addressed at the building permit stage. If the request for the zoning amendment are supported, BC Building Code and City bylaw provisions, such as setbacks and height restrictions, will apply.

## Analysis

### Support "Zoning Amendment Bylaw No. 2016-73"

The site is situated in an area experiencing densification, with single family housing being replaced with a mix of duplex, cluster housing and low rise apartments. The OCP designation for this site is Medium Density Residential (MR). Duplex development is not an intended use in the MR designation, but OCP policy does support the inclusion of duplex buildings in the MR zone in the following situation: where a neighbourhood plan does not exist and where a low density, single multiple family character is existing or establishing. Staff consider this to be the case in this neighbourhood.

In the evaluation of this application staff considered the following:

- The properties are large enough to accommodate a side-by-side duplex without any variances.
- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to schools and nearby services encourages more walking and active forms of transportation.
- The proposed design of the buildings are suitable and consistent with the redevelopment trends in the area.
- The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification.

Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2016-73” and forward the application to the January 17<sup>th</sup>, 2017 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

**Alternate Recommendations**

1. THAT Council denies first reading to “Zoning Amendment Bylaw No. 2016-73”
2. THAT Council refers the applications “RZ PL2016-7768” back to staff with instructions that Council feels are warranted.


**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Letter of Intent
- Attachment H: “Zoning Amendment Bylaw No. 2016-73”

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

Acting DDS  BL	Acting CAO  
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Attachment 'A' – Subject Property Location Map

