



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

**Tuesday, May 2, 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 April 18, 2017 Regular Council Meeting 1-9 Adopt
7. **Committee and Board Reports:**
  - 7.1 Penticton Arena Task Force Minutes of March 20, 2017 10-12  
*Recommendation: THAT Council receive the minutes of the Penticton Arena Task Force meeting of March 20, 2017.*
  - 7.2 Penticton Creek Restoration Committee Minutes of April 5, 2017 13-15  
*Recommendation: THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of April 5, 2017.*
8. **Correspondence**
9. **Staff Reports:**
  - 9.1 2016 Financial Statements 16-47  
Jonathan McGraw, BDO Canada LLP  
*Staff Recommendation: THAT Council receive the Financial Statements as presented by BDO Canada LLP for the year ending December 31, 2016.*
  - PWM 9.2 Non-Motorized Boat Access Points to Okanagan Lake 48-52  
*Staff Recommendation: THAT Council approves the installation of 3 non-motorized boat launch sites to service Okanagan Lake waterfront as follows:*
    1. Marina Way Beach – West of the rock groin
    2. West of Martin Street Parking Lot – West of Pier Water Sports lease area
    3. SS Sicamous – West side of SS Sicamous boat

10. **Public Question Period**

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

*Resolution:* THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:

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

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

13. **Reconvene the Regular Council Meeting following the Public Hearing**

14. **Reconsideration of Bylaws and Permits:**

14.1	Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03	53-54	Adopt
14.2	Tax Rates Bylaw No. 2017-25	55-57	
14.3	Official Community Plan Amendment Bylaw No. 2017-26 Re: 180 Industrial Avenue W	58-59	2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt
14.4	Zoning Amendment Bylaw No. 2017-27 Re: 180 Industrial Avenue W	60-61	2 <sup>nd</sup> /3 <sup>rd</sup>
14.5	Bylaw Notice Enforcement Amendment Bylaw No. 2017-28	62-64	Adopt
14.6	Municipal Ticketing Information Amendment Bylaw No. 2017-29	65-67	Adopt
14.7	Official Community Plan Amendment Bylaw No. 2017-30 Re: 352, 398 Eckhardt Avenue E	68-69	2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt
14.8	Zoning Amendment Bylaw No. 2017-31 Re: 352, 398 Eckhardt Avenue E	70-71	2 <sup>nd</sup> /3 <sup>rd</sup>

15. **Land Matters:**

BPM	15.1	Winery Lounge and Special Event Area (SEA) Endorsement Re: Township 7 Vineyards and Winery, 1450 McMillan Avenue <i>Staff Recommendation:</i> THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Township 7 Vineyards & Winery (Penticton), located at 1450 McMillan Ave, for the proposed Winery Lounge & Special Event Area (SEA) Endorsement.	72-76	Del/Sub
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DDS	15.2	<p>Development Variance Permit PL2017-7907  Development Permit PL2017-7908  Re: 251 Rigsby Street</p> <p><u>Staff Recommendation:</u> THAT delegations and submissions be heard for "Development Variance Permit PL2017-7907" for Lot 25, District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206, located at 251 Rigsby Street, a permit to decrease the minimum front yard from 3.0m to 2.7m, to decrease the minimum south interior side yard from 3.0m to 1.5m, to decrease the minimum exterior side yard from 4.5m to 4.4m and to decrease the minimum rear yard from 6.0m to 3.5m;  AND THAT Council approve "Development Permit PL2017-7908", for Lot 25 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206, located at 251 Rigsby Street, a permit that allows for the construction of a 4-unit townhouse.</p>	77-97	Del/Sub
DDS	15.3	<p>Zoning Amendment Bylaw No. 2017-32  Development Variance Permit PL2017-7910  Development Permit PL2017-7911  Re: 747 Government Street</p> <p><u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2017-32," a bylaw to Rezone Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the May 23, 2017 Public Hearing;  AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-32," a 1.75m road dedication on the east side of the property (along Government Street) is registered with the Land Title Office.</p> <p>THAT delegations and submissions be heard for "Development Variance Permit PL2017-7910" for Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street, a permit to waive the requirement for trees and shrubs to be planted in the landscape buffer area, to waive the visitor parking space requirement for cluster housing, to decrease the minimum interior side yards from 3.0m to 1.5m and to waive the requirements for street frontage upgrades along Bird Street as per Section 9.3 of the City of Penticton Subdivision and Development Bylaw No. 2004-81;</p> <p>AND THAT "DVP PL2017-7910" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-32".</p> <p>THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-32," approve Development Permit PL2017-7911 for Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street, a permit that allows for the construction of two duplexes.</p>	98-118	
DDS	15.4	<p>Zoning Amendment Bylaw No. 2017-33  Development Permit PL2017-7913  Re: 285 Nanaimo Avenue W</p> <p><u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2017-33," a bylaw to amend Zoning Bylaw 2017-08, allowing ground floor residential in the C5 zone, as a site specific allowance, for Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, be given first reading and forwarded to the May 23, 2017 Public Hearing;  AND THAT Council, approve Development Permit PL2017-7913, a permit that allows for the construction of a four storey, 52 unit apartment building on Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, subject to adoption of Zoning Amendment Bylaw 2017-33.</p>	119-141	
DDS	15.5	<p>Zoning Amendment Bylaw No. 2017-34  Re: 532/536 Main Street</p> <p><u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2017-34", a bylaw adding section 11.5.4.7: "In the case of Lot 5, Block 19, District Lot 202, Similkameen Division Yale District Plan 269, located at 532/536 Main Street, dwelling units on the first storey behind commercial spaces shall be permitted", be introduced, read a first time and be forwarded to the May 23<sup>rd</sup>, 2017 Public Hearing.</p>	142-154	

- DDS 15.6 Development Permit PL2017-7882 155-171  
Re: 32 – 56 Backstreet Boulevard  
*Staff Recommendation: THAT Council approve DP PL2017-7882, a permit to allow the construction of an eight (8) storey building on Lot 36, Lot 37, Lot 39, Lot 40, Block 6, District 202, Similkameen Division Yale District, Plan 269, located at 56, 52, 40 and 32 Backstreet Boulevard, The Easterly 15 Feet of Lot 38 Being The Easterly 15 Feet Frontage on Westminster Avenue By The Full Depth of Said Lot; Block 6, District Lot 202, Similkameen Division Yale District, Plan 269 located at 48 Backstreet Boulevard; and Lot 38, Block 6, District 202, Similkameen Division Yale District, Plan 269 Except the Easterly 15 Feet Measured Along Westminster Avenue By The Full Depth of Said Lot located at 44 Backstreet Boulevard; AND THAT the 6 lots be consolidated prior to issuance of the Development Permit.*
- DDS 15.7 Zoning Amendment Bylaw No. 2017-35 172-174  
Re: Administrative Amendment  
*Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-35", an administrative amendment bylaw that fixes a clause in the C5 (City Centre Commercial) zone regarding residential units at the ground floor;  
AND THAT Council direct staff to advertise the waiving of the Public Hearing for "Zoning Amendment Bylaw No. 2017-35", in accordance with Section 467 of the Local Government Act.*

16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**



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

**Tuesday, April 18, 2017**  
**at 1:00 p.m.**

- Present:** Mayor Jakubeit  
Councillor Konanz  
Councillor Martin  
Councillor Watt  
Councillor Sentes  
Councillor Picton
- Absent:** Councillor Sayeed (with notice)
- Staff:** Peter Weeber, Chief Administrative Officer  
Mitch Moroziuk, General Manager of Infrastructure  
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 1:00 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

248/2017

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on April 18, 2017 as amended and consider items 12.1 – 12.4, 13.5 and 13.6 after item 8.9.

**CARRIED UNANIMOUSLY**

**4. Proclamation:**

4.1 "Red Hat Day" – April 25, 2017

Mayor Jakubeit proclaimed April 25, 2017 as "Red Hat Day" in the City of Penticton.

5. **Adoption of Minutes:**

5.1 Minutes of the April 4, 2017 Committee of the Whole

249/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the April 4, 2017 Committee of the Whole Meeting as presented.

**CARRIED UNANIMOUSLY**

The meeting recessed at 1:05 p.m. due to technical difficulties. The meeting reconvened at 1:07 p.m.

5.2 Minutes of the April 4, 2017 Public Hearing

250/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the April 4, 2017 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

5.3 Minutes of the April 4, 2017 Regular Council Meeting

251/2017

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the April 4, 2017 Regular Council Meeting as presented.

**CARRIED UNANIMOUSLY**

5.4 Minutes of the April 11, 2017 Parcel Tax Roll Review Panel

252/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the April 11, 2017 Parcel Tax Roll Review Panel as presented.

**CARRIED UNANIMOUSLY**

6. **Committee and Board Reports**

6.1 Penticton Creek Restoration Committee Minutes of March 10, 2017

253/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Penticton Creek Restoration Committee meeting of March 10, 2017.

**CARRIED UNANIMOUSLY**

6.2 Affordable Community Task Force Minutes of March 31, 2017

254/2017

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Affordable Community Task Force meeting of March 31, 2017.

**CARRIED UNANIMOUSLY**

6.3 Agriculture Advisory Committee Minutes of March 31, 2017

255/2017

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Agriculture Advisory Committee meeting of March 31, 2017.

**CARRIED UNANIMOUSLY**

**7. Correspondence**

- 7.1 Peach City Beach Cruise  
Re: Request free parking for registrants, June 23 – 25, 2017

256/2017

**It was MOVED and SECONDED**

THAT Council approve the request made by Peach City Beach Cruise and provide free parking in city controlled lots to registrants, June 23 – 25, 2017.

**CARRIED**  
**Councillors Martin and Konanz, Opposed**

**8. Staff Reports:**

- 8.1 Tax Rates Bylaw No. 2017-25

257/2017

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2017-25", a bylaw that establishes property taxation rates for the 2017 tax year.

**CARRIED UNANIMOUSLY**

- 8.2 Service Agreement between Penticton Public Library and Penticton Indian Band

258/2017

**It was MOVED and SECONDED**

THAT Council approves the service agreement between Penticton Public Library and the Penticton Indian Band and authorize the Library Board and Chief Librarian to execute the agreement.

**CARRIED UNANIMOUSLY**

- 8.3 Proposed Asset Disposal  
Re: Penmar Community Arts Society (PCAS) Theatre Seats

259/2017

**It was MOVED and SECONDED**

THAT Council direct Staff work cooperatively with the Penmar Community Arts Society to disposal of the assets held as security without formally seizing the assets;  
AND THAT Council waive the Purchasing Policy allowing for negotiations with local parties that express interest in the projectors and theatre seats;  
AND FURTHER THAT staff be directed to maximize the recovery of the loan proceeds through disposition of the assets through the various options permitted under the section 25 of the *Community Charter*.

**CARRIED UNANIMOUSLY**

- 8.4 2017/2018 Annual Operating Agreement Conventional and Custom Transit

260/2017

**It was MOVED and SECONDED**

THAT Council authorize the Mayor and Corporate Officer to execute the 2017 / 2018 Annual Operating Agreement for the Conventional and Custom Transit System as contained in Attachment "A".

**CARRIED UNANIMOUSLY**

8.5 Transit Service Agreement

261/2017

**It was MOVED and SECONDED**

THAT Council authorize the Mayor and Corporate Officer to execute the Transit Service Agreement as contained in Attachment "A".

**CARRIED UNANIMOUSLY**

8.6 City Yards Roof Replacement

Re: Budget Amendment

262/2017

**It was MOVED and SECONDED**

THAT Council direct staff to implement the replacement of the roof at the City Yards mechanics garage;  
AND THAT Council approves a budget amendment of \$140,000 from the City's Asset Emergency Reserve to fund the capital improvements.

**CARRIED UNANIMOUSLY**

8.7 Winery Lounge Endorsement

Re: Perseus Winery

263/2017

**It was MOVED and SECONDED**

THAT Council direct staff to commence public notification of the proposed Winery Lounge endorsement for Perseus Winery (Penticton), located at 134 Lower Bench Road;  
AND THAT staff report back to Council at their meeting on May 23, 2017 with the results of the public consultation for Council's consideration.

**CARRIED UNANIMOUSLY**

Councillor Konanz left the meeting at 2:13 p.m.

8.8 Downtown Business Improvement Area Bylaw No. 2017-12

264/2017

**It was MOVED and SECONDED**

That Council approve the Certificate of Sufficiency for the "Downtown Business Improvement Area Bylaw No. 2017-12";  
AND THAT Council adopt "Downtown Business Improvement Area Bylaw No. 2017-12".

**CARRIED UNANIMOUSLY**

Councillor Konanz returned to the meeting at 2:15 p.m.

8.9 Bylaw Notice Enforcement Amendment Bylaw No. 2017-28 & Municipal Ticketing Information Amendment Bylaw No. 2017-29  
Re: for new Zoning Bylaw and Solid Waste Collection Bylaw

265/2017

**It was MOVED and SECONDED**

That Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28";  
AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-29".

**CARRIED UNANIMOUSLY**

**12. Reconsideration of Bylaws and Permits**

12.1 Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03

266/2017

**It was MOVED and SECONDED**

THAT Council rescind third reading and give third reading as amended to “Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03”.

**CARRIED UNANIMOUSLY**

12.2 Zoning Amendment Bylaw No. 2017-14  
Re: Vacation Rentals

267/2017

**It was MOVED and SECONDED**

THAT Council adopt “Zoning Amendment Bylaw No. 2017-14”.

**CARRIED UNANIMOUSLY**

12.3 Zoning Amendment Bylaw No. 2017-22  
Re: 230 Brunswick Street

268/2017

**It was MOVED and SECONDED**

THAT Council adopt “Zoning Amendment Bylaw No. 2017-22”.

**CARRIED UNANIMOUSLY**

12.4 Zoning Amendment Bylaw No. 2017-23  
Re: 453 Winnipeg Street and 232 Wade Avenue

269/2017

**It was MOVED and SECONDED**

THAT Council adopt “Zoning Amendment Bylaw No. 2017-23”.

**CARRIED  
Mayor Jakubeit, Opposed**

13.5 OCP Amendment Bylaw No. 2017-26 &  
Zoning Amendment Bylaw No. 2017-27 & DVP PL2017-7878  
Re: 180 Industrial Avenue W

270/2017

**It was MOVED and SECONDED**

THAT prior to consideration of “OCP Amendment Bylaw No. 2017-26” and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that in addition to the Public Hearing proposed for May 2, 2017, the Public Consultation completed to date is sufficient;

AND THAT “OCP Bylaw No. 2002-20” be amended by changing the OCP designation on a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, as shown in

Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20" be amended by including a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20;

AND THAT "OCP Amendment Bylaw No. 2017-26" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-27", a bylaw to amend Zoning Bylaw 2017-08 to rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-7878" on portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, a permit to reduce the required parking from 16 stalls to 11 stalls be heard at the May 2, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7878" following the adoption of "Zoning Amendment Bylaw No. 2017-27".

**CARRIED UNANIMOUSLY**

13.6 OCP Amendment Bylaw No. 2017-30  
Zoning Amendment Bylaw No. 2017-31 & DVP PL2017-7914  
Re: 352, 398 Eckhardt Avenue E

271/2017

**It was MOVED and SECONDED**

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-30" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, from I (Institutional) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20", be amended by including 352 Eckhardt Avenue E in Schedule 'H' General Multiple Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-30" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-31", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1(Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., from RM2 (Low Density Multiple Housing ) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the May 2 , 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-31," the following conditions are fulfilled:

- A 1.4m road widening along Eckhardt Avenue East is registered with the Land Title Office.
- Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 (352 Eckhardt Avenue E) and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 (398 Eckhardt Avenue E), are consolidated.

AND THAT, in accordance with section 507 of the *Local Government Act*, Council require the developer to construct the full width of Gahan Avenue to a local residential street standard including the provisions for storm water management but excluding curbing and sidewalk on the east side of Gahan Avenue;

THAT delegations and submissions for "Development Variance Permit PL2017-7914" include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., a permit varying the following provisions of Zoning Bylaw 2017-08:

- reduce the required visitor parking from 6 stalls to 3 stalls,
- decrease the rear yard setback from 6m to 2.69m and
- increase the projections for balconies from 0.6m to 1.5m,

be heard at the May 2 , 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7914" following the adoption of "Zoning Amendment Bylaw No. 2017-31".

