



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

Tuesday, January 10, 2017
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 20, 2016 Committee of the Whole Meeting	1-2	Receive
6.2	Minutes of the December 20, 2016 Public Hearing	3-4	Receive
6.3	Minutes of the December 20, 2016 Regular Council Meeting	5-14	Adopt

7. **Committee and Board Reports**

8. **Correspondence:**

8.1	SILGA Re: Call for Nominations and Resolutions for Convention	15-16	
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9. **Staff Reports:**

DDS	9.1	Section 57 Notice on Title and Injunctive Action Re: 144 Williamson Place <u>Staff Recommendation:</u> THAT Council 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:	17-21	Owner
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"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."

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.

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|-----|------|--|-------|-------|
| DDS | 9.2 | Update - Section 57 Notice on Title
Re: 329 Upper Bench Road S
<i>Staff Recommendation: THAT Council receive the report titled "Update – Section 57 Notice on Title – 329 Upper Bench Road S" for information.</i> | 22 | |
| DDS | 9.3 | Zoning Amendment Bylaw No. 2017-02
Re: 457 & 461 Nelson Avenue
<i>Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-02" a bylaw to Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue, Rezone the West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue and Rezone the East ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the February 7, 2017 Public Hearing.</i> | 23-36 | |
| 10. | | Reconsideration of Bylaws and Permits: | | |
| | 10.1 | Zoning Amendment Bylaw No. 2016-69
Re: 1786 Fairford Drive | 37-38 | Adopt |
| 11. | | Notice of Motion | | |
| 12. | | Business Arising from In-Camera | | |
| 13. | | Council Round Table | | |
| 14. | | Public Question Period | | |
| 15. | | Adjourn to In-Camera Meeting
<i>Resolution: THAT Council adjourn 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> | | |
| | | (e) <i>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;</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> | | |

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

Tuesday, December 20, 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
Anthony Haddad, 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 1:04 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on December 20, 2016 be adopted as circulated.

CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 100 Homes Penticton

Ian Gerbrandt, United Way, provide Council with an update on 100 Homes Penticton. Identified 128 homeless individuals in the community and to date have matched 41 people with housing.

3.2 Organizational Focus 2017-2021

Stephanie Chambers, Economic Development provided Council with an overview of the Organizational Focus and process for 2017-2021. Suggested Strategic Plan is developed in 2017 with feedback from the community.

3.3 Community Engagement Update

JoAnne Kleb, Community Engagement, provided Council with an update on the awareness work and public engagement sessions held regarding the City's infrastructure deficit and the decisions ahead.

4. Adjourn to Regular Meeting

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole at 2:05 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, December 20, 2016
at 6:00 p.m.

- Present:** Mayor Jakubeit
Councillor Sentes
Councillor Watt
Councillor Picton
Councillor Konanz
Councillor Martin
- Absent:** Councillor Sayeed (with notice)
- Staff:** Mitch Moroziuk, Acting Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:08 p.m. for "Zoning Amendment Bylaw No. 2016-69". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw and related DVP an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

"Zoning Amendment Bylaw No. 2016-69" (1786 Fairford Drive)

The purpose of "Zoning Amendment Bylaw No. 2016-69" is to amend Zoning Amendment Bylaw No. 2011-23 as follows:

Add the following site specific provision to Section 10.1.3.6: "In the case of Lot 2, District Lot 115, Similkameen Division Yale District, 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 principle dwelling."

The applicant is proposing to construct a carriage house on the property.

The Corporate Officer advised that one letter has been received after the printing of the agenda.

DELEGATIONS

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

- Grant Beaujeaux, Applicant, 1786 Fairford Drive, spoke in support of the application.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2016-69" was terminated at 6:14 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Regular Council Meeting
held at City of Penticton Council Chambers
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Tuesday, December 20, 2016
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
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 1:02 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

558/2016

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on December 20, 2016 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:03 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:05 p.m.

6. Adoption of Minutes:

6.1 Minutes of the December 6, 2016 Committee of the Whole Meeting

559/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the December 6, 2016 Committee of the Whole meeting as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the December 6, 2016 Regular Council Meeting

560/2016

It was MOVED and SECONDED

THAT Council adopt the minutes of the December 6, 2016 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Development Services Advisory Committee Minutes of November 9, 2016

561/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Development Services Advisory Committee Meeting of November 9, 2016.