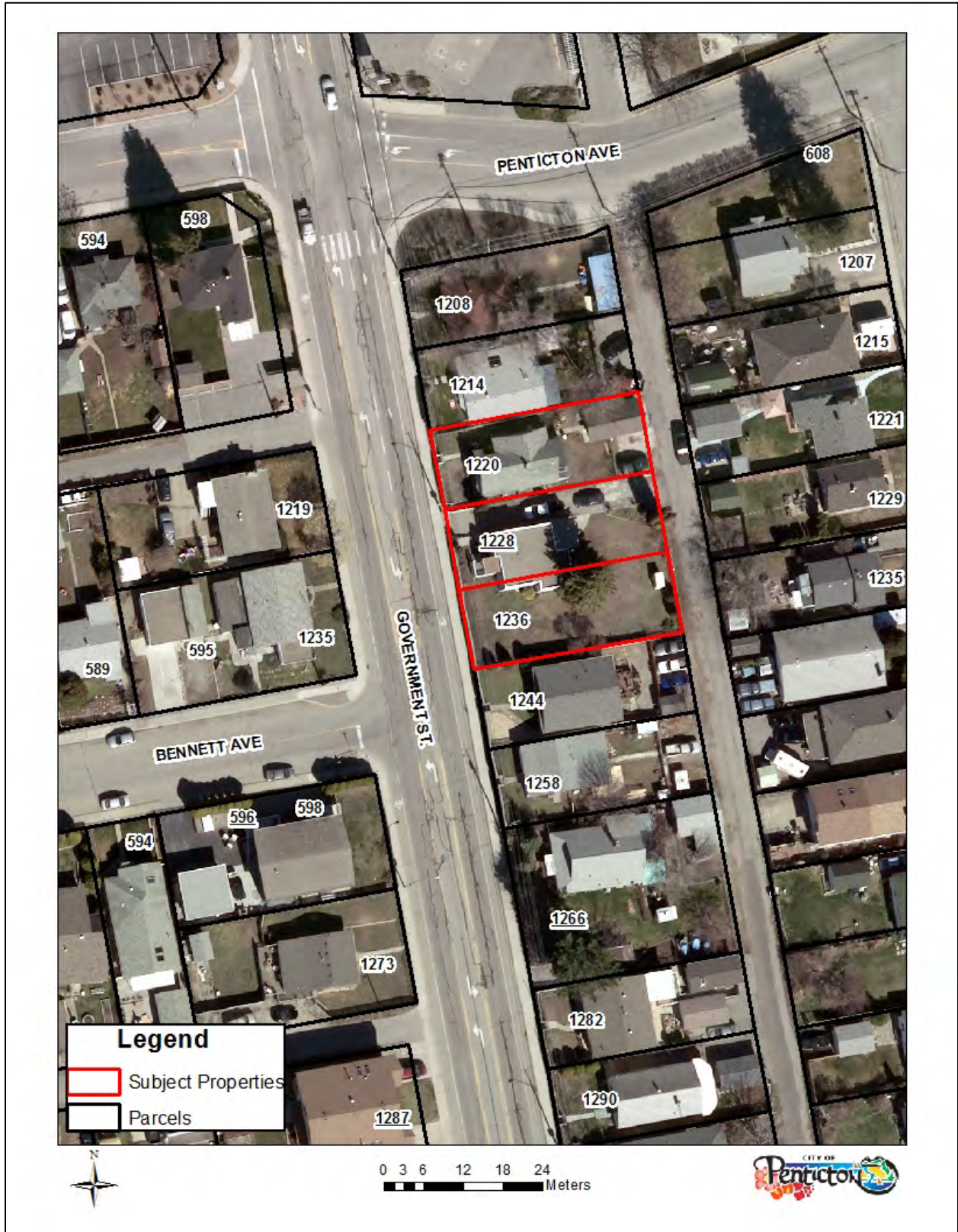


Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map