**CARRIED UNANIMOUSLY**

**9. Public Question Period**

**10. Recess Meeting until 6:00 p.m.**

The Regular Council meeting recessed at 3:11 p.m.

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

Council reconvened the Regular Council Meeting at 6:01 p.m.

**13. Land Matters:**

- 13.1 Winery Lounge and Special Event Area (SEA) Endorsement  
Re: Time Winery, 361 Martin Street

Delegations/Submissions:

- Kristalee McWaters-Bond, Summerland, read submission from Harry McWaters, spoke in support of application.
- Walter Pole, Winnipeg Street, live behind Time Winery, read letter of concern that was submitted to Council. Crush pad of great concern along with late night hours, sounds, and parking.

272/2017

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications from Time Winery (Encore Vineyards Ltd) for the proposed Winery Lounge and Special Event Area (SEA) Endorsements.

**CARRIED UNANIMOUSLY**

- 13.2 Winery Lounge Endorsement  
Re: Little Engine Wines, 851 Naramata Road

Delegations/Submissions: nil

273/2017

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Little Engine Wines (Little Engine Wines Ltd.) for the proposed Winery Lounge Endorsement.

**CARRIED UNANIMOUSLY**

- 13.3 Development Variance Permit PL2017-7876  
Re: 426 Churchill Avenue

Delegations/Submissions: nil

274/2017

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2017-7884" for Lot 19 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 426 Churchill Avenue, a permit to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m and to decrease the minimum south front yard from 4.5m to 3.0m; AND THAT staff be directed to issue "Development Variance Permit PL2017-7884."

**CARRIED UNANIMOUSLY**

- 13.4 Development Variance Permit PL2017-7890  
Re: 3598 South Main Street

Delegations/Submissions: nil



275/2017

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2017-7890" for Lot 5 District Lot 197 Similkameen Division Yale District Plan 20373, located at 3598 South Main Street, a permit to increase the maximum floor area of all accessory buildings from 75m<sup>2</sup> to 89m<sup>2</sup>; AND THAT staff be directed to issue "Development Variance Permit PL2017-7890."

**CARRIED UNANIMOUSLY**

**16. Notice of Motion**

**17. Business Arising**

276/2017

**It was MOVED and SECONDED**

THAT Council amend the Official Community Plan Task Force Terms of Reference to three non voting members of Council and appoint Mayor Jakubeit, Councillor Sentes and Councillor Martin.

**CARRIED UNANIMOUSLY**

**18. Council Round Table**

**19. Public Question Period**

**20. Adjournment**

277/2017

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, April 18, 2017 at 6:36 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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

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

## Penticton Arena Task Force Meeting

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

Monday, March 20, 2017  
at 6:00 p.m.

**Present:** Helena Konanz, Councillor  
Stewart Ladyman, Chair  
Larry Lund, Vice-Chair  
Andy Oakes, Okanagan Hockey Group Representative  
Mike Hopkin, Adult League Representative  
Pam MacDonald, Dry Floor Representative  
Trevor Buttenham, Figure Skating Representative  
Bruce Millington, Member at Large  
Neil Jamieson, Member at Large  
Garth Astles, Member at Large  
Ryan Schulz, Member at Large  
Larry Kenyon, Member at Large

**Staff:** Bregje Kozak, Manager of Facilities  
JoAnne Kleb, Community Engagement Officer  
Lorraine Williston, Committee Secretary

### 1. Call to Order

The Penticton Arena Task Force was called to order by the Chair at 6:00 p.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Penticton Arena Task Force adopt the agenda for the meeting held on March 20, 2017 as circulated.

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Penticton Arena Task Force adopt the minutes of the March 6, 2017 meeting as amended.

**CARRIED UNANIMOUSLY**

#### 4. **Business Arising from Prior Meetings**

##### 4.1 Reading List Prioritization

The Manager of Facilities reviewed the existing reading list. No new reading material has been added.

##### 4.2 Work Plan Update

The Manager of Facilities reviewed the work plan noting we are still in the Options Analysis phase.

#### 5. **New Business**

##### 5.1 Council Update – Messaging and Vision

The Manager of Facilities it would be beneficial to provide Council with regular updates on the progress of the Task Force and noted that staff and the Chair will be presenting the first update to Council on April 4, 2017.

##### 5.2 Relevant Case Studies

The Manager of Facilities reviewed relevant facts and case studies for arenas in BC noting the average lifecycle for an arena facility is between 30 and 35 years and currently there are 115 of 162 arenas that are over 35 years and in the final stage of lifecycle.

##### 5.3 OHG/CSSHL Announcement

The Okanagan Hockey Group representative confirmed they have secured the CSSHL Championships for the next three years noting this event is expected to grow to 100 teams by the third year and potentially can lead into hosting a national championship. Discussion followed and the Chair suggested these large events be connected with Sports Tourism.

#### 6. **Community Engagement Update**

The Community Engagement Officer provided a verbal update on upcoming events and strategies noting she will be presenting information in the update to Council to help people understand what the need is and clarify the information and myths around the Okanagan Hockey Group and on opportunities on how to get people involved.

#### 7. **Next Meeting**

The next regularly scheduled meeting of the Penticton Arena Task Force will be April 3, 2017.

8. **Adjournment**

**It was MOVED and SECONDED**

THAT the Penticton Arena Task Force adjourn the meeting held on Monday, March 20, 2017 at 7:20 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

---

Lorraine Williston  
Corporate Committee Secretary

## Penticton Creek Restoration Committee Meeting

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

Wednesday, April 5, 2017  
at 9:00 a.m.

**Present:** Bryn White, Chair & South Okanagan Conservation Representative  
Paul Askey, Freshwater Fisheries Society of BC Representative  
Camille Rivard-Sirois, Okanagan Nation Alliance Representative  
Bruce McFarlane, Regional Water Engineer, Ministry of FLNRO Representative  
Bill Wickett, Penticton Fly Fishers Association Representative  
Bruce Turnbull, Penticton Fly Fishers Association Representative  
Lynn Allin, Downtown Penticton Association Representative  
Jason Marzinzik, Ministry of Forest, Land and Natural Resources  
Doug Maxwell, Member at Large

**Staff:** Mitch Moroziuk, General Manager of Infrastructure  
Ian Chapman, City Engineer  
Lorraine Williston, Committee Secretary

**Guest:** Dwight Shanner, Aarde Environmental Ltd.  
Jody Goode, Mould Engineering

1. **Call to Order**

The Penticton Creek Restoration Committee was called to order by the Chair at 9:04 a.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Penticton Creek Restoration Committee adopt the agenda for the meeting held on April 5, 2017 as circulated.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

**It was MOVED and SECONDED**

THAT the Penticton Creek Restoration Committee adopt the minutes of the March 10, 2017 meeting as circulated.

**CARRIED UNANIMOUSLY**

## 4. Business Arising from Prior Meetings

### 4.1 Master Plan Update

#### Review of Master Plan Finalization

The Mould Engineering representative reported that once the financial aspect is completed, the next step will be to finalize the plan for community interaction and engagement (PIB, land owners, public etc.).

The Chair reviewed potential funding and fundraising opportunities. Staff noted potential infrastructure funding may be available. Discussion followed on the possibility of the City setting up an endowment fund and providing charitable receipts for donations. Staff to confirm if the City can provide charitable receipts.

#### Master Plan Agency Consultation

Roundtable discussion ensued on how and what format to use when presenting the draft master plan to Council and the Penticton Indian Band. Staff confirmed they will require a PowerPoint presentation to summarize the key components of the plan. Staff further commented that the draft report be provided to the committee for review prior to presentation to Council. Timelines were discussed. April 20<sup>th</sup> is the deadline for the final draft. Final draft to be presented to Council at their May 2, 2017 meeting. Staff to contact the Penticton Indian Band to schedule a presentation to their council. Discussion followed on other agencies/groups to forward the master plan to, the next steps and public rollout. The City Engineer stated the first Downtown Market is May 6<sup>th</sup> and we should plan on having a booth set up by the end of May at the latest.

### 4.2 2017 Project Update

The Mould Engineering representative presented an overview of the Reach 3A Lower Project including aerial views, proposed design plan, a cross section, design options, gravel retention features, aquatic features and vegetation options. Discussion followed on slope designs and work window timelines for nesting birds, open habitat, raptors, herons and fisheries.

The Chair stated the application for TD Tree Days has to be submitted soon and needs to know the number of trees, size and species needed for this area.

Discussion followed on timing and the application approval process for the Ministry of Forests, Land and Natural Resources. The Regional Water Engineer stated the application needs to be submitted as soon as possible to start the approval process.

### 4.3 2017 Project Communications

The Chair stated we will need to communicate on the 2017 project at the same time as the master plan. A communication plan needs to be prepared.

### 4.4 Reporting to Funders – Multi-year report to HCTF

The Chair confirmed staff and the consultant, Steve Matthews are working on the reporting. The Chair announced they were successful in their bid for HCTF funding for the 2017 project.

5. **New Business**

The General Manager of Infrastructure stated Emergency Management BC (EMBC) is accepting flood mitigation related proposals for the National Disaster Mitigation Program (NDMP) until Aug. 1, 2017 and suggested we may be able to apply for some of the funding with respect to Reach 2 for 2018. The Mould Engineering representative mentioned the federal government also has some funding opportunities for local green infrastructure and will forward the link to the Chair. Discussion followed on a conservation fund. Item to be added to the next agenda.

6. **Next Meeting**

The next scheduled meeting of the Penticton Creek Restoration Committee to be determined.

7. **Adjournment**

**It was MOVED and SECONDED**

THAT the Penticton Creek Restoration Committee adjourn the meeting held on Wednesday, April 5, 2017 at 11:10 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

---

Lorraine Williston  
Corporate Committee Secretary



Tel: 250 492 6020  
Fax: 250 492 8110  
www.bdo.ca

BDO Canada LLP  
100 Front Street, Unit 102  
Penticton BC V2A 1H1 Canada

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April 27, 2017

Ms. Angela Campbell, ACIA, CPA, CGA  
The Corporation of the City of Penticton  
171 Main St  
Penticton B.C. V2A 5A9

Dear Ms. Campbell:

**Re: Management Letter for The Corporation of the City of Penticton**

During the course of our audit of the consolidated financial statements of The Corporation of the City of Penticton for the period ended December 31, 2016, we identified matters which may be of interest to management. The objective of an audit is to obtain reasonable assurance whether the financial statements are free of any material misstatement and it is not designed to identify matters that may be of interest to management in discharging its responsibilities. Accordingly an audit would not usually identify all such matters.

The responsibility for producing financial statements and ensuring adequate internal controls and sound business practices is the responsibility of Mayor and Council through management and is a part of management's overall responsibility for the ongoing activities of the City of Penticton. Policies and procedures developed by the City to safeguard its assets and to provide reasonable assurance that errors and irregularities or illegal acts are promptly identified, must be properly monitored to ensure that all staff are complying with the guidelines provided. Where we determined, from our testing, that there exists a need for improvement in existing systems of internal control or if we detected that the City's staff are not complying with the critical accounting policies and procedures provided by management, we increased our period-end testing of account balances to ensure that audit risk was kept to an appropriate low level.

The comments and concerns expressed herein did not have a material effect on the City of Penticton's financial statements and, as such, our opinion thereon was without reservation. However, in order for the City to ensure the safeguarding of its assets and the accuracy of its records, we believe our comments and concerns should be taken into consideration by management. Our comments are not intended to reflect upon the honesty or competence of the City's employees.

The matters we have identified are discussed in the attached appendices.





This communication is prepared solely for the information of management and is not intended for any other purposes. We accept no responsibility to a third party who uses this communication.

We would like to express our appreciation for the cooperation and assistance which we received during the course of our audit from Angela Campbell, Jim Bauer, Jackie Collier, Amber Coates, Brad Whelan, Cheryl Corbett, Jacqui Ellis, Maria Brown, and Dave Polvere.

We shall be pleased to discuss with you further any matters mentioned in this report at your convenience.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jonathan W. McGraw'. The signature is fluid and cursive, with a large initial 'J'.

Jonathan W. McGraw, BComm, CPA, CA

BDO Canada LLP  
Chartered Professional Accountants

JWM\kee



The Corporation of the City of Penticton

Appendix 1

Summary of Matters Identified

December 31, 2016

1. IT control procedures

**Control procedures around off boarding processes:**

Currently there is no control process in place to ensure that a former City employee cannot access the accounting software. To ensure that only active City employees have access to accounting software, it is recommended that a mandatory approval/authorization request is generated so HR or the appropriate supervisor can add or remove the employee's access to software.

Such access change request should be maintained by the City along with proof of who made the access change.

**Periodical review of accounting software users:**

Currently the user software access listings is not being reviewed by management. This can become a risk to the City when an employee's job function changes and does not require that employee the same level of access. We suggest that management review an employee software access restrictions when the employee's job function changes.

Proof of such review could be by way of signing and dating the user listing when such change occurs.

**THE CITY OF PENTICTON  
CONSOLIDATED STATEMENT OF FINANCIAL POSITION  
DECEMBER 31, 2016**

	<b>2016</b>	<b>2015</b>
<b>Financial Assets</b>		
Cash	\$ 1,316,987	\$ 3,000,964
Term Deposits (Note 1)	82,779,729	71,962,120
Accounts Receivable (Note 2)	7,700,806	8,465,474
	<u>91,797,522</u>	<u>83,428,558</u>
<b>Financial Liabilities</b>		
Development Cost Charges (Note 3)	10,275,074	8,015,262
Accounts Payable and Accrued Liabilities	12,940,547	14,504,846
Deferred Revenue	5,133,917	4,462,803
Deposits	2,565,874	1,919,634
Penticton Public Library (Note 15)	-	45,255
Long Term Debt (Note 8)	43,113,226	48,914,779
	<u>74,028,638</u>	<u>77,862,579</u>
<b>Net Assets</b>	<b>\$ 17,768,884</b>	<b>\$ 5,565,979</b>
<b>Non-Financial Assets</b>		
Tangible Capital Assets (Note 9)	\$315,573,844	\$316,961,009
Inventory	2,700,039	2,661,509
Prepaid Expenses	556,602	664,729
	<u>318,830,485</u>	<u>320,287,247</u>
<b>Accumulated Surplus</b>	<b><u>\$336,599,369</u></b>	<b><u>\$325,853,226</u></b>

See accompanying notes to the Consolidated Financial Statements.

**THE CITY OF PENTICTON  
CONSOLIDATED STATEMENT OF OPERATIONS  
YEAR ENDED DECEMBER 31, 2016**

	<b>2016 Budget</b>	<b>2016</b>	<b>2015</b>
<b>Revenue</b>			
Taxation	\$ 30,333,770	\$ 30,485,377	\$ 28,436,350
Sales of Services	61,839,485	62,541,835	60,111,724
Government Grants and Transfers	2,971,542	2,301,804	2,434,334
Other Revenue	8,633,559	11,747,857	11,318,327
Other Contributions	983,925	1,621,845	2,100,306
Gain (loss) on Disposal	30,000	38,791	(128,039)
Contributed Asset	-	80,796	-
	<u>104,792,281</u>	<u>108,818,305</u>	<u>104,273,002</u>
<b>Expenditure (Note 10)</b>			
General Government	8,755,520	16,693,301	15,164,190
Protective Services	14,463,086	14,813,217	14,067,977
Transportation Services	4,164,525	8,589,817	8,350,559
Environmental Health Services	1,454,376	1,502,407	1,446,528
Public Health and Safety	192,533	263,687	200,996
Environmental Development Services	3,176,019	3,275,570	3,168,590
Recreation and Culture	11,422,304	12,731,301	11,853,069
Electrical Supply	30,783,521	31,027,273	36,204,608
Sewer System Utility	3,561,908	4,858,669	5,120,687
Water Utility Services	3,250,716	4,316,920	4,162,774
	<u>81,224,508</u>	<u>98,072,162</u>	<u>99,739,978</u>
<b>Annual Surplus</b>	23,567,773	10,746,143	4,533,024
<b>Accumulated Surplus, Beginning of Year</b>	<u>325,853,226</u>	<u>325,853,226</u>	<u>321,320,202</u>
<b>Accumulated Surplus, End of Year</b>	<u>\$ 349,420,999</u>	<u>\$ 336,599,369</u>	<u>\$ 325,853,226</u>

See accompanying notes to the Consolidated Financial Statements.