CARRIED UNANIMOUSLY

7.2 Parks & Recreation Master Plan Steering Committee Minutes of November 18, 2016

562/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee Minutes of November 18, 2016.

CARRIED UNANIMOUSLY

7.3 Parks & Recreation Master Plan Steering Committee Minutes of November 29, 2016

563/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee Minutes of November 29, 2016.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Okanagan Fest of Ale
Re: Request Letter of Endorsement

564/2016

It was MOVED and SECONDED

THAT Council send a letter of endorsement for the 22nd Annual Okanagan Fest-of-Ale event, April 7-8, 2017.

CARRIED UNANIMOUSLY

8.2 Royal Canadian Legion
Re: Thank you for free parking

Council acknowledge letter of thank you from Royal Canadian Legion for free parking.

9. Staff Reports:

9.1 Snow and Ice Control Policy

565/2016

It was MOVED and SECONDED

THAT Council after full consideration, including budgetary restrictions, endorse the revised Snow and Ice Control Policy as attached in Attachment A;

And THAT the Snow Removal Budgets be amended as follows:

- Parking Lot – Snow Removal Budget , OPR576-003 be increased by \$1,550 to accommodate the snow and ice control for the additional parking lots.
- Transit Snow Removal Budget, OPR594-004 be increased by \$750 to accommodate the snow and ice control for the additional 11 transit stops.

CARRIED UNANIMOUSLY

9.2 Resident Only Parking Program Changes Implementation - Reconsideration

566/2016

It was MOVED and SECONDED

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.

DEFEATED

Councillors Konanz, Sentes, Martin, Opposed

567/2016

It was MOVED and SECONDED

THAT Council defer discussions to cancel the resident only parking program and remove all resident only signage in the existing resident only areas to the February 7, 2017 Council Meeting.

CARRIED

Councillors Watt and Picton, Opposed

9.3 Campbell Mountain Provincial Recreational Lease

568/2016

It was MOVED and SECONDED

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 "Unsurvey" 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 agreement is in place it be brought back to Council for approval.

DEFEATED

Councillors Watt, Konanz, Martin, Opposed

569/2016

It was MOVED and SECONDED

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 "Unsurvey" 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.

CARRIED

Councillor Watt, Opposed

9.4 Closure and Disposal of a portion of Government Street east of Hospital

570/2016

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

Mayor Jakubeit and Councillor Martin declared a conflict of interest and left the meeting at 3:40 p.m. Deputy Mayor Konanz chaired the meeting.

9.5 Advertising Expenditure

571/2016

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

Mayor Jakubeit and Councillor Martin returned to the meeting at 3:48 p.m.

9.6 Records Management and Retention Policy

572/2016

It was MOVED and SECONDED

THAT Council approves the Records Management and Retention Policy.

CARRIED UNANIMOUSLY

Mayor Jakubeit declared a conflict of interest and left the meeting at 3:51 p.m.

9.7 Tourism Fee

573/2016

It was MOVED and SECONDED

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.

CARRIED

Deputy Mayor Konanz, Opposed

Mayor Jakubeit returned to the meeting at 4:03 p.m.

9.8 Two Year Skaha Lake Marina Lease Agreement

574/2016

It was MOVED and SECONDED

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 once provincial approval has been granted.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

575/2016

It was MOVED and SECONDED

THAT Council recess at 4:44 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(a) 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;

(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;

(k) 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.

CARRIED UNANIMOUSLY

12. Public Hearing at 6:00 p.m.

13. Reconvene the Regular Council Meeting following the Public Hearing

Council reconvened the Regular Council Meeting at 6:14 p.m.

14. Reconsideration of Bylaws and Permits

14.1 Records Management and Retention Bylaw No. 2016-61

576/2016

It was MOVED and SECONDED

THAT Council adopt "Records Management and Retention Bylaw No. 2016-61".

CARRIED UNANIMOUSLY

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

577/2016

It was MOVED and SECONDED

THAT Council adopt "Municipal and Regional District Tax (MRDT) Bylaw No. 2016-64".

CARRIED UNANIMOUSLY

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

578/2016

It was MOVED and SECONDED

THAT Council adopt "Street Naming (Hawthorn Drive) Bylaw No. 2016-66".