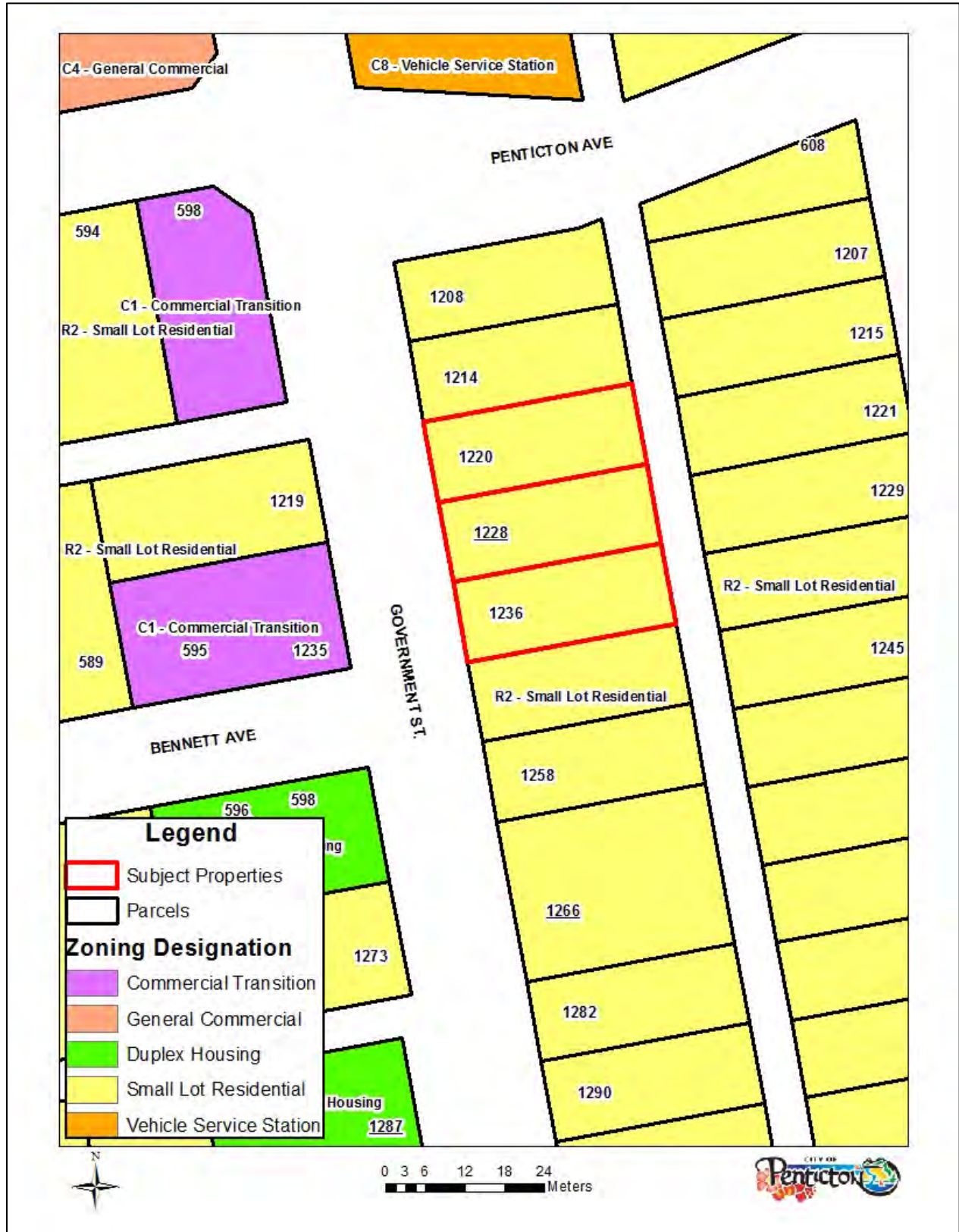


Figure 2: Zoning Map

Attachment 'C' - OCP Map

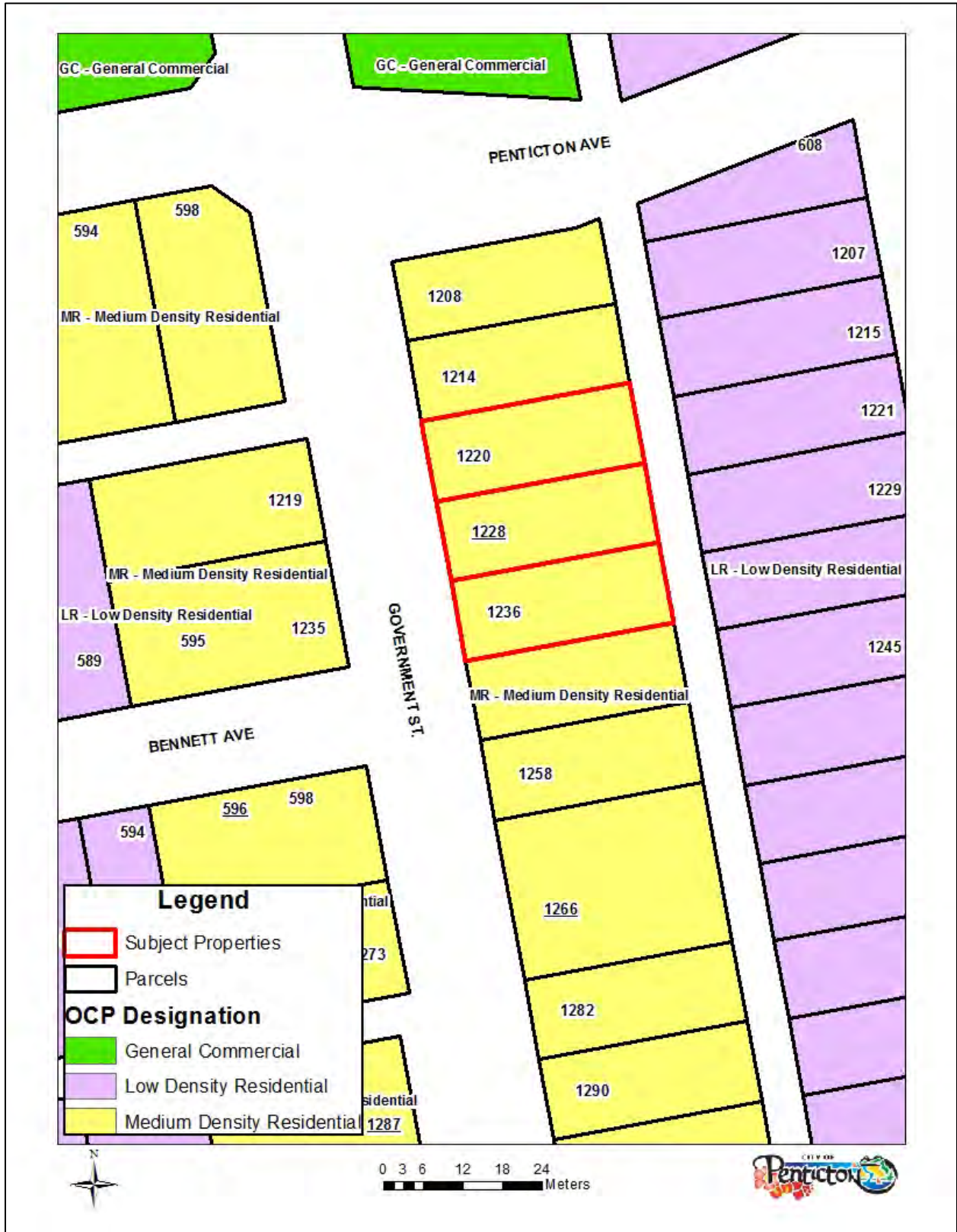


Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: West View (from Government St.) showing existing Residents