**THE CITY OF PENTICTON  
CONSOLIDATED STATEMENT OF CHANGE IN NET ASSETS  
YEAR ENDED DECEMBER 31, 2016**

	<b>2016</b>	<b>2015</b>
Annual surplus	\$ 10,746,143	\$ 4,533,024
Acquisition of Tangible Capital Assets (Note 9)	(11,939,202)	(16,588,012)
Amortization (Note 9)	13,444,293	12,976,306
Net Disposal of Tangible Capital Assets (Note 9)	25,719	231,121
Contributed Tangible Capital Assets (Note 9)	(80,796)	-
Asset reclassification (Note 9)	(62,849)	1,752,302
	<u>12,133,308</u>	<u>2,904,741</u>
Change in Prepaid Expenses (Increase)	108,127	(62,484)
Consumption of Supplies Inventories	(38,530)	430,922
	<u>69,597</u>	<u>368,438</u>
<b>Increase in Net Assets</b>	12,202,905	3,273,179
<b>Net Assets, Beginning of Year</b>	5,565,979	2,292,800
<b>Net Assets, End of Year</b>	<u>\$ 17,768,884</u>	<u>\$ 5,565,979</u>

See accompanying notes to the Consolidated Financial Statements.

**THE CITY OF PENTICTON  
CONSOLIDATED STATEMENT OF CASH FLOWS  
YEAR ENDED DECEMBER 31, 2016**

	<b>2016</b>	<b>2015</b>
<b>Operating Transactions</b>		
Annual Surplus	\$ 10,746,143	\$ 4,533,024
<b>Change in Non-Cash Operating Items</b>		
Decrease in Accounts Receivable	764,668	1,940,561
Increase in Trade Accounts Payable and Accrued Liabilities	1,967,611	162,721
(Increase) decrease in Prepaid Expenses	108,127	(62,484)
(Increase) decrease in Inventory	(38,530)	430,922
Net Disposal of Tangible Capital Assets	25,719	231,121
Amortization	13,444,293	12,976,306
Contributed Tangible Capital Assets	(80,796)	-
Asset reclassification	(62,849)	1,752,302
	<u>16,128,243</u>	<u>17,431,449</u>
Cash Provided by Operating Activities	26,874,386	21,964,473
<b>Capital Transactions</b>		
Cash Used to Acquire Tangible Capital Assets	(11,939,201)	(16,588,012)
<b>Financing Transactions</b>		
Debt Repayment	(5,801,553)	(5,804,091)
<b>Investing Transactions</b>		
Increase in Term Deposits	(10,817,609)	(5,546,470)
<b>Change in Cash</b>	(1,683,977)	(5,974,100)
<b>Cash, Beginning of Year</b>	<u>3,000,964</u>	<u>8,975,064</u>
<b>Cash, End of Year</b>	<u>\$ 1,316,987</u>	<u>\$ 3,000,964</u>

See accompanying notes to the Consolidated Financial Statements.

**THE CITY OF PENTICTON  
SIGNIFICANT ACCOUNTING POLICIES  
DECEMBER 31, 2016**

**Management's Responsibility for the Financial Statements**

The consolidated financial statements of the City are the responsibility of management. They have been prepared in accordance with Canadian generally accepted accounting principles established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. The Corporation of the City of Penticton ("the City") is a municipality in the Province of British Columbia and operates under the provisions of the Community Charter. The City provides municipal services such as fire, public works, planning, parks, recreation and other general government services.

**Basis of Consolidation**

The consolidated financial statements reflect the assets, liabilities, revenue and expenses of all municipal organizations, committees and Boards which are owned or controlled by the City. All inter-entity transactions and balances have been eliminated. The controlled organizations include:

Penticton Public Library

**Interfund Balances and Transactions**

All material interfund transactions and balances have been eliminated within the Consolidated Financial Statements for the General, Sewer, Water and Electrical funds.

**Deferred Revenue**

Funds received for specific purposes which are externally restricted by legislation, regulation or agreement and are not available for general municipal purposes are accounted for as deferred revenue on the Consolidated Statement of Financial Position. The revenue is recognized in the Consolidated Statement of Operations in the year in which it is used for the specified purpose.

**Revenue Recognition**

**Taxation**

Taxes are recorded at estimated amounts when they meet the definition of an asset, have been authorized and the taxable event occurs. For property taxes, the taxable event is the period for which the tax is levied. Taxes receivable are recognized net of an allowance for anticipated uncollected amounts.

**Government Transfers**

Government transfers are recognized as revenue in the financial statements when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. Transfers are recognized as deferred revenue when transfer stipulations give rise to a liability. Transfer revenue is recognized in the statement of operations as the stipulation liabilities are settled.

**Utilities**

Charges for sewer and water usage are recorded as user fees. Connection fee revenues are recognized when the connection has been established. Conditional grant revenue is recognized to the extent the conditions imposed on it have been fulfilled.

**THE CITY OF PENTICTON  
SIGNIFICANT ACCOUNTING POLICIES  
DECEMBER 31, 2016**

**Revenue Recognition continued**

**Fee for Service**

Sales of service and other revenue is recognized on an accrual basis.

**Financial Instruments**

The City's financial instruments consist of cash and term deposits, accounts receivable, accrued interest receivable, Municipal Finance Authority, bank indebtedness, trade accounts payable and accrued liabilities, deposits and long term debt. Unless otherwise noted, it is management's opinion that the City is not exposed to significant interest, currency or credit risks arising from these financial instruments. The fair values of these financial instruments approximate their carrying value, unless otherwise noted.

**Inventory**

The City holds consumable inventory which is recorded at the lower of cost and net realizable value. Cost is determined on a weighted average basis.

**Tangible Capital Assets**

Tangible capital assets are not available to discharge existing liabilities and are held for use in the provision of goods and services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

Tangible capital assets are recorded at cost, net of capital asset disposals, write-downs and amortization. Cost includes all costs directly attributable to acquisition or construction of the tangible capital asset including transportation costs, installation costs, design and engineering fees, legal fees and site preparation costs. Contributed tangible capital assets are recorded at fair value at the time of the donation, with a corresponding amount recorded as revenue. Amortization is recorded on a straight-line basis over the estimated life of the tangible capital asset commencing once the asset is available for productive use as follows:

Buildings	20 to 70 years
Roads and Sidewalks	25 to 75 years
Machinery and Equipment	5 to 20 years
Water Infrastructure	50 to 100 years
Sewer Infrastructure	10 to 100 years
Electrical Infrastructure	20 to 50 years
Parks and Recreation Infrastructure	10 to 50 years
Vehicles	10 to 20 years
Furniture and Equipment	10 to 20 years
Computer Hardware and Software	4 to 10 years
Books and Library Materials	5 to 13 years



**THE CITY OF PENTICTON  
SIGNIFICANT ACCOUNTING POLICIES  
DECEMBER 31, 2016**

**Reserve for Future Expenditure**

Reserves for future expenditure are non-statutory reserves which represent an appropriation of surplus for specific purposes. Transfers to reserves for future expenditure include funds to finance incomplete projects and accumulations for specific purposes.

**Statutory Reserve Funds**

The use of these funds is restricted by the Community Charter and associated Municipal Bylaws. Statutory reserve funds are funded 100% by cash and temporary investments.

**Use of Estimates**

The preparation of consolidated financial statements in accordance with Public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future. Adjustments, if any, will be reflected in the consolidated financial statements in the period that the change in estimate is made, as well as in the period of settlement if the amount is different.

**Collection of Taxes on Behalf of Other Taxation Authorities**

The City collects taxation revenue on behalf of other entities. Such levies, other revenues, expenses, assets and liabilities with respect to the operations of entities are not reflected in these consolidated financial statements.

**Contaminated Sites**

A liability for contaminated sites is recognized when a site is not in productive use and the following criteria are met:

- a) An environmental standard exists
- b) Contamination exceeds the environmental standard
- c) The City is directly responsible or accepts responsibility for remediation
- d) It is expected that future economic benefits will be given up; and
- e) A reasonable estimate of the amount can be made.

The liability is recognized as management's estimate of the cost of post-remediation including operation, maintenance and monitoring that are an integral part of the remediation strategy for a contaminated site.

As at December 31, 2016 the City has no liability for contaminated sites.

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**1. Term Deposits**

	<u>Maturity Date</u>	<u>Effective Interest Rate (%)</u>	<u>2016</u>	<u>2015</u>
Valley First		-	\$ 11,002,648	\$ -
Valley First	Jan 11, 2017	1.50	10,175,000	10,000,000
Valley First	May 1, 2017	1.40	5,038,003	5,000,000
Valley First	May 1, 2017	1.40	54,750	5,000,000
Valley First	Aug 12, 2017	1.75	10,000,000	5,000,000
Valley First	Aug 20, 2017	1.65	10,000,000	10,000,000
Valley First	Nov 2, 2017	1.65	10,000,000	10,828,910
Municipal Finance Authority		1.44	26,509,328	26,133,210
			<u>\$ 82,779,729</u>	<u>\$ 71,962,120</u>

**2. Accounts Receivable**

	<u>2016</u>	<u>2015</u>
Property Taxes	\$ 1,141,890	\$ 1,193,924
Other Receivables	1,888,393	1,803,875
Federal Government	222,024	223,911
Provincial Government	395,357	1,248,693
Regional District Okanagan Similkameen	1,725	125,039
Other Government Agencies	168,017	77,133
Utility Rates Receivable	3,528,303	3,354,863
Accrued Interest Receivable	308,944	388,661
Cemetery Trust Fund Receivable	46,153	49,375
	<u>\$ 7,700,806</u>	<u>\$ 8,465,474</u>

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**3. Development Cost Charges (DCC)**

The City collects development cost charges to pay for a proportionate share of infrastructure related to new growth. In accordance with the Local Government Act of BC, these funds must be deposited into a separate reserve fund. When the related costs are incurred, the DCCs are recognized as revenue.

**DCC by Type**

	<b>2016</b>	<b>2015</b>
Roads DCC	\$ 1,025,489	\$ 737,443
Parks DCC	475,189	240,576
Drainage DCC	204,571	128,338
Waste Water DCC	5,736,922	4,665,411
Water DCC	2,832,903	2,243,494
	<u>10,275,074</u>	<u>8,015,262</u>

**DCC Activity**

Balance, Beginning of Year	8,015,262	8,172,499
Return on Investments	123,534	129,018
DCCs Levied in the Year	2,220,398	531,402
Transfers to General Operating	(84,120)	(817,657)
	<u>\$ 10,275,074</u>	<u>\$ 8,015,262</u>

**4. Development Cost Charges**

In 2010, Council adopted the Development Cost Charge Reduction Bylaw and the companion Economic Incentive Zone Bylaw. The purpose of these bylaws was to spur development in key areas of the City, promote sustainable development and promote the development of affordable rental housing. The bylaws also contain provisions to encourage high-end hotel development. These bylaws will reduce the value of development cost charges, building permit fees and municipal taxes received by The City of Penticton for eligible developments.

The DCC reductions and Economic Incentive tax exemption program have been implemented in accordance with the provisions of Section 933(1) of the Local Government Act and Section 226 of the Community Charter, respectively. In 2016 \$190,113 (2015 - \$87,183) of Economic Incentive tax exemptions were granted. In addition, Council approved \$22,193 (2015 - \$69,375) of DCC reductions in 2016.

**5. Pension Liability**

The City and its employees contribute to the Municipal Pension Plan (the Plan), a jointly trustee pension plan. The Board of Trustees, representing plan members and employers, is responsible for administering the Plan, including investment of the assets and administration of benefits. The Plan is a multi-employer defined benefit pension plan. Basic pension benefits are based on a formula. As at December 31, 2016, the Plan has about 189,000 active members and approximately 85,000 retired members. Active members include approximately 37,000 contributors from local government.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the Plan.

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**5. Pension Liability continued**

The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for the average future entrants to the plan. This rate is then adjusted to the extent there is amortization of any funding deficit.

The most recent actuarial valuation as at December 31, 2015 indicated a \$2,224 million funding surplus for basic pension benefits on a going concern basis.

The City of Penticton paid \$1,849,912 (2015 - \$1,858,197) for employer contributions to the Plan in fiscal 2016.

The next valuation will be as at December 31, 2018 with results available in 2019.

Employers participating in the Plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the Plan records accrued liabilities and accrued assets for the Plan in aggregate, resulting in no consistent and reliable basis for allocating the obligation, assets and cost to individual employers participating in the Plan.

**6. Contingent Liabilities**

**a. Regional District of Okanagan Similkameen**

Under Section 836 of the Local Government Act, all monies borrowed by a Regional District, shall be upon its credit at large and shall, in the event of any default, constitute an indebtedness of the member municipalities for which they are jointly and severally liable. At December 31, 2016, the long term debt of the Regional District aggregated \$86,130,133 (2015 - \$94,685,222).

**b. Legal Actions**

As at December 31, 2016, certain legal actions are pending against the City as follows:

1. The City is aware of various liens registered against the City owned properties located at 903-969 Eckhardt Ave W. These liens were filed by various companies engaged by the third party purchaser of the same properties who subsequently defaulted on the purchase. These companies were not paid and they filed liens against the properties. Twelve liens were filed representing claims totaling \$2,111,921.90. Since then, and within the one year limitation period under the Builders Lien Act, five lien claimants had started legal actions against various parties, including the City, and filed certificates of pending litigation ("CPL") against the properties. One claimant has subsequently abandoned its lien claim and discontinued its action and another claimant reached a settlement. The remaining three claims remain alive with the value of these lien claims totaling \$663,851. It is unknown at this time the likely outcome; however, damages could reach \$66,000, which is 10% of the total claims still being advanced.

2. The City has been named a party to an action with respect to a claim made for interference with development rights. The Claimant may have a reasonable basis for a claim; however given the uncertainty of the amount and likeliness of the claim, no accrual has been recorded in regards to these costs.

3. That the City has been named a party to an action with respect to a claim made for deficiencies in design and construction. The Claimant may have a reasonable basis for a claim; and damages could reach in the range of \$300,000 to \$500,000, which is 10% of the total claims still being advanced.

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**6. Contingent Liabilities continued**  
**c. General Contingencies**

From time to time there are potential claims against the City for incidents which arise in the ordinary course of business. In the opinion of management and legal counsel, the outcomes of the claims are not determinable at this time and cannot be estimated. Should any loss result from the resolution of these claims, such loss will be charged to operations in the year of resolution.

**7. Letters of Credit**

In addition to the performance deposits reflected in the Consolidated Statement of Financial Position, the City is holding irrevocable Letters of Credit in the amount of \$2,185,630 which were received from depositors to ensure their performance of works to be undertaken within the City. These amounts are not reflected in the Consolidated Financial Statements but are available to satisfy liabilities arising from non-performance by the depositors.

DRAFT FOR DISCUSSION PURPOSES

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**8. Long Term Debt**

Long term debt reported on the Consolidated Statement of Financial Position is comprised of the following:

	<b>2016</b>	<b>2015</b>
Long Term Debt	<u>\$ 43,113,226</u>	<u>\$ 48,914,779</u>

Principal repayments relating to long term debt of \$43,113,226 outstanding are due as follows (in thousands):

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Thereafter</b>
General Fund	\$ 3,233	\$ 1,985	\$ 1,059	\$ 1,042	\$ 1,043	\$ 14,883
Sewer Fund	575	545	539	539	539	8,716
Water Fund	422	422	422	422	422	6,305
	<u>\$ 4,230</u>	<u>\$ 2,952</u>	<u>\$ 2,020</u>	<u>\$ 2,003</u>	<u>\$ 2,004</u>	<u>\$ 29,904</u>

Long term debt is secured by the assets of the City. The Long Term Debt is held by the Municipal Finance Authority. The principal payments are invested by the Municipal Finance Authority into a Sinking Fund. The principal repayments are currently calculated at a rate of 4%. The 2016 earnings in the Sinking Fund were calculated to be \$1,536,896 and are included in Other Revenue on the Consolidated Statement of Operations.