CARRIED UNANIMOUSLY

14.4 Fees and Charges Amendment Bylaw No. 2016-67
Re: Marijuana Dispensaries

579/2016

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2016-67".

CARRIED
Councillor Watt, Opposed

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

580/2016

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2016-70".

CARRIED UNANIMOUSLY

14.6 Zoning Amendment Bylaw No. 2016-69
Re: 1786 Fairford Drive

581/2016

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2016-69".

CARRIED UNANIMOUSLY

15. Land Matters:

15.1 Development Variance Permit PL2016-7779
Re: 424 & 436 Braid Street

Delegations/Submissions:

- Nil

582/2016

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2016-7779" for Lot 3, Block 12, District Lot 202, SDYD, Plan 774, located at 424 Braid Street, and Lot 4, Block 12, District Lot 202, SDYD, Plan 774, 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."

CARRIED UNANIMOUSLY

15.2 Development Variance Permit PL2016-7793
Re: 530 Okanagan Avenue East

Delegations/Submissions:

- Chris Peterson, Barns Street, for Okanagan Ave East, trying to sell to raise funds for future project that may not require water upgrade, not building on that parcel, selling piece off, don't have budget for \$280,000 of work.
- Art Iceded, Brooks Place, if 8" water line for fire suppression is required, is the 5" at residential enough.

583/2016

It was MOVED and SECONDED

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 150 mm water mains to 200 mm water mains;

AND THAT Council place Notice on Title or a covenant to make future purchasers aware of water main upgrade requirements.

DEFEATED

Councillors Watt, Konanz, Martin, Sentes, Opposed

584/2016

It was MOVED and SECONDED

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 150 mm water mains to 200 mm water mains.

CARRIED

Councillor Picton, Opposed

15.3 Temporary Use Permit PL2016-7741
Re: 1875 Chatham Street

Delegations/Submissions:

- Nil

585/2016

It was MOVED and SECONDED

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 three month 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.

CARRIED UNANIMOUSLY

15.4 175 Kinney Avenue

586/2016

It was MOVED and SECONDED

THAT adopt "Housing Agreement (175 Kinney Avenue) Bylaw No. 2016-68".

CARRIED UNANIMOUSLY

587/2016

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw 2016-62";
AND 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".

CARRIED

Mayor Jakubeit and Councillor Watt, Opposed

15.5 Zoning Amendment Bylaw No. 2016-71
Re: 750 Kamloops Avenue

588/2016

It was MOVED and SECONDED

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;
AND 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 390m² to 290m²; and decrease the minimum rear yard setback from 6m to 3.5m to construct 3 side-by side duplexes, be heard at the January 17th Public Hearing; AND THAT Council consider "DVP PL2016-7729" following the adoption of "Zoning Amendment Bylaw No. 2016-71".

CARRIED UNANIMOUSLY

15.6 Amend Development Permit PL2015-067
Re: 3388 Skaha Lake Road

589/2016

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

15.7 Development Cost Charges Amendment Bylaw No. 2016-72
DCC Program Review

590/2016

It was MOVED and SECONDED

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.

AND THAT Council support the beginning of a comprehensive review of the City's Development Cost Recovery Program in 2017.

CARRIED UNANIMOUSLY

15.8 Zoning Amendment Bylaw No. 2016-73
Re: 1220, 1228 & 1236 Government Street

591/2016

It was MOVED and SECONDED

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, Except Plan KAP67713, located at 1220 Government Street, Lot 70, District Lot 250, SDYD, Plan 881, Except Plan KAP67896, located at 1228 Government Street & Lot 71, District Lot 250, SDYD, Plan 881, Except Plan KAP67896, 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.

CARRIED UNANIMOUSLY

15. Notice of Motion

16. Business Arising from In-Camera

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 Battenham (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 Schulz
- Garth Astles
- Neil Jamieson
- Larry Kenyon

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

Councillor Max Picton and Councillor Helena Konanz will be the Council liaison to the committee.

17. Public Question Period

18. Adjournment

592/2016

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, December 20, 2016 at 7:41 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

SILGA

*Southern Interior Local
Government Association*

December 16, 2016

To: All SILGA Members

Re: SILGA Convention – Call for Nominations

As per the Constitutional Requirements of the Southern Interior Local Government Association, the “Call for Nominations” is now going out to all member Mayors, Councillors, Regional Chairs, and Directors who wish to seek a position on the SILGA Executive for the 2017/2018 term. Elections are to be held at the SILGA Convention at Sun Peaks on April 27th and 28th.