Figure 5: East View (from Lane) showing proposed SFD to be demolished

Attachment 'E' - Site Plan

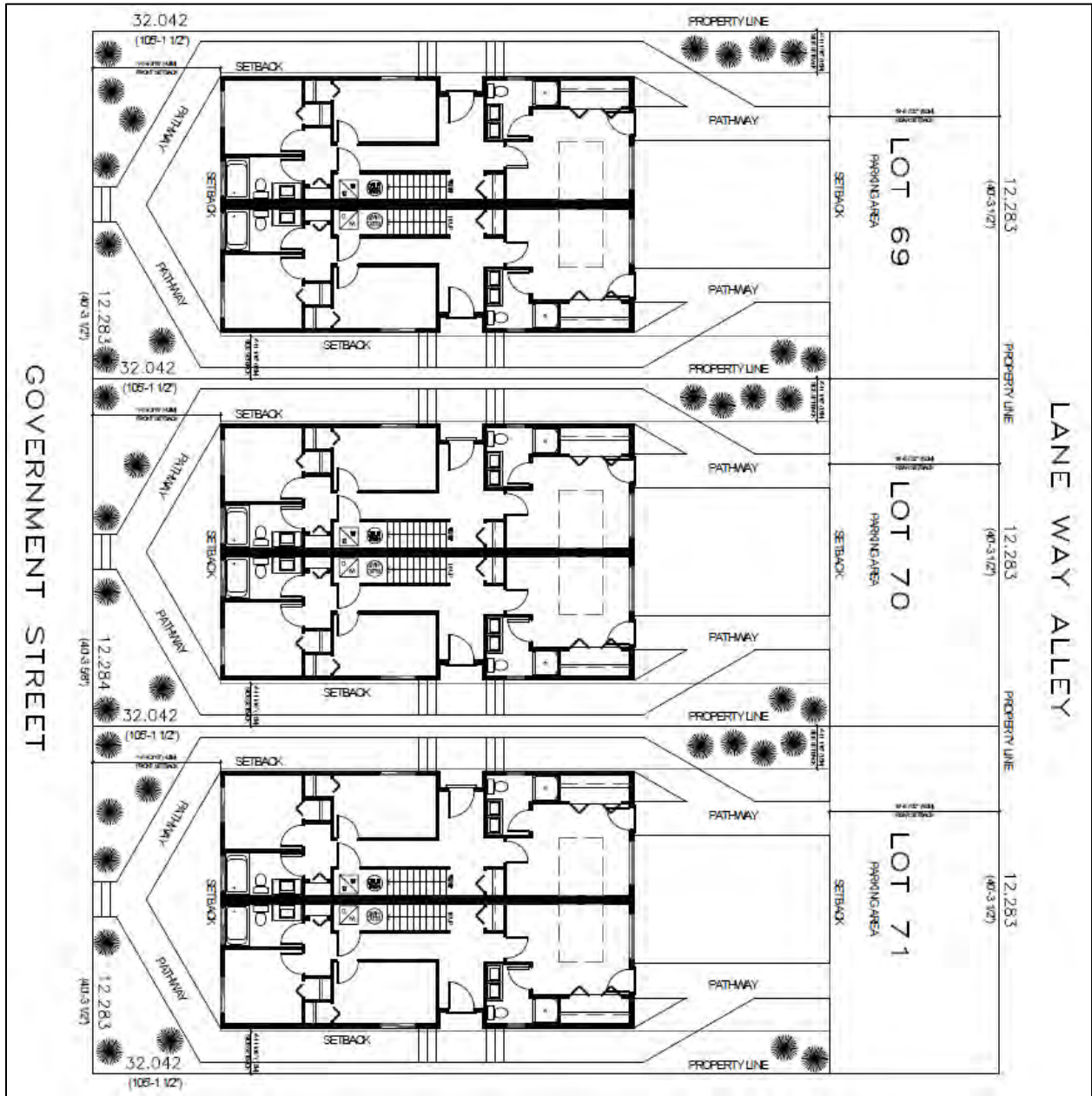


Figure 6: Site Plan

Attachment 'F' – Elevations



Figure 7: East Elevation (From Lane)

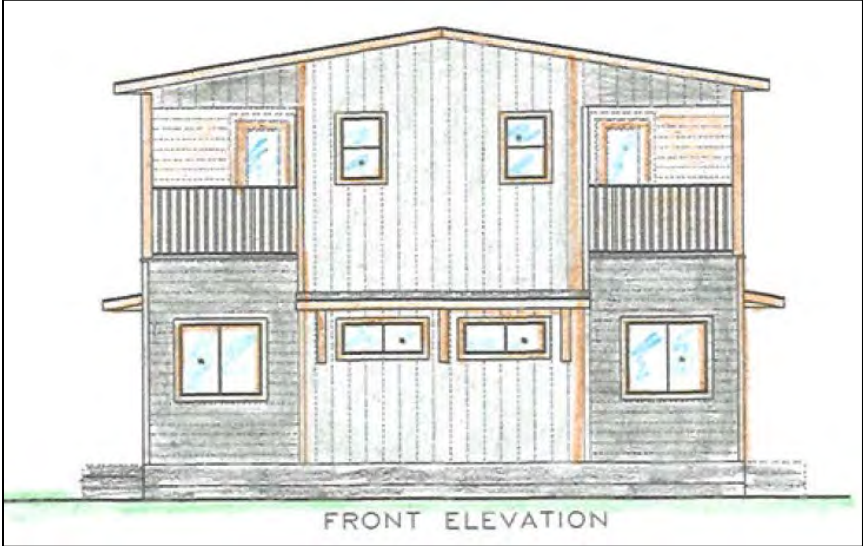


Figure 8: West Elevation (From Government Street)



Figure 9: North Elevation

Attachment 'G'- Letter of Intent

<p><b>LETTER OF INTENT</b></p> <p>Rezoning from single Residential to Duplexes on 1220, 1228 and 1236 Government Street</p> <hr/> <p>The application is for lots 69, 70 and 71.</p> <p><b>Lot 69</b></p> <p>This post war house had some updates. At this time there is no plan to demolish it but considering future development we would like to have it rezoned too.</p> <p><b>Lots 70 and 71</b></p> <p>This 848 sqft post-war house on <i>two lots</i> is poorly insulated, outdated and occupied by tenants.</p> <p>The plan is to build one Duplex on each of those lots so that <i>4 owner families</i> can enjoy quality living within foot distance to shopping, Interior Health, Hospital, Schools and down town.</p> <p>Each <math>\frac{1}{2}</math> Duplexes has a living area of over 1400 sq ft (of which 170 sq ft balconies), on the 1<sup>st</sup> floor 3 bedrooms and 2 baths on the 2<sup>nd</sup> floor <i>facing busy Gvt. Street</i> an open concept kitchen and a <math>\frac{1}{2}</math> bath <i>facing the quiet</i> lane side will be the living/dining area and a large balcony with unobstructed view into the eastern hills.</p>
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Figure 10: Letter of Intent

**Bylaw No. 2016-73**

*A Bylaw to Amend Zoning Bylaw 2011-23*

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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. 2016-73".