**9. Tangible Capital Assets**

In 2016 the City of Penticton incurred \$17,405,903 of Capital Expenditures. The Tangible Capital Asset Policy requires that capital expenditures beneath a specified threshold are not capitalized. The total amount capitalized in accordance with the TCA Policy is \$11,939,201 for 2016. The amount of Capital purchases below the TCA threshold that were expensed within the Consolidated Statement of Operations were \$5,466,702.

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**9. Tangible Capital Assets continued**

	Land	Building	Equipment	Sewer Infrastructure	Water Infrastructure	Electrical Infrastructure	Roads	Construction in Progress	2016 Total
<b>COST</b>									
Opening Balance	\$ 48,433,058	\$ 163,265,759	\$ 36,255,075	\$ 50,274,463	\$ 52,860,867	\$ 72,143,119	\$ 80,497,549	\$ 1,492,298	\$ 505,222,188
Add: Additions	-	595,010	3,330,963	344,290	1,068,075	1,766,826	3,907,257	926,780	11,939,201
Add: Trsf to/from Construction in Progress	-	13,051	150,212	-	110,037	-	334,846	(608,146)	-
Add: Contributed Assets	-	80,796	-	-	-	-	-	-	80,796
Less: Disposals	-	-	488,673	-	-	-	-	-	488,673
Re-classification	-	-	659,112	-	-	-	-	(248,025)	411,087
	<u>48,433,058</u>	<u>163,954,616</u>	<u>39,906,689</u>	<u>50,618,753</u>	<u>54,038,979</u>	<u>73,909,945</u>	<u>84,739,652</u>	<u>1,562,907</u>	<u>517,164,599</u>
<b>ACCUMULATED AMORTIZATION</b>									
Opening Balance	-	61,742,536	243,24,874	8,399,814	17,726,280	32,274,934	43,792,741	-	188,261,179
Add: Amortization	-	4,771,924	2,027,673	1,043,051	832,646	2,155,828	2,613,170	-	13,444,292
Less: Acc Amortization on Disposals	-	-	462,954	-	-	-	-	-	462,954
Re-classification	-	-	(348,238)	-	-	-	-	-	(348,238)
	<u>-</u>	<u>66,514,460</u>	<u>26,237,831</u>	<u>9,442,865</u>	<u>18,558,926</u>	<u>34,430,762</u>	<u>46,405,911</u>	<u>-</u>	<u>201,590,755</u>
<b>Net Book Value for Year Ended Dec. 31, 2016</b>	<u>\$ 48,433,058</u>	<u>\$ 97,440,156</u>	<u>\$ 13,668,858</u>	<u>\$ 41,175,888</u>	<u>\$ 35,480,053</u>	<u>\$ 39,479,183</u>	<u>\$ 38,333,741</u>	<u>\$ 1,562,907</u>	<u>\$ 315,573,844</u>

**Net Book Value for Year Ended Dec. 31, 2016**

	Land	Building	Equipment	Sewer Infrastructure	Water Infrastructure	Electrical Infrastructure	Roads	Construction in Progress	2015 Total
<b>COST</b>									
Opening Balance	\$ 46,866,608	\$ 161,832,094	\$ 35,392,605	\$ 48,980,917	\$ 50,796,899	\$ 68,634,007	\$ 76,934,938	\$ 2,397,794	\$ 491,835,862
Add: Additions	1,566,450	2,651,897	753,115	1,184,883	2,063,968	3,575,820	3,505,204	1,286,675	16,588,012
Add: Trsf to/from Construction in Progress	-	30,716	243,083	108,663	-	-	57,407	(439,869)	-
Less: Disposals	-	1,248,948	133,728	-	-	66,708	-	-	1,449,384
Re-classification to Financial Assets	-	-	-	-	-	-	-	(1,752,302)	(1,752,302)
	<u>48,433,058</u>	<u>163,265,759</u>	<u>36,255,075</u>	<u>50,274,463</u>	<u>52,860,867</u>	<u>72,143,119</u>	<u>80,497,549</u>	<u>1,492,298</u>	<u>505,222,188</u>
<b>ACCUMULATED AMORTIZATION</b>									
Opening Balance	-	58,048,402	22,684,621	7,348,808	17,136,905	30,157,689	41,126,711	-	176,503,136
Add: Amortization	-	4,744,246	1,768,232	1,051,006	589,375	2,157,417	2,666,030	-	12,976,306
Less: Acc Amortization on Disposals	-	1,050,112	127,979	-	-	40,172	-	-	1,218,263
	<u>-</u>	<u>61,742,536</u>	<u>24,324,874</u>	<u>8,399,814</u>	<u>17,726,280</u>	<u>32,274,934</u>	<u>43,792,741</u>	<u>-</u>	<u>188,261,179</u>
<b>Net Book Value for Year Ended Dec. 31, 2015</b>	<u>\$ 48,433,058</u>	<u>\$ 101,523,223</u>	<u>\$ 11,930,201</u>	<u>\$ 41,874,649</u>	<u>\$ 35,134,587</u>	<u>\$ 39,868,185</u>	<u>\$ 36,704,808</u>	<u>\$ 1,492,298</u>	<u>\$ 316,961,009</u>

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**10. Reporting by Object**

	<b>2016</b>	<b>2015</b>
Salaries and Benefits	\$ 24,507,639	\$ 21,661,772
Goods and Services	43,891,774	48,778,025
Interest	3,802,731	3,929,931
Amortization	13,444,293	12,976,306
Other Expenses	2,193,952	3,039,240
Vehicle & Equipment Maintenance	3,452,486	2,853,905
Policing Agreement	6,779,287	6,500,799
	<u>\$ 98,072,162</u>	<u>\$ 99,739,978</u>

**11. Credit Facilities**

**a. Line of Credit**

The City holds a \$5,000,000 line of credit with the Valley First Credit Union. This line of credit has a borrowing rate of prime and is secured by the Revenue Anticipation Borrowing Bylaw 2011 No. 5003.

As of December 31, 2016 there was no balance outstanding.

**b. Bank Indebtedness**

The City holds a \$4,230,000 EFT limit.

**12. Municipal Finance Authority**

Cash Deposits and Demand Notes - The City issues the majority of its debt instruments through the Municipal Finance Authority. As a condition of these borrowings, a portion of the debenture proceeds is withheld by the Municipal Finance Authority as a debt reserve fund. The City also executes demand notes in connection with each debenture whereby the City may be required to loan certain amounts to the Municipal Finance Authority. These demand notes are contingent in nature.

Proceeds on loan requests are 98.40% of the gross amount of the loan. 1% is deducted by the MFA for security against loan default (this is held in trust by the MFA in its Debt Reserve Fund and will be refunded to clients, with interest, at loan expiry). The remaining 0.60% is deducted as an issue expense to cover the costs of administering the Debt Reserve Fund.

As at December 31, 2016 the Debt Reserve Fund demand note requirements were \$3,346,659 (2015 - \$3,399,305). In addition, cash deposits totaling \$1,162,303 (2015 - \$1,161,102) were held by the MFA.



**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**13. Budget**

The Financial Plan (Budget) Bylaw No. 2016-07 adopted by Council on March 7, 2016 was not prepared on a basis consistent with that used to report actual results (Public Sector Accounting Standards). The budget figures anticipated use surpluses accumulated in previous years to reduce current year expenditures in excess of current year revenues to Nil. In addition, the budget expensed all tangible capital expenditures rather than including amortization expense. As a result, the budget figures presented in the statements of operations and change in net financial assets represent the Financial Plan adopted by Council with adjustments as follows:

	<b>2016</b>
Financial Plan (Budget) Bylaw surplus for the year	\$ -
<b>Add:</b>	
Transfer to Funds/Reserves	22,184,263
Debt Principal Repayments	4,283,308
Budgeted Capital Expenditures - General	10,873,710
Budgeted Capital Expenditures - Electric	3,532,786
Budgeted Capital Expenditures - Sewer	1,859,630
Budgeted Capital Expenditures - Water	3,755,000
<b>Less:</b>	
Budgeted Transfers from Surplus	22,920,924
<b>Budget Surplus per Statement of Operations</b>	<b>\$ 23,567,773</b>

**14. Transfers From Other Governments**

	<b>2016</b>	<b>2015</b>
Gas tax community works fund	\$ 1,439,404	\$ 1,392,510
Traffic fine revenue sharing	401,411	458,557
Okanagan Basin Water Board grants	215,822	219,201
The Freshwater Fisheries	-	170,000
BC Arts Council	20,000	20,000
Library	125,720	-
Miscellaneous	99,447	174,066
	<b>\$ 2,301,804</b>	<b>\$ 2,434,334</b>

**15. Penticton Public Library**

The establishment of a municipal public library in the City of Penticton Bylaw 2639 was passed December 8, 1969. The bylaw indicates that the City exercises significant influence over the Penticton Public Library and is required to fund its operations as per the Library Act. The Penticton Public Library assets as managed by the Library Board are recorded as assets of the City. The operations of the Penticton Public Library have been wholly consolidated by the City as at December 31, 2016.

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**16. Segmented Information**

The City is a diversified municipal government institution that provides a wide range of services to its citizens such as transit, police, fire, water and electricity. Distinguishable functional segments have been separately disclosed in the segmented information. The nature of the segments and the activities they encompass are as follows:

**General Government Services**

This segment includes all of the revenues and expenses that relate to the operations of the City itself and cannot be directly attributed to one of the other specific segments.

**Protective Services**

Protection is comprised of police services and fire protection. The police services work to ensure the safety and protection of the citizens and their property. The fire department is responsible to provide fire suppression service, fire prevention programs, training and education.

**Transportation Services**

Transportation is responsible for providing the City's transit services.

**Environmental Health Services**

Environmental services consists of providing waste disposal to citizens.

**Public Health and Safety**

Health services are comprised of public health services which works to improve the overall health of the population and overcome health inequalities by providing services to individuals and communities.

**Environmental Development Services**

This segment includes city planning, maintenance and enforcement of building and construction codes and review of all property development plans through its application process.

**Recreation and Culture**

This segment provides services meant to improve health and development of the City's citizens. Recreational programs and cultural programs like swimming and skating lessons are provided at the arenas, the aquatic centre and the community centre. Also, the City provides library services to assist with its citizens' informational needs and a museum that houses collections and artifacts.

**Electrical Supply**

This segment includes all of the operating activities related to the supply of the City's electricity.

**Sewer System Utility**

This segment includes all of the operating activities related to the collection and treatment of wastewater (sewage) throughout the City.

**THE CITY OF PENTICTON  
NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS  
DECEMBER 31, 2016**

**16. Segmented Information continued**

**Water Utility Services**

This segment includes all of the operating activities related to the treatment and distribution of water throughout the City.

DRAFT FOR DISCUSSION PURPOSES

**THE CITY OF PENTICTON  
SCHEDULE OF SEGMENT DISCLOSURE  
DECEMBER 31, 2016**

	General Government Services	Protective Services	Transportation Services	Environmental Health Services	Public Health and Safety	Environmental Development Services	Recreation and Culture	Electrical Supply	Sewer System Utility	Water Utility Services	2016 Total
<b>REVENUE</b>											
Taxation	\$ 29,111,741	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,373,636	\$ -	\$ 30,485,377
Sales of Services	2,657,309	997,297	1,288,925	2,464,088	363,357	113,686	2,231,071	39,647,109	4,625,517	8,153,476	62,541,835
Government Grants and Transfers	1,939,262	-	1,000	-	-	-	145,720	-	215,822	-	2,301,804
Other Revenue	10,650,566	55,780	-	-	-	8,500	1,019,211	13,800	-	-	11,747,857
Other Contributions	119,053	-	544,282	-	-	-	71,486	590,070	47,712	249,242	1,621,845
Gain (loss) on Disposal	10,436	-	28,355	-	-	-	-	-	-	-	38,791
Contributed Asset	80,796	-	-	-	-	-	-	-	-	-	80,796
	44,569,163	1,053,077	1,862,562	2,464,088	363,357	122,186	3,467,488	40,250,979	6,262,687	8,402,718	108,818,305
<b>EXPENDITURE</b>											
Salaries and Benefits	4,619,001	7,112,206	1,229,617	102,174	39,410	1,470,080	5,374,197	1,715,290	1,349,195	1,496,469	24,507,639
Goods and Services	2,743,400	734,360	3,500,069	1,394,320	217,779	1,222,250	4,508,140	26,988,679	1,372,054	1,210,723	43,891,774
Interest	(42,147)	84,000	174,478	-	-	-	2,236,253	-	758,021	592,126	3,802,731
Amortization	7,465,548	-	1,947,220	-	-	-	-	2,155,828	1,043,051	832,646	13,444,293
Other Expenses	1,577,029	1,049	737	66	-	581,242	29,273	4,546	-	10	2,193,952
Vehicle & Equipment Maintenance	330,470	102,315	1,737,696	5,847	6,498	1,998	583,438	162,930	336,348	184,946	3,452,486
Policing Agreement	-	6,779,287	-	-	-	-	-	-	-	-	6,779,287
	16,693,301	14,813,217	8,589,817	1,502,407	263,687	3,275,570	12,731,301	31,027,273	4,858,669	4,316,920	98,072,162
<b>Excess (Deficiency) of Revenues Over Expenditures</b>	\$ 27,875,862	\$(13,760,140)	\$(6,727,255)	\$ 961,681	\$ 99,670	\$(3,153,384)	\$(9,263,813)	\$ 9,223,706	\$ 1,404,018	\$ 4,085,798	\$ 10,746,143

See accompanying notes to the Consolidated Financial Statements.

**THE CITY OF PENTICTON  
SCHEDULE OF SEGMENT DISCLOSURE  
DECEMBER 31, 2015**

	General Government Services	Protective Services	Transportation Services	Environmental Health Services	Public Health and Safety	Environmental Development Services	Recreation and Culture	Electrical Supply	Sewer System Utility	Water Utility Services	2015 Total
<b>REVENUE</b>											
Taxation	\$ 27,060,066	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,376,284	\$ -	\$ 28,436,350
Sales of Services	2,579,749	921,649	1,184,787	2,462,443	279,413	87,264	1,970,316	39,268,074	4,415,792	6,942,237	60,111,724
Government Grants and Transfers	1,949,633	-	170,000	-	-	1,000	94,500	-	219,201	-	2,434,334
Other Revenue	10,900,018	16,106	-	-	-	18,950	369,507	13,746	-	-	11,318,327
Other Contributions	98,306	-	1,437,975	-	-	-	-	336,362	47,606	180,057	2,100,306
Gain (loss) on Disposal	(183,419)	-	81,917	-	-	-	-	(26,537)	-	-	(128,039)
	<u>42,404,353</u>	<u>937,755</u>	<u>2,874,679</u>	<u>2,462,443</u>	<u>279,413</u>	<u>107,214</u>	<u>2,434,323</u>	<u>39,591,645</u>	<u>6,058,883</u>	<u>7,122,294</u>	<u>104,273,002</u>
<b>EXPENDITURE</b>											
Salaries and Benefits	4,213,830	6,348,560	1,272,559	48,474	25,414	1,065,242	4,274,345	1,684,633	1,323,135	1,405,580	21,661,772
Goods and Services	2,982,465	781,395	2,973,131	1,396,100	172,177	1,562,928	3,894,810	32,040,038	1,666,977	1,308,004	48,778,025
Interest	(47,273)	84,000	174,478	-	-	-	2,253,422	-	767,614	697,690	3,929,931
Amortization	6,512,478	-	2,666,030	-	-	-	-	2,157,417	1,051,006	589,375	12,976,306
Other Expenses	1,234,456	48,370	13,425	424	13	538,281	1,048,968	154,607	-	696	3,039,240
Vehicle & Equipment											
Maintenance	268,234	304,853	1,250,936	1,530	3,392	2,139	381,524	167,913	311,955	161,429	2,853,905
Policing Agreement	-	6,500,799	-	-	-	-	-	-	-	-	6,500,799
	<u>15,164,190</u>	<u>14,067,977</u>	<u>8,350,559</u>	<u>1,446,528</u>	<u>200,996</u>	<u>3,168,590</u>	<u>11,853,069</u>	<u>36,204,608</u>	<u>5,120,687</u>	<u>4,162,774</u>	<u>99,739,978</u>
<b>Excess (Deficiency) of Revenues Over Expenditures</b>	<u>\$ 27,240,163</u>	<u>\$(13,130,222)</u>	<u>\$ (5,475,880)</u>	<u>\$ 1,015,915</u>	<u>\$ 78,417</u>	<u>\$ (3,061,376)</u>	<u>\$ (9,418,746)</u>	<u>\$ 3,387,037</u>	<u>\$ 938,196</u>	<u>\$ 2,959,520</u>	<u>\$ 4,533,024</u>

See accompanying notes to the Consolidated Financial Statements.