Offices to be filled are President, 1st Vice President, 2nd Vice President and seven Directors, one of whom must be an Electoral Area Director of a member Regional District. All positions are for one year. Those presently serving may run for another term if they so wish.

Deadline for nominations is Friday, February 24, 2017. You will be asked to complete a biography and submit a photo for the printing of the official Nominating Committee Report to be contained in the Convention Package.

The SILGA nomination committee is chaired by Councillor Marg Spina, Kamloops.

All those interested in serving are asked to contact Councillor Spina at 250-377-1451 or by email at mspina@kamloops.ca or Alison Slater at 250-851-6653. All information should be forwarded to both Councillor Spina and the SILGA office (email yoursilga@gmail.com).

Marg Spina,
Past President, SILGA

SILGA *Southern Interior Local Government Association*

December 16, 2016

To: All SILGA Members

Call for Resolutions for 2016 Convention

The SILGA Annual General Meeting and Convention is scheduled to be held at Sun Peaks from April 26^h to April 28th, 2017. The SILGA Constitution requires that resolutions to be considered at the Annual Meeting are to be received by the Secretary-Treasurer no later than 60 days prior to this meeting. Friday, February 24, 2017 will be the deadline for receipt of resolutions.

If your local government wishes to submit a resolution for consideration at the 2017 SILGA Convention, please forward by email your resolution to yoursilga@gmail.com. Any background information on the resolution would be helpful. If you do not receive a confirmation email regarding your resolution, please contact the SILGA office at 250 851 6653.

For information on how to properly write a resolution please refer to the UBCM website below.

<http://www.ubcm.ca/EN/main/resolutions/resolutions/resolutions-procedures.html>

Resolutions not received by February 24th will be considered late resolutions and must go through the following procedures to be considered at the AGM.

(1) Late resolutions may only be introduced if received by the Resolutions Committee Chair at least twenty-four (24) hours prior to the commencement of an Annual Meeting, providing that enough copies are supplied in order that they may be circulated to all Member Representatives at the Meeting Registration Desk at the time of registration and provided that a resolution to allow its debate receives an affirmative vote of three-fifths (60%) of the Member Representatives in attendance at the meeting;

(2) Late resolutions will be reviewed by the Resolutions Committee prior to the Meeting and only those of a subject matter which could not have been submitted by the normal deadline date outlined in section 10.4 will be considered.

Marg Spina
Past President, SILGA

Council Report

penticton.ca

Date: January 10, 2017
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Subject: **Section 57 Notice and Injunctive Action – 144 Williamson Place**

File No: Civic

Staff Recommendation

THAT Council 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.”

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.

Background

On December 6, 2016 staff provided a report outlining concerns related to the prolonged time for the completion of the retaining wall permit and potential safety risks and nuisance complaints. At that time Council resolved:

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

Since that time staff have since notified and discussed the requirements with the owner (permit applicant), Carlos Madeira, who had requested a date early in the New Year to complete works or appeal to Council.

Staff have had further discussions with the Engineer of record for the retaining wall and they have informed the City they cannot submit final confirmation of the installation until the wall is fully completed. There is approximately 15% of the wall (short wall section) to complete and to finish rough grading.

It was determined by staff, that the January 10th, 2017 Council meeting would be the final date of consideration and the owner was sent written notification (Attachment A).

Financial implication

Numerous staff hours have been spent to administer the permit closure and respond to nuisance complaints. The City's expenditure to Registering a Notice on Title is \$65.00 plus staff time.

There is a \$250 City administration fee to remove the Section 57 Notice on Title by the owner.

Analysis

At of the time of the creation of this report, the owner has not confirmed the completion of the site works or provided final sign off from the Engineer of record, therefore staff recommends proceeding with the Notice on Title and pending injunctive action. If Council supports placing of the Section 57 Notice on Title, staff will notify the owners, Mr. Madeira & Catherine Dreher, of the Council resolution and inform them of the options to complete the outstanding health and safety requirements to remove the Notice from Title.