2. **Amendment:**

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

Rezone Lot 69, District Lot 250, Similkameen Division Yale District, Plan 881, located at 1220 Government Street, Lot 70, District Lot 250, Similkameen Division Yale District, Plan 881, located at 1228 Government Street, Lot 71, District Lot 250, Similkameen Division Yale District, Plan 881, located at 1236 Government Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	day of	, 2016
A PUBLIC HEARING was held 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

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

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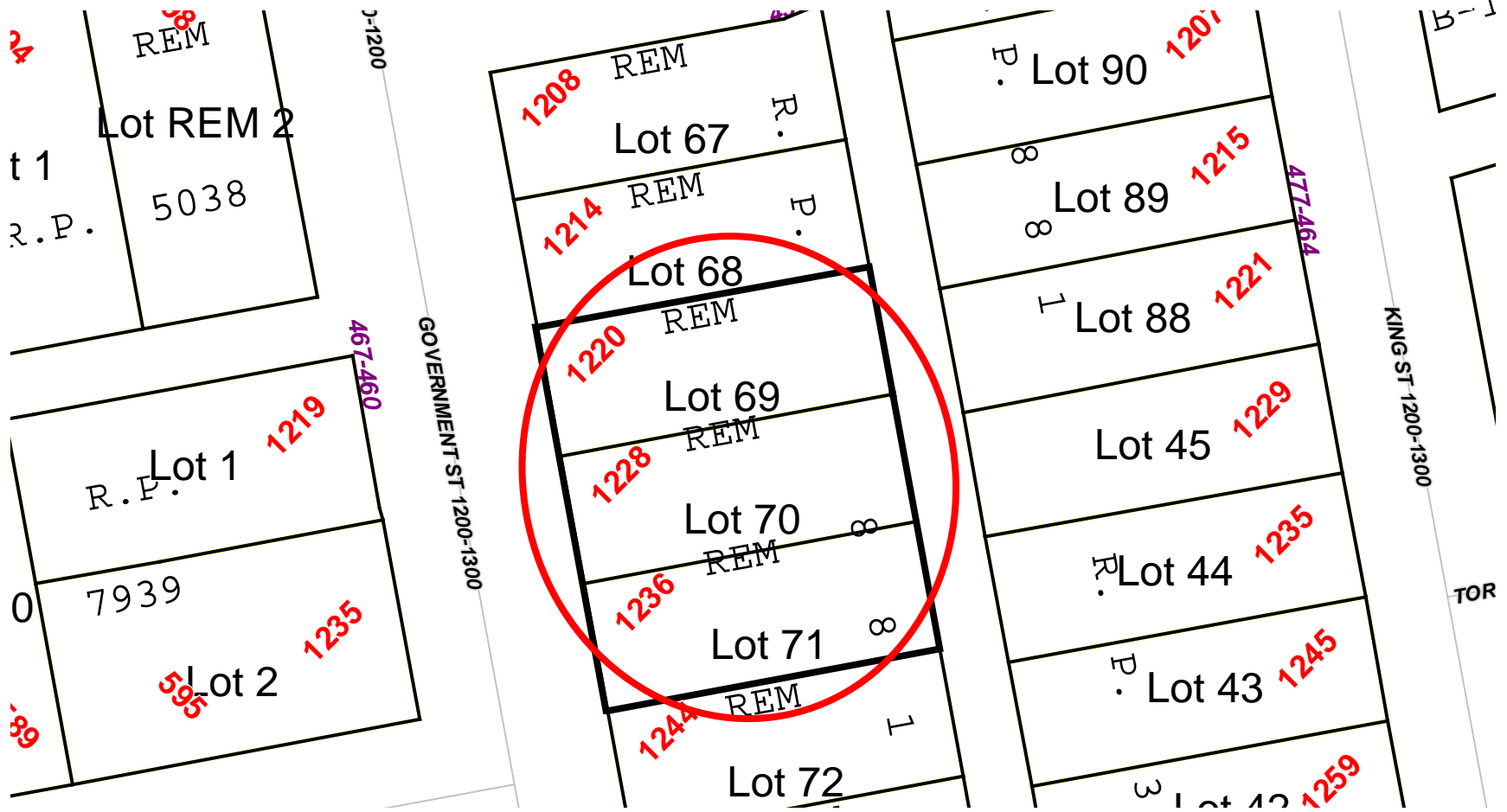
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

# Rezone 1220, 1228 and 1236 Government Street From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-73

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_