**THE CITY OF PENTICTON  
GENERAL REVENUE FUND  
STATEMENT OF OPERATIONS  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<b>2016 Budget</b>	<b>2016</b>	<b>2015</b>
<b>Revenue</b>			
Taxation	\$ 28,985,570	\$ 29,111,741	\$ 27,060,066
Sales of Services	13,706,723	14,760,623	14,020,575
Government Grants and Transfers	1,822,709	2,085,983	2,215,133
Transfer From Other Funds/Reserves	3,327,789	6,729,667	6,148,738
Other Revenue	8,626,559	11,734,057	11,304,581
Other Contributions	175,768	734,820	1,536,281
Sale of Assets	30,000	38,791	(101,502)
Collections For other Governments	20,562,109	20,489,113	20,512,044
	<u>77,237,227</u>	<u>85,684,795</u>	<u>82,695,916</u>
<b>Expenditure</b>			
Salaries and Benefits	17,411,732	20,606,616	17,800,006
Goods and Services	11,829,445	15,236,940	14,590,379
Interest	2,511,671	2,452,585	2,464,627
Principal Payments	3,231,189	3,231,187	3,226,442
Other Expenses	3,610,035	2,189,395	2,883,937
Vehicle & Equipment Maintenance	2,768,516	2,768,262	2,212,607
Policing Agreement	7,008,363	6,779,287	6,500,799
Transfer to Other Funds/Reserves	8,039,229	11,415,232	12,445,249
Transfers to Other Governments	20,562,109	20,506,789	20,498,735
	<u>76,972,289</u>	<u>85,186,293</u>	<u>82,622,781</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	<u>264,938</u>	<u>498,502</u>	<u>73,135</u>
<b>CHANGE IN FUND BALANCES</b>	264,938	498,502	73,135
<b>FUND BALANCES, BEGINNING OF YEAR</b>	5,213,235	5,213,235	5,140,100
<b>FUND BALANCES, END OF YEAR</b>	<u>\$ 5,478,173</u>	<u>\$ 5,711,737</u>	<u>\$ 5,213,235</u>

**THE CITY OF PENTICTON  
RESERVE FUNDS  
STATEMENT OF FINANCIAL POSITION  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<b>2016</b>	<b>2015</b>
Balance, Beginning of Year	\$ 12,474,200	\$ 15,312,112
Add		
Transfers from:		
Revenue Funds	2,998,632	2,256,938
Interest Earned	153,470	215,400
Deduct		
Transfers to:		
Capital Funds	4,810,374	5,247,643
Revenue Funds	-	62,607
	<b><u>\$10,815,928</u></b>	<b><u>\$ 12,474,200</u></b>
 <b>STATUTORY RESERVE FUND BALANCES</b>		
Equipment Replacement Reserve Fund	3,490,375	3,108,609
Tax Sale Lands Reserve Fund	7,460	7,360
Capital Reserve Fund	165,784	2,023,783
Land Acquisition Reserve	1,892,984	-
Local Improvement	1,196,360	1,420,502
Off-Site Parking Reserve Fund	120,899	119,277
Community Works Reserve Fund	915,595	3,142,551
Public Amenity Reserve	74,653	238,313
Affordable Housing Reserve	166,901	-
Alternative Transportation Reserve	52,082	15,625
Asset Sustainability	302,040	-
Water Capital Reserve Fund	892,803	880,824
Sewer Capital Reserve Fund	536,025	528,833
Electric Capital Reserve Fund	1,001,967	988,523
	<b><u>10,815,928</u></b>	<b><u>12,474,200</u></b>
<b>Balance, End of Year</b>	<b><u>\$10,815,928</u></b>	<b><u>\$ 12,474,200</u></b>

THE CITY OF PENTICTON  
RESERVE FUNDS  
STATEMENT OF CHANGES IN FUND BALANCES  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)

	Balance, Beginning of Year	Transfer from General Revenue Fund	Interest Earned	Transfer to General Capital Fund	Transfer to Sewer Capital Fund	Inter-reserve Transfers	2016 Total
<b>Reserve</b>							
Equipment Replacement	\$ 3,108,609	\$ 1,108,355	\$ 44,570	\$ (771,159)	\$ -	\$ -	\$ 3,490,375
Tax Sale Lands	7,360	-	100	-	-	-	7,460
Capital	2,023,783	-	14,899	-	-	(1,872,898)	165,784
Land Acquisition	-	7,350	12,736	-	-	1,872,898	1,892,984
Local Improvement	1,420,502	107,523	13,781	(325,553)	(19,893)	-	1,196,360
Off-Street Parking	119,277	-	1,622	-	-	-	120,899
Community Works	3,142,551	1,439,404	27,409	(3,693,769)	-	-	915,595
Public Amenity	238,313	-	2,114	-	-	(165,774)	74,653
Affordable Housing	-	-	1,127	-	-	165,774	166,901
Alternative Transportation	15,625	36,000	457	-	-	-	52,082
Asset Sustainability	-	300,000	2,040	-	-	-	302,040
Water Capital	880,824	-	11,979	-	-	-	892,803
Sewer Capital	528,833	-	7,192	-	-	-	536,025
Electric Capital	988,523	-	13,444	-	-	-	1,001,967
	<b>\$ 12,474,200</b>	<b>\$ 2,998,632</b>	<b>\$ 153,470</b>	<b>\$ (4,790,481)</b>	<b>\$ (19,893)</b>	<b>\$ -</b>	<b>\$ 10,815,928</b>



**THE CITY OF PENTICTON  
RESERVES  
STATEMENT OF CHANGE IN FUND BALANCES  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<u>Balance, Beginning of Year</u>	<u>Transfer From Funds</u>	<u>Transfer To Funds</u>	<u>Interest</u>	<u>Inter-reserve Transfers</u>	<u>2016 Total</u>
<b>Non-Statutory</b>						
Asset Emergency	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000
Building Permit Stabilization	100,000	-	-	-	-	100,000
Carbon Tax Credit Reserve	152,421	-	-	-	-	152,421
Cemetery Land	133,000	-	-	-	-	133,000
Climate Action	88,327	42,920	-	-	-	131,247
Election	23,797	23,803	-	-	-	47,599
Electric Surplus	10,146,400	4,354,532	-	-	-	14,500,932
Gaming	6,045,785	4,563,630	(3,258,882)	-	-	7,350,533
General Surplus	5,213,235	498,502	-	-	-	5,711,737
Infrastructure	400,000	-	-	-	-	400,000
Investment Income	1,369,942	-	-	-	(396,507) *	973,435
Liability Insurance	250,001	-	-	-	-	250,001
Marinas	459,383	30,298	-	-	-	489,681
Multi-Material BC	777,961	467,109	(1,641,576)	-	396,507 *	0
Northgate	52,000	-	-	-	-	52,000
Parking & Revitalization	51,765	-	-	-	-	51,765
Public Art	12,011	25,000	(2,000)	-	-	35,011
Rate Stabilization	200,000	-	-	-	-	200,000
RCMP	254,942	105,057	-	-	-	359,999
Sewer Equipment Replacement	-	108,022	-	-	-	108,022
Sewer Surplus	5,542,676	1,358,713	-	-	-	6,901,389
Snow Clearing Stabilization	75,000	-	-	-	-	75,000
Special Events Site	21,166	-	-	-	-	21,166
Water Surplus	1,261,931	2,651,331	-	-	-	3,913,262
West Bench Capital	1,185,185	-	-	-	-	1,185,185
West Bench Water	1,801,728	-	(78,336)	-	-	1,723,392
Wine/Info	13,150	-	-	-	-	13,150
	<u>36,431,805</u>	<u>14,228,916</u>	<u>(4,980,794)</u>	<u>-</u>	<u>-</u>	<u>45,679,926</u>
<b>Statutory</b>	12,474,200	2,998,632	(4,810,374)	153,470	-	10,815,928
<b>DCC</b>	<u>8,015,262</u>	<u>2,220,398</u>	<u>(84,120)</u>	<u>123,534</u>	<u>-</u>	<u>10,275,074</u>
	<u>\$ 56,921,267</u>	<u>\$ 19,447,946</u>	<u>(9,875,288)</u>	<u>\$ 277,004</u>	<u>\$ -</u>	<u>\$ 66,770,928</u>

\* inter-reserve loan to be repaid in 2017

**THE CITY OF PENTICTON  
SEWER REVENUE FUND  
STATEMENT OF OPERATIONS  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<b>2016 Budget</b>	<b>2016</b>	<b>2015</b>
<b>Revenue</b>			
Taxation	\$ 1,348,200	\$ 1,373,636	\$ 1,376,284
Sales of Services	4,587,283	4,625,517	4,415,792
Government Grants and Transfers	215,500	215,822	219,201
Transfer From Other Funds/Reserves	-	2,156,826	4,907,995
	<u>6,150,983</u>	<u>8,371,801</u>	<u>10,919,272</u>
<b>Expenditure</b>			
Salaries and Benefits	1,611,889	1,349,195	1,323,135
Goods and Services	1,267,526	1,837,641	2,081,738
Interest	773,830	758,021	767,614
Principal Payments	584,381	575,057	575,057
Vehicle & Equipment Maintenance	374,250	336,348	311,955
Transfer to Other Funds/Reserves	1,550,765	2,156,826	6,538,959
	<u>6,162,641</u>	<u>7,013,088</u>	<u>11,598,458</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	<u>(11,658)</u>	<u>1,358,713</u>	<u>(679,186)</u>
<b>CHANGE IN FUND BALANCES</b>	(11,658)	1,358,713	(679,186)
<b>FUND BALANCES, BEGINNING OF YEAR</b>	5,542,676	5,542,676	6,221,862
<b>FUND BALANCES, END OF YEAR</b>	<u>\$ 5,531,018</u>	<u>\$ 6,901,389</u>	<u>\$ 5,542,676</u>

**THE CITY OF PENTICTON  
WATER REVENUE FUND  
STATEMENT OF OPERATIONS  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<b>2016 Budget</b>	<b>2016</b>	<b>2015</b>
<b>Revenue</b>			
Sales of Services	\$ 7,165,766	\$ 8,153,476	\$ 6,942,237
Government Grants and Transfers	933,333	-	-
Transfer From Other Funds/Reserves	466,667	1,352,716	1,138,368
	<u>8,565,766</u>	<u>9,506,192</u>	<u>8,080,605</u>
<b>Expenditure</b>			
Salaries and Benefits	1,622,490	1,496,469	1,405,579
Goods and Services	1,332,997	1,754,094	1,810,541
Interest	591,951	592,126	697,690
Principal Payments	467,738	458,414	549,141
Vehicle & Equipment Maintenance	246,650	184,946	161,429
Transfer to Other Funds/Reserves	4,305,715	2,368,812	4,307,574
	<u>8,567,541</u>	<u>6,854,861</u>	<u>8,931,954</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	<u>(1,775)</u>	<u>2,651,331</u>	<u>(851,349)</u>
<b>CHANGE IN FUND BALANCES</b>	(1,775)	2,651,331	(851,349)
<b>FUND BALANCES, BEGINNING OF YEAR</b>	1,261,931	1,261,931	2,113,280
<b>FUND BALANCES, END OF YEAR</b>	<u>\$ 1,260,156</u>	<u>\$ 3,913,262</u>	<u>\$ 1,261,931</u>

**THE CITY OF PENTICTON  
ELECTRIC REVENUE FUND  
STATEMENT OF OPERATIONS  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<b>2016 Budget</b>	<b>2016</b>	<b>2015</b>
<b>Revenue</b>			
Sales of Services	\$ 40,960,152	\$ 39,647,110	\$ 39,268,074
Other Revenue	7,000	13,800	13,746
Transfer From Other Funds/Reserves	-	1,362,733	6,676,682
	<u>40,967,152</u>	<u>41,023,643</u>	<u>45,958,502</u>
<b>Expenditure</b>			
Salaries and Benefits	1,529,257	1,715,290	1,684,633
Goods and Services	31,152,350	29,048,758	34,278,742
Vehicle & Equipment Maintenance	161,994	162,930	167,913
Transfer to Other Funds/Reserves	8,060,071	5,742,133	9,866,982
	<u>40,903,672</u>	<u>36,669,111</u>	<u>45,998,270</u>
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	<u>63,480</u>	<u>4,354,532</u>	<u>(39,768)</u>
<b>CHANGE IN FUND BALANCES</b>	63,480	4,354,532	(39,768)
<b>FUND BALANCES, BEGINNING OF YEAR</b>	10,146,400	10,146,400	10,186,168
<b>FUND BALANCES, END OF YEAR</b>	<u>\$ 10,209,880</u>	<u>\$ 14,500,932</u>	<u>\$ 10,146,400</u>

**THE CITY OF PENTICTON  
DEBT ISSUED AND OUTSTANDING  
DECEMBER 31, 2016  
(UNAUDITED)**

LIA B Law	S / B Law	Issue	Issue Date	Purpose	Issue Amount	Outstanding Amount	Term (Years)	Maturity	Rate (%)	2016 Payments	
										Interest	Principal
General Fund											
9925	20005	72	12-Apr-00	RCMP Building	\$ 2,500,000	\$ 700,906	20	2020	2.100	\$ 52,500	\$ 82,873
9925	20046	73	07-Nov-00	RCMP Building	1,500,000	420,544	20	2020	2.100	31,500	49,725
2003-15	2268	81	22-Apr-04	Storm Sewer	337,500	175,036	20	2024	2.400	8,100	10,207
2004-16	859-2004	85	25-Oct-04	Parks-Land Acquisition	1,680,000	871,290	20	2024	2.000	33,600	50,808
2004-18	859/2004	85	25-Oct-04	Road Works-S, Main St.	195,000	101,132	20	2024	2.000	3,900	5,897
2004-19	859/2004	85	25-Oct-04	Road Design-Main St.	150,000	77,794	20	2024	2.000	3,000	4,536
2004-20	859/2004	85	25-Oct-04	Integrated Waterfront	550,000	285,244	20	2024	2.000	11,000	16,633
2004-21	859/2004	85	25-Oct-04	Youth Park	50,000	25,931	20	2024	2.000	1,000	1,512
2004-11	1108/2004	93	06-Apr-05	Wine Information Centre	800,000	410,013	20	2025	5.100	21,933	40,083
2004-20	1108-2004	93	06-Apr-05	Integrated Waterfront	520,000	266,509	20	2025	5.100	14,256	26,054
2004-21	614/2005	95	13-Oct-05	Youth Park	150,000	81,891	20	2025	1.800	2,700	5,514
2005-18	615/2005	95	13-Oct-05	Integrated Waterfront	825,000	450,401	20	2025	1.800	14,850	30,328
2006-15	1717/2006	99	07-Nov-06	Road Works-Fairview/Ind	1,595,000	951,918	20	2026	4.430	70,659	53,563
2006-17	1717/2006	99	07-Nov-06	Sportsfields	3,200,000	1,909,805	20	2026	4.430	141,760	107,462
2006-18	273-2007	102	27-Mar-07	Queens Park Site Serv	7,000,000	829,843	10	2017	4.820	337,400	583,037
2006-33	273/2007	102	02-Nov-07	Integrated Waterfront '06	350,000	225,614	20	2027	4.820	16,870	11,754
2006-39	273/2007	102	02-Nov-07	S Okanagan Event Ctr	8,000,000	948,392	10	2017	4.820	385,600	666,328
2006-76	024/2008	103	23-Apr-08	Wellness Centre	3,000,000	2,071,710	20	2028	4.650	139,500	100,745
2006-39	333/2008	104	20-Nov-08	S Okanagan Event Cntr	10,000,000	2,325,384	10	2018	5.150	515,000	832,909
2007-41	333/2008	104	20-Nov-08	Cemetery-Columbarium	2,500,000	1,726,425	20	2028	5.150	128,750	83,954
2007-52	333/2008	104	20-Nov-08	Indoor Soccer Facility	1,000,000	690,570	20	2028	5.150	51,500	33,582
2007-57	333/2008	104	20-Nov-08	Integrated Waterfront	530,000	366,002	20	2028	5.150	27,295	17,798
2007-60	333/2008	104	20-Nov-08	PIDA	1,140,000	265,094	10	2018	5.150	58,710	94,952
2007-60	157-2009	105	21-Apr-09	PIDA	231,344	79,153	10	2019	4.900	11,336	19,269
2007-52	638/2009	106	13-Oct-09	Indoor Soccer Facility	415,000	304,926	20	2029	4.130	17,140	13,936
2007-52	15/30/2010	110	08-Apr-10	Indoor Soccer Ph2	586,000	455,470	20	2030	4.500	26,370	19,679
2009-14	15/30/2010	110	08-Apr-10	Pool Upgrades	7,400,000	5,751,674	20	2030	4.500	333,000	248,505
2007-52	B25/2011	116	04-Apr-11	Indoor Soccer Facility	135,000	110,445	20	2031	4.200	5,670	4,534
2009-43	B25/2011	116	04-Apr-11	Road Wrks-Smythe Dr	447,000	365,695	20	2031	4.200	18,774	15,011
					56,786,844	23,244,811				2,483,673	3,231,188