If a solution cannot be obtained to resolve the outstanding issues within 60 days of registration of the Section 57 Notice, staff will engage injunctive action to ensure that the home owner takes action to ensure outstanding interior health and safety deficiencies are substantially completed and permits are in place to resolve the exterior finishing in a timely manner.

The pros of placing a notice on title are:

- The City will show that there is a consequence for non-compliance of City of Penticton bylaws and the BC Building Code;
- Increased probability of owners choosing to comply in order that the Notice be removed from title;
- Future owners (including mortgage provider) will know of the deficiencies; and
- The City has taken steps to attempt to achieve compliance with city bylaws and the Building Code.

The cons of placing a notice on title are:

- It may affect the re-sale of the property or ability to re-mortgage; and
- Staff must continue pursuing the owners to comply and achieving compliance through timely injunctive action.

Alternate recommendations

1. That Council support Section 57 Notice on Title but not support 60 day injunctive action.
2. That Council denies support of the Section 57 Notice on Title and have staff work with owner to find resolution.


Attachments

Attachment A – Letter -Notice to owner

Respectfully submitted,

Ken Kunka ASCT, RBO
Building and Permitting Manager

Approvals

Director 	CAO PW
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**Attachment A
Letter to Owners**



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

December 19, 2016

Registered Mail & Hand Delivered

DREHER, CATHERINE M
MADEIRA, CARLOS M
144 WILLIAMSON PL
PENTICTON BC V2A 8N1

Dear Owner,

Re: 144 Williamson Place, LT 18 PL KAP48093 DL 2710 SDYD, Section 57 Notice on Title and Injunctive Action

Please be advised that Council at their Regular Council meeting held on Tuesday, December 6, 2016, passed the following resolutions:

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

A copy of the report is attached for your reference.

Please be advised that final consideration has been re-scheduled to January 10th, 2017 commencing at 6:00pm. As noted on previous correspondence the Building Department would rather work with



you to ensure the project is completed and request that you provide the final approvals from your Engineer and arrange for completion inspection prior to December 30, 2016.

Should you have any questions, please call 250-490-2505 or email ken.kunka@penticton.ca

We thank you in advance for your cooperation.

Yours truly,



Ken Kunka, ASCT RBO
Building and Permitting Manager

Encl: Copy of December 6th, 2016 Council Report.

For Office Use: N:\city\ADDRESS\Williamson P1\144\BUILDING\Council Section 5 7\2016-12-19 Council Outcome Letter.docx

Council Report



Date: January 10, 2017 File No: Civic
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Subject: **Update - Section 57 Notice on Title - 329 Upper Bench Road S**

Staff Recommendation

THAT Council receive the report titled "Update – Section 57 Notice on Title – 329 Upper Bench Road S" for information.

Background

On December 6, 2016 staff provided a report outlining concerns related to health and safety issues for a long-standing open building permit for a single family home located at 329 Upper Bench Road S. At that time the property owner, John Holland, appealed to Council regarding the Section 57 Notice on Title and pending injunctive action. Council resolved:

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**

On December 8, 2016 Mr. Holland made application for renewal of the building permit to complete works on the single family home. Staff have made arrangements to visit the site on January 4, 2017 to ascertain the remedial works required to complete the permit.

Analysis

Staff considers that Mr. Holland’s application to complete the required remedial works has met the condition of Councils resolution and the owner will work with staff in good faith to complete the works by the end of 2017. If it appears that Mr. Holland is unable or unwilling to complete necessary works within the specified time frame, staff will submit request for Section 57 Notice on Title and Injunctive action.

Alternate recommendations

1. That Council support Section 57 Notice on Title and defer injunctive action if necessary remedial works are incomplete within the specified building permit time frame of December 31, 2017.

Respectfully submitted,

Ken Kunka
 Building and Permitting Manager

Approvals

Director <i>AK</i>	CAO PW
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Council Report

penticton.ca

Date: January 10, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner 1
Address: 457 & 461 Nelson Avenue
Subject: **Zoning Amendment Bylaw No. 2017-02**

File No: RZ PL2016-7769

Staff Recommendation

Rezone

THAT "Zoning Amendment Bylaw No. 2017-02," a bylaw to Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue, Rezone the West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue and Rezone the East ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the February 7, 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'. The proposed building lots are both 351m² (3778ft²). A single family dwelling that straddled the lots has been demolished. The surrounding properties are primarily zoned R2 (Small Lot Residential) and P2 (Parks and Recreation).

The applicant is proposing to construct two front to back duplexes on 457 and 461 Nelson Avenue. A duplex is not a permitted use in the R2 Zone. As such, a Rezoning from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) is required.

Financial implication

N/A

Proposal

The applicant is requesting that the subject properties (457 & 461 Nelson Avenue) 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
Maximum Lot Coverage:	40 %	40%	29%
Maximum Density:	N/A	0.95 FAR	0.53 FAR
Vehicle Parking:	2 spaces per dwelling	1 space per dwelling unit	1 space per dwelling unit
Required Setbacks			
Front yard (south):	4.5m	4.5m	7m
Side yard (west):	1.5m	1.5m	1.69m
Side yard (east):	1.5m	1.5m	1.69m
Rear yard (north):	6.0m	6.0m	13.1m
Maximum Building Height:	10.5m	10.5m	7.26m
Other Information:	- The subject property is within the General Multiple Family Development Permit area, but duplexes are exempt where all vehicle access and parking facilities are provided from a rear lane. - No variances are required.		

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 on-site storm water/drainage were raised, but will be addressed at the building permit stage. 461 Nelson Avenue has two legal parcels that must be consolidated prior to issuance of a building permit. If the request for the Rezoning is supported, BC Building Code and City bylaw provisions, such as setbacks and height restrictions, will apply.

Analysis

Support Rezoning

The sites are situated in an area experiencing some densification. Even though a duplex does not necessarily fit the OCP designation of Medium Density Residential (MR), staff considers the Rezoning to allow for a duplex represents best use of the land for the following reasons:

- The properties are large enough to accommodate a front to back 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.

Staff considers that the design is 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. A similar Rezoning was approved for 481 Nelson Avenue earlier this year. Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2017-02” and forward the application to the February 7th, 2017 Public Hearing for comments from the public.

Deny/Refer Rezoning

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. 2017-02”
2. THAT Council refers application “RZ PL2016-7769” 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 (457 Nelson Avenue)
- Attachment H: Letter of Intent (461 Nelson Avenue)
- Attachment I: “Zoning Amendment Bylaw No. 2017-02”

Respectfully submitted,

Randy Houle
Planner 1

Approvals

DDS 	CAO PW
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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: South View (from Nelson Avenue)



Figure 5: North View (from Lane)

Attachment 'F' – Elevations



Figure 7: South Elevation (457 Nelson)



Figure 8: South Elevation (461 Nelson)