**THE CITY OF PENTICTON  
DEBT ISSUED AND OUTSTANDING  
DECEMBER 31, 2016  
(UNAUDITED)**

LIA B Law	S/1 B Law	Issue	Issue Date	Purpose	Issue Amount	Outstanding Amount	Term (Years)	Maturity	Rate (%)	2016 Payments		
										Interest	Principal	
Water Fund												
92110	96-08	63	01-Jun-96	Water Treatment Plant	1,200,000	-	20	2016	3.000	18,000	36,291	
2006-07	17/07/2006	99	07-Nov-06	Naramata Rd. Upgrade	4,670,000	2,787,121	20	2026	4.430	206,881	156,827	
2007-83	333/2008	104	20-Nov-08	Water Filtration Plant	4,000,000	2,762,281	20	2028	5.150	206,000	134,327	
2007-83	638/2009	106	13-Oct-09	Water Filtration Plant	3,900,000	2,865,570	20	2029	4.130	161,070	130,969	
					<u>13,770,000</u>	<u>8,414,972</u>				<u>591,951</u>	<u>458,414</u>	
Sewer Fund												
2006-61	273/2007	102	02-Nov-07	Septage Handling Facility	1,050,000	676,842	20	2027	4.820	50,610	35,261	
2008-10	333-2008	104	02-Nov-07	Sewer System Upgrade	8,000,000	5,524,561	20	2028	5.150	412,000	268,654	
2007-60	333/2008	104	20-Nov-08	PIDA	360,000	83,714	10	2018	5.150	18,540	29,985	
2007-60	157/2009	105	21-Apr-09	PIDA	73,056	24,996	10	2018	4.900	3,580	6,085	
2008-10	638-2009	106	13-Oct-09	Sewer Plant Expansion	7,000,000	5,143,330	20	2029	4.130	289,100	235,072	
					<u>16,483,056</u>	<u>11,453,443</u>				<u>773,830</u>	<u>575,057</u>	
					<u>\$ 87,039,900</u>	<u>\$ 43,113,226</u>				<u>\$ 3,849,454</u>	<u>\$ 4,264,659</u>	

**THE CITY OF PENTICTON  
CEMETERY PERPETUAL TRUST FUND  
STATEMENT OF FINANCIAL POSITION  
YEAR ENDED DECEMBER 31, 2016  
(UNAUDITED)**

	<b>2016</b>	<b>2015</b>
<b>ASSETS</b>		
Bank Term Deposits	\$ 993,552	\$ 971,154
Less:		
Due To General Revenue Fund	46,153	49,375
	<u>\$ 947,399</u>	<u>\$ 921,779</u>
<b>SURPLUS</b>		
Balance, Beginning of Year	\$ 921,779	\$ 903,893
Add:		
Care Fund Contributions	33,220	30,686
Interest Earned	22,400	17,200
	<u>55,620</u>	<u>47,886</u>
Deduct:		
Cemetery Maintenance	30,000	30,000
Balance, End of Year	<u>\$ 947,399</u>	<u>\$ 921,779</u>

DRAFT FOR DISCUSSION PURPOSES

# Council Report

penticton.ca

**Date:** May 2, 2017 File No: 6340-02  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Len Robson, Public Works Manager  
**Subject:** **Non-motorized Boat Access Points to Okanagan Lake**

## Staff Recommendation

THAT Council approves the installation of 3 non-motorized boat launch sites to service Okanagan Lake waterfront as follows:

1. Marina Way Beach – West of the rock groin
2. West of Martin Street Parking Lot – West of Pier Water Sports lease area
3. SS Sicamous – West side of SS Sicamous boat

## Strategic priority objective

This initiative supports the “Livable” strategic pillar in that it will provide safe points of access to the Okanagan Water Front for the purpose of healthy recreation for residents and tourists.

## Background

Local residents and tourists enjoy the opportunities that Okanagan Lake has to offer for non-motorized recreational activities such as kayaking, canoeing, and standup paddle boarding. Presently there are no official advertised locations on Penticton’s water front to safely access the water with a non-motorized watercraft.

Currently non-motorized boats are accessing the water at various points of access including the swimming areas. Launching a non-motorized boat through a designated swim (bathing) area is in contravention of the Parks Consolidation Bylaw No. 3133 section 10 that states:

*“No person shall operate paddleboards, kayaks, scooters, power boats, sailboats, rowboats, canoes or any other water vehicle, boat or vessel, inside the areas designated by buoys as being restricted to bathing only, or where such operation is permitted, at a greater speed than that indicated by signs on said buoys. This section shall not apply to employees or agents of the Government of the Dominion of Canada, the Government of the Province of British Columbia, or The Corporation of the City of Penticton, carrying out their assigned duties.”*

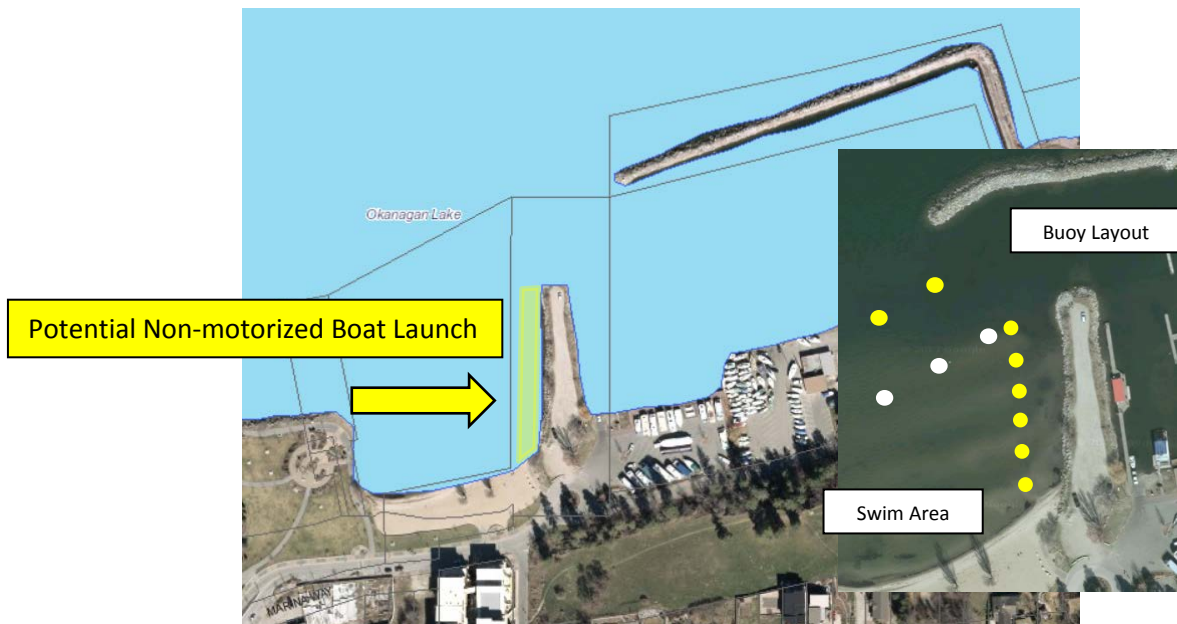


Managing the access points will provide a higher level of safety for beach users, motor and non-motorized boat users and will allow the City to promote this recreational use of our waterfront.

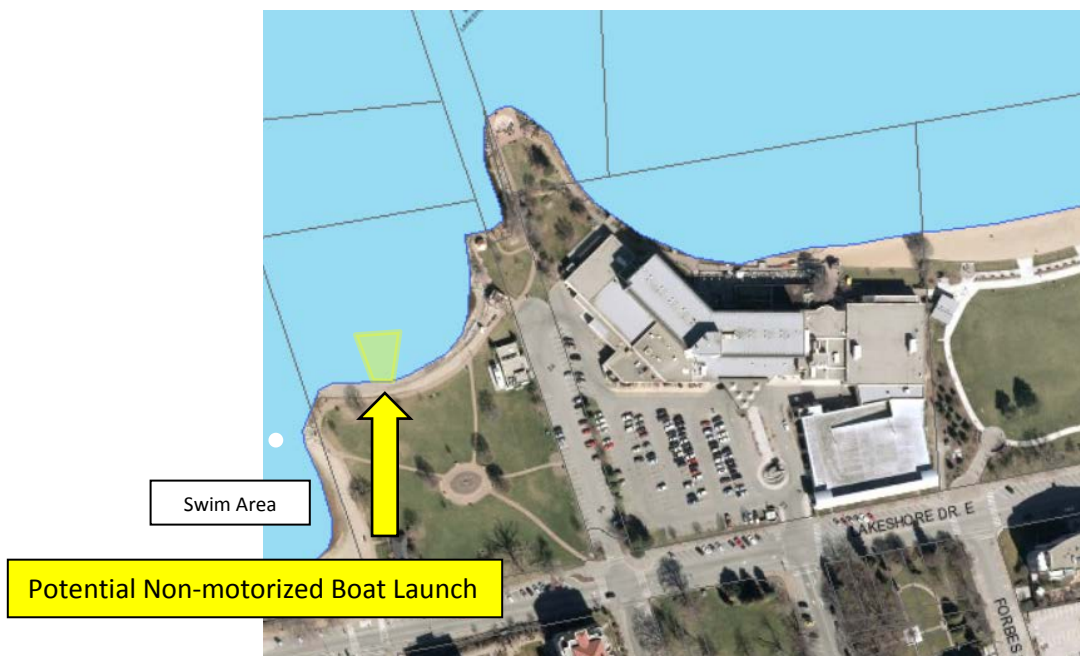
Creating an official launch area for non-motorized boats would require signage and in some cases buoys to delineate the various uses in the area. Once the area is set up advertising would consist of signage, website updates, social media updates and advising partners such as Tourism Penticton.

The following three locations have been identified as potential non-motorized boat access points:

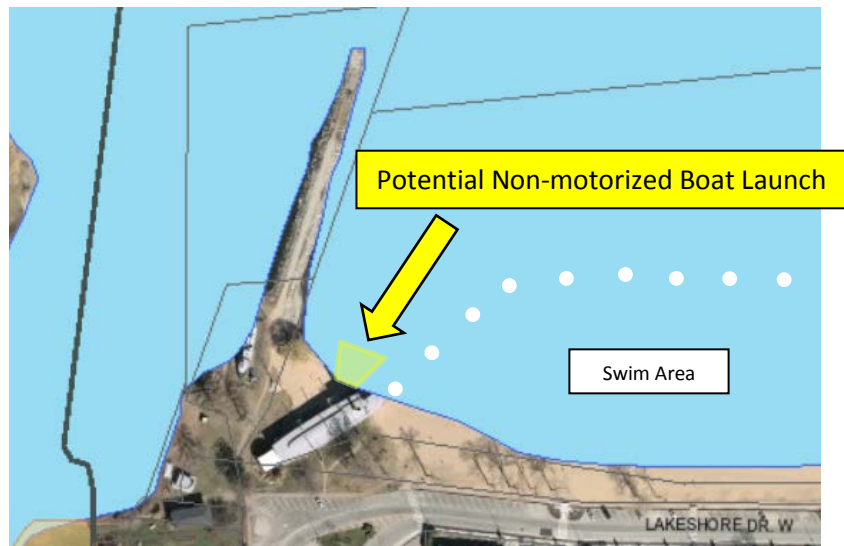
1. Marina Way Beach – West of the Rock Groin



2. West of Martin Street Parking Lot – West of Pier Water Sports Lease Area



### 3. SS Sicamous – West Side of SS Sicamous Boat



#### **Financial implication**

The installation of non-motorized boat launch locations does not involve a large capital expenditure and can be accomplished within the 2017 Annual Parks Capital and Operating Budgets. Buoys, signage and ongoing maintenance costs of these sites are not expected to be of significance.

#### **Analysis**

##### 1. Marina Way Beach – West of the Rock Groin

This area is currently highly used as an unofficial access point for kayakers and has been for many years.

The Okanagan Marina group and representatives from the kayaking community have been consulted on the potential of creating an official launch point in this area. In summary the groups felt that this area has been used for many years in this manner without any major conflicts between the motorized boat and non-motorized boat users and/or the beach users. Although there is a potential conflict area between the users as the boats enter and exit the marina area the speeds are very slow and are posted for all boat users. Both groups felt these potential conflicts were manageable.

This area has easy access to drop off a boat and parking is available nearby.

A 6.0 meter wide lane within the existing swimming area adjacent the west side of the rock groin would be marked with buoys and signage to identify the use of the area. Additional minor upgrades would be required on signage and lighted marked buoys to improve the safety of the area. There is no requirement or intention to construct any ramps or docks into the water.

2. West of Martin Street Parking Lot – West of Pier Water Sports Lease Area

Although this area is used by Pier Water Sports from time to time it is not recognized by the public as a location to launch non-motorized boats.

Pier Water Sports lease holder has been consulted on the proposal of installing an official non-motorized boat access and does not have concerns nor does he see any conflicts in using this area for this purpose.

This area has reasonable access to drop off a boat and there is a pay parking lot nearby.

A 6.0 meter wide area adjacent the west side of the Pier Water Sports lease area would be marked with signage to identify the use of the area. Buoys are not required to define this area and there is no requirement or intention to construct any ramps or docks into the water.

3. SS Sicamous – West Side of SS Sicamous Boat

This area is currently a non-restricted area that allows motorized and non-motorized boats to access the beach. Although motorized boats cannot launch here they can moor in this area.

The 2014 SS Sicamous Master Plan makes reference to locating a non-motorized boat launch in the area currently being proposed. The SS Sicamous Society was consulted on the proposal of installing an official non-motorized boat access on the west side of the boat. The Society identified potential conflicts during times when weddings are booked as the beach often gets used for portions of the ceremony. This conflict would be managed by the Society placing notices or signage closing the area during the times this area is booked for services. It is estimated to be a conflict up to 15 times per year for portions of a day.

This area has reasonable access to drop off a boat and there is a parking lot nearby.

A 6.0 meter wide area adjacent the west side of the SS Sicamous would be marked with signage to identify the use of the area. Buoys are not required to define this area and there is no requirement or intention to construct any ramps or docks into the water.

Draft Parks Master Plan

Although not yet complete and endorsed by Council the Draft of the Parks and Recreation Master Plan suggests that there is currently a lack of locations for non-motorized boaters to launch their non-motorized boats and that there has been a significant delay in the proposed SS Sicamous launch area as identified through the SS Sicamous Master Plan process.

One of the recommendations of the Draft Parks and Recreation Master Plan is to construct a non-motorized boat launch at SS Sicamous Park.

**Alternate recommendations**

THAT Council provides staff with direction and staff to report back to Council addressing the feedback given.

**Attachments**


N/A

Respectfully submitted,



Len Robson, ASCT  
Public Works Manager

Approvals

General Manger of Infrastructure 	CAO  PW
--	---------------

*A bylaw to impose a local area service parcel tax for the improvements on the 100 and 200 blocks of Main Street.*

---

WHEREAS the *Community Charter* allows a Council, by bylaw, to impose a parcel tax to provide all or part of the funding for a service;

AND WHEREAS the City of Penticton has adopted the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42" a bylaw to authorize the construction of sidewalk improvements on the 100 and 200 blocks of Main Street;

AND WHEREAS the City has completed the improvements and funded the full amount authorized;

AND WHEREAS the Council of the City of Penticton wishes to recover a portion of the capital costs of the Main Street improvement project through a parcel tax;

NOW THEREFORE the Council of the City of Penticton, in open meeting assembled enacts as follows:

**1. Title**

This Bylaw may be cited for all purposes as the "Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03".

**2. Establishment of Parcel Taxes for the Phase 1 - Main Street Revitalization Project**

- (1) Council hereby imposes a parcel tax for the Phase 1 – Main Street Revitalization Project, for the calendar year 2017 for a maximum period of 15 years, the calendar year of 2031.
- (2) The parcel tax roll used to levy this parcel tax shall be the "100 and 200 Main Street Revitalization Project Parcel Tax Roll" as attached as Schedule A hereto and forming part of this bylaw.
- (3) This parcel tax shall be levied for each parcel that has the opportunity to be provided with local area service improvements, as outlined in Schedule A to this Bylaw.
- (4) Each year, property owners shall pay the annual tax rate/meter of adjusted frontage for a period of 15 years.
- (5) The property owner may elect to pay the balance of unpaid annual payments using the methods of cost recovery as outlined in the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42".

READ A FIRST time this	7	day of	March, 2017
READ A SECOND time this	7	day of	March, 2017
READ A THIRD time this	7	day of	March, 2017
RESCIND THIRD and READ THIRD as AMENDED	18	day of	April, 2017
ADOPTED this		day of	, 2017

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

100 and 200 Main Street Revitalization Project Parcel Tax Roll

Folio	Unit	House	Street	Frontage (metres)	Total Parcel Tax (Without Interest)	Total Per Year for 15 Years (inc. interest)
04635-000		158	MAIN ST	9.144	\$6,054.67	\$550.21
04637-000		170	MAIN ST	27.432	\$18,164.02	\$1,650.64
04641-010		184	MAIN ST	39.899	\$26,419.00	\$2,400.80
04696-005		195	MAIN ST	19.300	\$12,779.44	\$1,161.32
04770-000		202	MAIN ST	10.211	\$6,761.18	\$614.42
04771-000		206	MAIN ST	8.077	\$5,348.16	\$486.01
04772-000		210	MAIN ST	18.288	\$12,109.34	\$1,100.43
04774-000		218	MAIN ST	8.986	\$5,950.05	\$540.71
04776-000		234	MAIN ST	27.310	\$18,083.23	\$1,643.30
04779-010		242	MAIN ST	15.240	\$10,091.12	\$917.02
04781-000		246	MAIN ST	9.144	\$6,054.67	\$550.21
04782-000		258	MAIN ST	8.922	\$5,954.03	\$536.85
04783-000		270	MAIN ST	9.144	\$6,054.67	\$550.21
04784-000		280	MAIN ST	9.144	\$6,054.67	\$550.21
04786-100		284	MAIN ST	18.288	\$12,109.34	\$1,100.43
04827-005		295	MAIN ST	18.288	\$12,109.34	\$1,100.43
04829-005		277	MAIN ST	20.565	\$13,617.05	\$1,237.44
04831-000		261	MAIN ST	6.858	\$4,541.00	\$412.66
04832-002	101	255	MAIN ST	5.479	\$3,627.64	\$329.66
04832-004	201	255	MAIN ST	1.826	\$1,209.21	\$109.89
04832-006	301	255	MAIN ST	1.826	\$1,209.21	\$109.89
04833-000		251	MAIN ST	9.144	\$6,054.67	\$550.21
04834-000		245	MAIN ST	9.144	\$6,054.67	\$550.21
04835-000		239	MAIN ST	9.144	\$6,054.67	\$550.21
04836-000		233	MAIN ST	9.144	\$6,054.67	\$550.21
04838-100		219	MAIN ST	18.288	\$12,109.34	\$1,100.43
04839-000		215	MAIN ST	9.144	\$6,054.67	\$550.21
04841-500		201	MAIN ST	27.432	\$18,164.02	\$1,650.64
<b>TOTAL ( 28 )</b>				<b>384.811</b>		<b>\$23,154.86</b>

## The Corporation of the City of Penticton

### Bylaw No. 2017-25

#### *A Bylaw for the levying of property tax rates for the year 2017*

---

WHEREAS pursuant to the *Community Charter*, Council is empowered to impose property value taxes by establishing tax rates within the City of Penticton;

AND WHEREAS it is deemed expedient to establish tax rates for the municipal revenue proposed to be raised from property value taxes and the amounts to be collected by means of rates established to meet the City's taxing obligation in relation to another local government or other public body;

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

1. This Bylaw may be cited for all purposes as "Tax Rates Bylaw No. 2017-25".
2. The following rates are hereby imposed and levied for the year 2017.
  - 2.1 For lawful general purposes of the municipality on the value of land and improvements taxable for general Municipal purposes, rates appearing on Column "A" of the Schedule 'A' attached hereto and forming part hereof;
  - 2.2 For hospital purposes on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "B" of the Schedule 'A' attached hereto and forming a part hereof;
  - 2.3 For purposes of the Regional District of Okanagan-Similkameen on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "C" of the Schedule 'A' attached hereto and forming a part hereof;
  - 2.4 For purposes of the Regional District of Okanagan-Similkameen 9-1-1 Emergency Telephone Service and Mosquito Control, on the assessed value of improvements taxable for Regional Hospital District purposes, rates appearing in Column "D" of the Schedule 'A' attached and forming a part thereof;
  - 2.5 For purposes of Regional District of Okanagan-Similkameen Sterile Insect Release Program, on the assessed value of land taxable for Regional Hospital District purposes, rates appearing in Column "E" of the Schedule 'A' attached and forming a part hereof.

3. There shall be added to the current year's taxes unpaid on each parcel of land and improvements upon the Collector's Roll the 1<sup>st</sup> day of August, 2017, ten percent (10%) of the amount thereof, which shall from the 1<sup>st</sup> day of August, 2017, be deemed to be the amount of the current year's taxes unpaid upon such lands and improvements and the date upon which such percentage shall be added as provided by the said *Community Charter* shall be and the same is hereby set accordingly.

READ A FIRST time this	18	day of	April, 2017
READ A SECOND time this	18	day of	April, 2017
READ A THIRD time this	18	day of	April, 2017
ADOPTED this		day of	May, 2017

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

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



# The Corporation of The City of Penticton

## Schedule 'A'

*Tax Rates (dollars of tax per \$1,000 taxable assessment)*

2017	A	B	C	D	E
Property Class	General Municipal	Regional Hospital District	RDOS	RDOS 911 Emergency Telephone Service & Mosquito Control	RDOS Sterile Insect Release Program
1 Residential	4.3323	0.3102	0.1691	0.0709	0.0460
2 Utilities	25.6904	1.0858	0.5919	0.2483	0.1611
3 Supportive Housing	4.3323	0.3102	0.1691	0.0709	0.0460
4 Major Industry	6.8450	1.0548	0.5750	0.2412	0.1565
5 Light Industry	6.8450	1.0548	0.5750	0.2412	0.1565
6 Business & Other	6.8450	0.7600	0.4143	0.1738	0.1127
7 Managed Forest Land	6.8450	0.9307	0.5073	0.2128	0.1381
8 Recreation/Non-Profit	6.0219	0.3102	0.1691	0.0709	0.0460
9 Farm	8.9245	0.3102	0.1691	0.0709	0.0460

**Bylaw No. 2017-26**

*A Bylaw to Amend Official Community Plan Bylaw 2002-20*

---

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2017-26."

2. **Amendment:**

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

- 2.1 Amend Schedule 'B' Future Land Use designation for a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 and 26786 located at 180 Industrial Avenue W, identified in Schedule A of this bylaw, from LR (Low Density Residential) to MR (Medium Density Residential).
- 2.2 Amend Schedule 'H' General Multiple Development Permit Area to include a portion of amended Lot A (DD 244437F) DL 115, Similkameen Division Yale, District Plan 3494 Except Plans 20051 and 26786 located at 180 Industrial Avenue W, identified in Schedule A of this bylaw.
- 2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	18	day of	April, 2017
A PUBLIC HEARING was held this	2	day of	May, 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 21 of April, 2017 and the 26 of April, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

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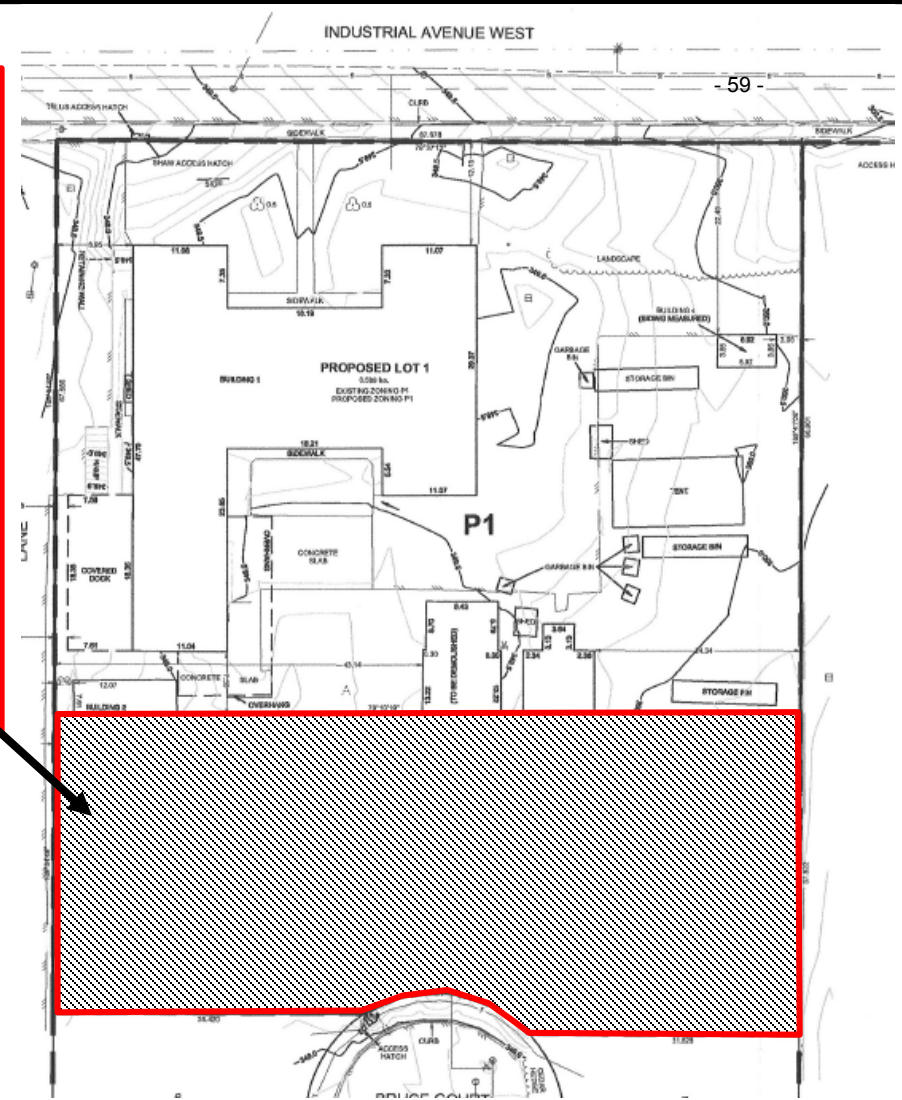
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

1) To amend the OCP designation on a portion of 180 Industrial Avenue W From LR (Low Density Residential) To MR (Medium Density Residential)

2) To include a portion of 180 Industrial Avenue W in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-26

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

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

Bylaw No. 2017-27

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-27".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan3494 Except PLANS 20051 and 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing).

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

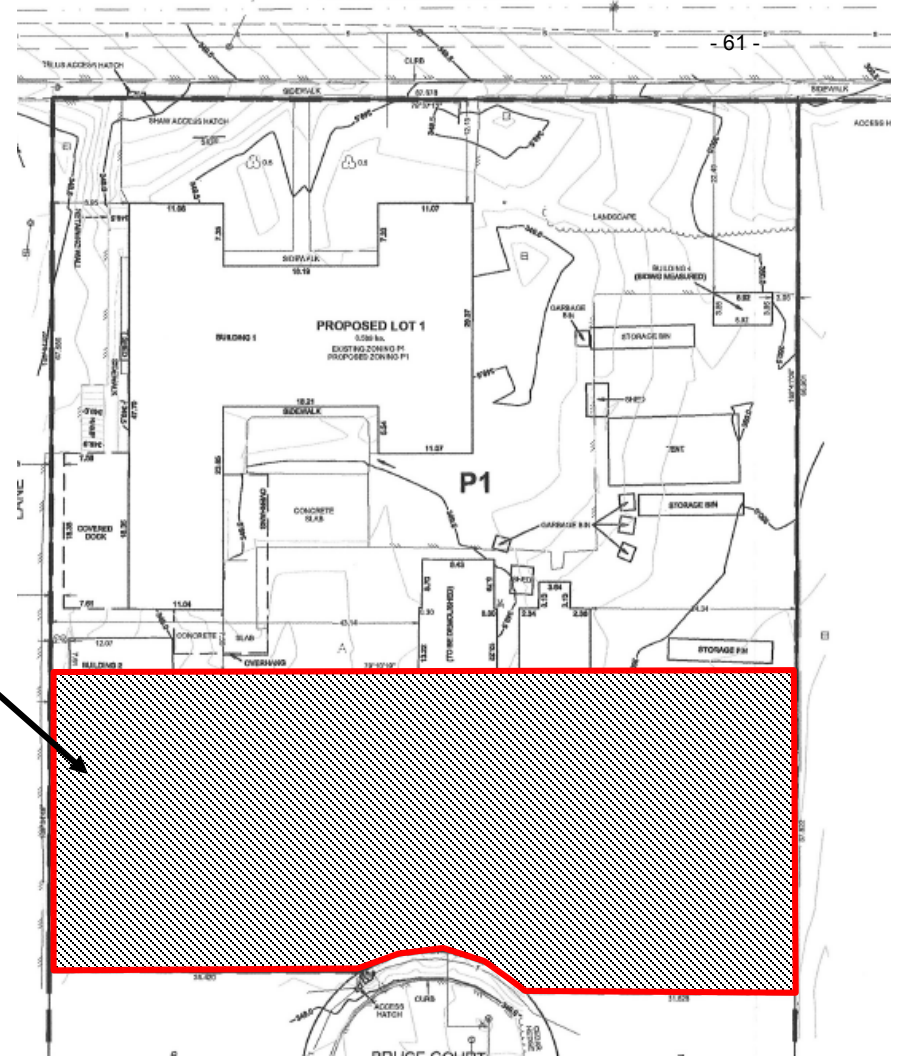
READ A FIRST time this	18	day of	April, 2017
A PUBLIC HEARING was held this	2	day of	May, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 21 day of April, 2017 and the 26 day of April, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

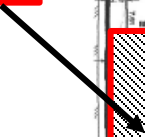
<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

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

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



To rezone a portion of 180 Industrial Avenue W From P1 (Public Assembly) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-27

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

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

**The Corporation of the City of Penticton**

**Bylaw No. 2017-28**

*An amendment to regulate enforcement of bylaw notices*

---

WHEREAS pursuant to the *Local Government Bylaw Notice Enforcement Act* and the *Community Charter*, the City may establish fine amounts for contravention of City bylaws;

AND WHEREAS the City of Penticton has adopted "Bylaw Notice Enforcement Bylaw No. 2012 – 5037";

AND WHEREAS the City of Penticton wishes to amend Schedule 'A' to "Bylaw Notice Enforcement Bylaw No. 2012 - 5037";

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

**1. Title:**

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28."