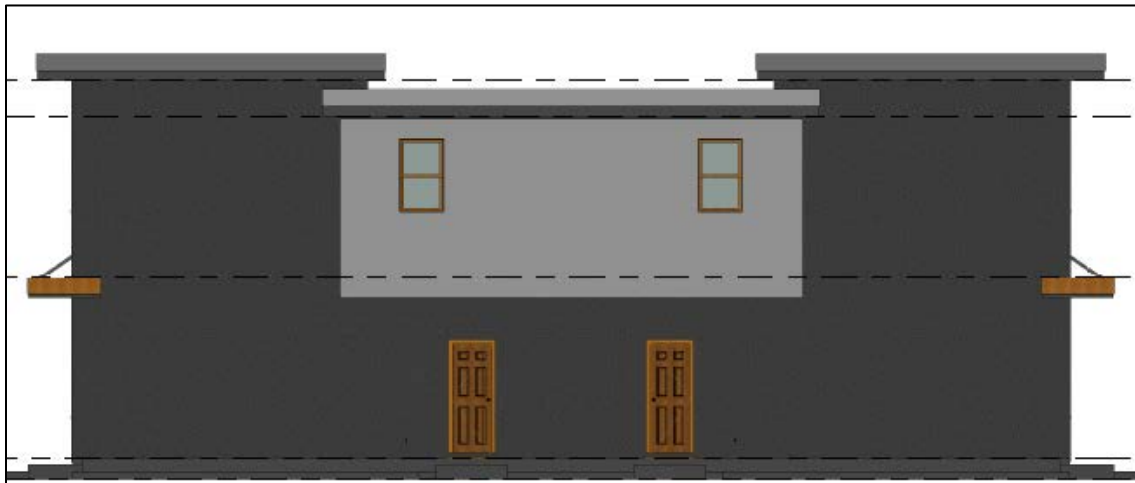


Figure 9: Side Elevation

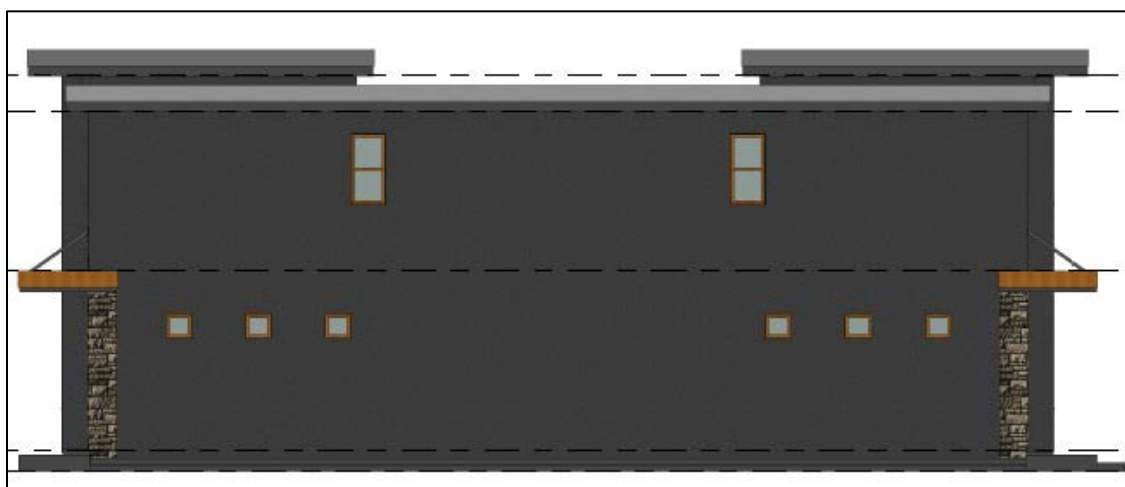


Figure 10: Side Elevation



Figure 11: North Elevation (From Lane)

Attachment 'G' - Letter of Intent (457 Nelson Avenue)



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

December 12, 2016

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

Attention: Randy Houle, Planner 1

Re: Development Proposal
457 Nelson Avenue, Penticton, BC
Lot 80, DL 250, Plan 845, PID # 005-188-288

The above noted property is currently zoned R2 – Small Lot Residential and designated MR – Medium Density Residential on the Official Community Plan.

We are requesting a rezoning of the property from the current R2 – Small Lot Residential to RD2 – Duplex Housing Lane in order to facilitate the construction of a front to back two storey duplex building as per the attached development proposal.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'B. Schoenne', with a long horizontal flourish extending to the right.

Bruce Schoenne
President
Schoenne Homes Inc.

Attachment 'H'- Letter of Intent (461 Nelson Avenue)



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

December 12, 2016

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

Attention: Randy Houle, Planner 1

Re: Development Proposal
461 Nelson Avenue, Penticton, BC
East and West ½ lot 79, DL 250, Plan 845, PID # 012-007-323, 005-188-270

The above noted property is currently zoned R2 – Small Lot Residential and designated MR – Medium Density Residential on the Official Community Plan.

We are requesting a rezoning of the property from the current R2 – Small Lot Residential to RD2 – Duplex Housing Lane in order to facilitate the construction of a front to back two storey duplex building as per the attached development proposal.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Bruce Schoenne', with a long horizontal line extending to the right.

Bruce Schoenne
President
Schoenne Homes Inc.

Bylaw No. 2017-02

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. 2017-02".

2. **Amendment:**

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

Rezone Lot 80, District Lot 250, Similkameen Division Yale District, Plan 845, located at 457 Nelson Avenue and the East ½ and West ½ of Lot 79, District Lot 250, Similkameen Division Yale District, Plan 845, located at 461 Nelson Avenue 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	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

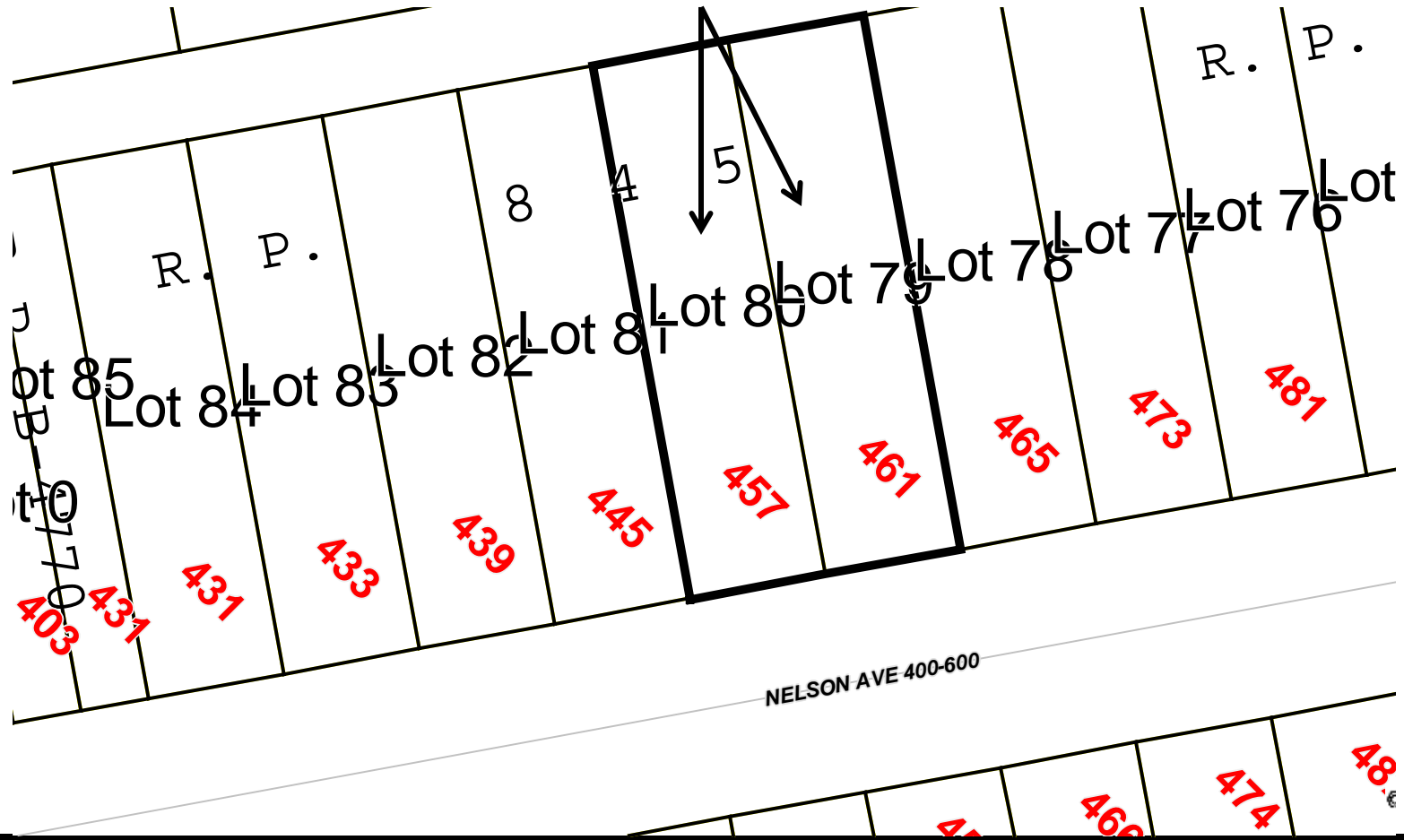
Notice of intention to proceed with this bylaw was published on the __ day of ____, 2017 and the __ day of ____, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 457 & 461 Nelson Avenue

From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-02

Date: _____

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:**

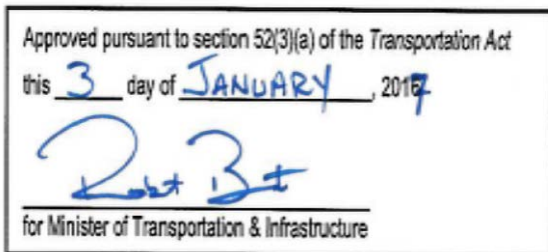
2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

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	20	day of	December, 2016
READ A THIRD time this	20	day of	December, 2016
RECEIVED the approval of the	3	day of	January, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

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*.



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: _____