**2. Amendment:**

2.1 Amend Schedule 'A' by updating Appendices Index and by deleting and replacing the following appendices in their entirety:

Appendix 7 – Zoning Bylaw No. 2017-08

Appendix 16 – Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

2.2 Appendices 7 and 16, attached hereto forms part of this bylaw.

READ A FIRST time this 18 day of April, 2017

READ A SECOND time this 18 day of April, 2017

READ A THIRD time this 18 day of April, 2017

ADOPTED this day of , 2017

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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

**Schedule 'A'**

APPENDIX 7

**ZONING BYLAW NO. 2017-08**

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
Commence or undertake a use, cause, suffer or permit contrary to the bylaw	1.9.1 & 1.9.2	\$100.00	\$90.00	\$110.00	Yes
Fail to screen refuse bin	4.10	\$75.00	\$65.00	\$85.00	Yes
Fail to screen as required	5.3	\$75.00	\$65.00	\$85.00	Yes
Fence height contrary to bylaw	5.6.1	\$75.00	\$65.00	\$85.00	Yes
Temporary fencing contrary to bylaw	5.6.1.7 & 5.6.1.8	\$250.00	\$225.00	\$275.00	Yes
Vehicle parked or stored contrary to bylaw	6.1.1.6	\$75.00	\$65.00	\$85.00	Yes
More than one (1) RV	6.1.1.7	\$75.00	\$65.00	\$85.00	Yes
Operating a vacation rental contrary to bylaw	7.6	\$100.00 per day	\$90.00 per day	\$110.00 per day	Yes
Illegal suite	8.1	\$100.00 per day	\$90.00 per day	\$110.00 per day	Yes
Operating a carriage house contrary to bylaw	8.2	\$100.00 per day	\$90.00 per day	\$110.00 per day	Yes

**Schedule 'A'**

APPENDIX 16

**SOLID WASTE COLLECTION AND RECYCLABLE MATERIALS DISPOSAL BYLAW NO. 2016-29**

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
Act, suffer or permit contrary to the provisions of the bylaw	14.1 & 14.2	\$100.00	\$90.00	110.00	No
Deposit or picking up of solid waste, recyclable materials or hazardous waste that, on its own or when mixed with another material, may pose risks to the health and/or safety of the collection crews	13.2	\$ 50.00	\$45.00	\$55.00	No
Scavenge of solid waste or recyclable material	13.4	\$ 50.00	\$45.00	\$55.00	No
Transport of solid waste or recyclable materials from one premise to another for collection services provided by this bylaw	13.5	\$ 50.00	\$45.00	\$55.00	No
Cause, allow, or permit any recyclable materials or yard and garden waste to be discarded as garbage	13.6	\$ 50.00	\$45.00	\$55.00	No
Intentionally contaminate recyclable material so as to make them non-recyclable	13.7	\$ 50.00	\$45.00	\$55.00	No
Litter or dispose of Solid Waste or Recyclable Materials contrary to the provisions of this bylaw	13.8	\$ 50.00	\$45.00	\$55.00	No
Deposit for collection by the solid waste and recyclable materials collection service, solid waste or recyclable materials that do not originate within the City	13.9	\$ 50.00	\$45.00	\$55.00	No



**Bylaw No. 2017-29**

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

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

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

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

1. Title:

This Bylaw may be cited as “Municipal Ticketing Information Amendment Bylaw No. 2017-29”.

2. Amendment:

i. Amend “Municipal Ticketing Information Bylaw No. 2012-5021” by updating titles in column 1 of Schedule A and deleting and replacing the following Schedules in their entirety:

- Schedule B7 – Zoning Bylaw No. 2017-08
- Schedule B17 – Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

ii. Schedules B7 and B17 attached hereto forms part of this bylaw.

READ A FIRST time this	18	day of	April, 2017
READ A SECOND time this	18	day of	April, 2017
READ A THIRD time this	18	day of	April, 2017
ADOPTED this		day of	, 2017

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

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

**SCHEDULE B7 to BYLAW 5021**

ZONING BYLAW NO. 2017-08

	<u>SECTION</u>	<u>FINE</u>
1. Commence or undertake a use, cause, suffer or permit contrary to the bylaw	1.9.1 & 1.9.2	\$100.00
2. Fail to screen refuse bin	4.10	\$75.00
3. Fail to screen as required	5.3	\$75.00
4. Fence height contrary to bylaw	5.6.1	\$75.00
5. Temporary fencing contrary to bylaw	5.6.1.7 & 5.6.1.8	\$250.00
6. Vehicle parked or stored contrary to bylaw	6.1.1.6	\$75.00
7. More than one (1) RV	6.1.1.7	\$75.00
8. Operating a vacation rental contrary to bylaw	7.6	\$500.00/day
9. Illegal suite	8.1	\$100.00/day
10. Operating a carriage house contrary to bylaw	8.2	\$100.00/day

**SCHEDULE B17 to BYLAW 5021**

**SOLID WASTE COLLECTION AND RECYCLABLE MATERIALS DISPOSAL BYLAW NO. 2016-29**

	<u>SECTION</u>	<u>FINE</u>
1. Act, suffer or permit contrary to the provisions of the bylaw	14.1 & 14.2	\$100.00
2. Deposit for picking up of solid waste, recyclable materials or hazardous waste that, on its own or when mixed with another material, may pose risks to the health and/or safety of the collection crews	13.2	\$ 50.00
3. Scavenge of solid waste or recyclable material	13.4	\$ 50.00
4. Transport of solid waste or recyclable materials from one premise to another for collection services provided by this bylaw	13.5	\$ 50.00
5. Cause, allow, or permit any recyclable materials or yard and garden waste to be discarded as garbage	13.6	\$ 50.00
6. Intentionally contaminate recyclable material so as to make them non-recyclable	13.7	\$ 50.00
7. Litter or dispose of Solid Waste or Recyclable Materials contrary to the provisions of this bylaw	13.8	\$ 50.00
8. Deposit for collection by the solid waste and recyclable materials collection service, solid waste or recyclable materials that do not originate within the City	13.9	\$ 50.00

Bylaw No. 2017-30

A Bylaw to Amend Official Community Plan Bylaw 2002-20

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

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

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

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2017-30."

2. Amendment:

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

- 2.1 Amend Schedule 'B' Future Land Use designation for Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, identified in Schedule A of this bylaw, from I (Institutional) to MR (Medium Density Residential).
2.2 Amend Schedule 'H' General Multiple Development Permit Area to include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West 1/2 of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, identified in Schedule A of this bylaw.
2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this 18 day of April, 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 21 of April, 2017 and the 26 of April, 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend the OCP designation of 352 Eckhardt Ave E from I (Institutional) to MR (Medium Density Residential)

Include 398 & 352 Eckhardt Ave E in the General Multiple Development Permit Area Schedule "H"



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-30

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

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

**Bylaw No. 2017-31**

*A Bylaw to Amend Zoning Bylaw 2017-08*

---

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 2017-08;

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. 2017-31".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, from RM2 (Low Density Multiple Housing) 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	April, 2017
A PUBLIC HEARING was held this	2	day of	May, 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 21 day of April, 2017 and the 26 day of April, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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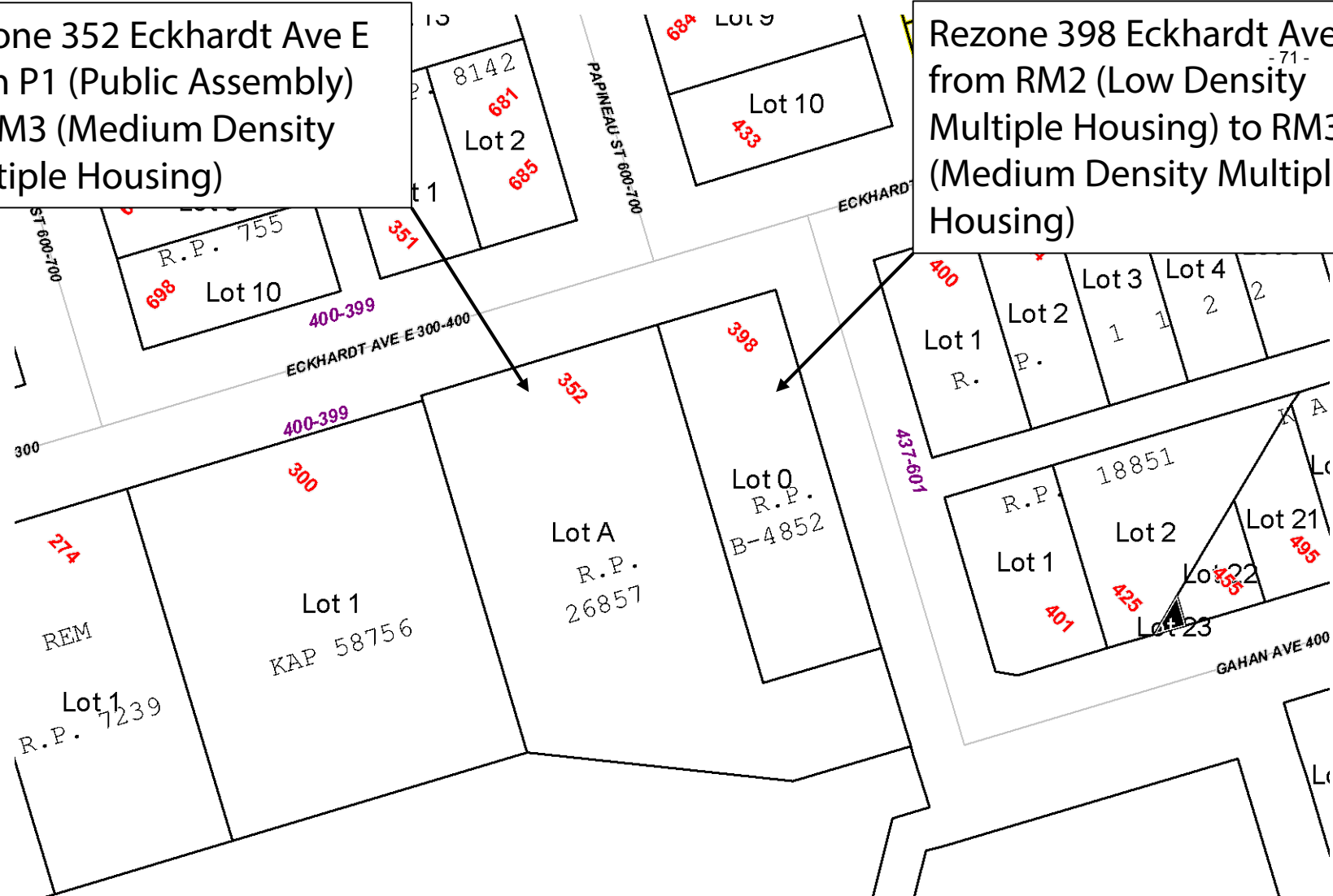
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

Rezone 352 Eckhardt Ave E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing)

Rezone 398 Eckhardt Ave E from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-31

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

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

# Council Report

penticton.ca

**Date:** May 02, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Ken Kunka, Building and Permitting Manager  
**Address:** 1450 McMillan Ave

File No: Civic

**Subject: Winery Lounge and Special Event Area (SEA) Endorsement Application – Township 7 Vineyards and Winery**

## Staff Recommendation

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Township 7 Vineyards & Winery (Penticton), located at 1450 McMillan Ave, for the proposed Winery Lounge & Special Event Area (SEA) Endorsement.

## Background

On April 4, 2017 Council directed staff (229/2017) to commence public notification of the proposed winery lounge endorsement application for Little Engine Wines and that staff report back to Council on April 18th, 2017 with the public consultation results for final consideration.

The Liquor Control and Licencing Branch (LCLB) recommends that local government considers and comments on six specific criteria as well as public consultation. As part of April 4th report staff conducted a review along with the City's Liquor Licence Technical Review Committee (LLTRC) and supported the proposal as outlined within the commentary on the six criteria. (See Attachment A)

As part of the Council review, staff reported potential concerns with exterior patio noise.

## Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

## Analysis

As per the Liquor Licensing Act, staff conducted public consultation to gather comments from adjacent property and business owners. Public notification was completed by:

- sending notices to neighbouring properties within a 500m radius, (Attachment B – map)
- placement of two public notice signs at the main entrance and east property boundary, and
- Notices within the local newspaper.



As a result, there have been no letters for or against the proposal at the time of this reports completion. There have been no further comments from staff or the LLTRC to provide and recommend final resolution endorsement.

**Conclusion**

Council can choose to support the application as is and provide resolution to support the endorsement or modify the resolution with further restrictions on hours of operation or music for exterior areas. Should Council deny the application then the applicant will be informed of Council’s decision and a Council resolution outlining the reason for denial is forwarded to the LCLB.

**Alternate recommendations**

1. THAT Council support of the Township 7 Vineyards & Winery (Penticton) lounge & SEA application with restrictions on hours of operation or music on the exterior patio.
2. THAT Council denies support of the Township 7 Vineyards & Winery (Penticton) lounge and SEA application.


**Attachments**

Attachment A – April 4<sup>th</sup>, 2017 staff report excerpt of LCLB endorsement criteria.  
Attachment B – Public consultation map

Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DS Director 	CAO  PW
--	---------------

## Attachment A

### April 4, 2017 Report excerpt regarding LCLB Winery Lounge & SEA Considerations

#### Analysis

The LLTRC is in support of the winery lounge and SEA application.

#### Technical Review - Expected Regulatory Criteria to be considered

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Winery Lounge & SEA:

- The subject property is located on a Major Collector (Rural) road, within the Naramata Bench area. This area is primary utilized for agricultural (orchard and winery) and low density residential uses.

No concerns

2. The proximity of the establishment to other social or recreational facilities and public buildings

- Currently there are 9 wineries within 0.5km of the subject property. Three of have lounge/SEA endorsements.
- There are no schools or other social institutions within the local area.

No concerns

3. The person capacity of the proposed areas (patios)

- No outstanding permit issues. Renovation work has been completed under permits. Maximum occupant load signage will be posted.
- Building permit will be required for new opening in building wall for patio lounge pass-through.

No concerns

4. The hours of liquor service of the establishment

- The proposed hours of service are limited from 10:00am to 9:00pm and should not negatively impact local residents. Most winery lounges in area operate from 11:00am to 10:00pm. (see item #5)

No concerns

5. Traffic, noise, parking and zoning

- McMillan Ave is classified as a Rural Major Collector.
- The subject property has one main access point from McMillan Ave with two intersections within 0.5km of the site (Upper Bench Rd and Reservoir Rd).
- Parking was reviewed for the increased person capacity on-site space is sufficient.
- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence.

The increase to 150 SEA occupants may create additional noise and traffic levels, however staff and the LLTRC see no immediate concerns as on-site parking and the hours of operation are limited compared to other wineries in the areas. Further restrictions on amplified music could be proposed as part of Council's endorsement

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism with the City.
- There appears to be no significant impact to traffic in the area as there are many wineries located along Naramata Road.
- The RCMP does not have any issues with this application.
- The LLTRC member representing social health and addictions has no concerns with this application.

No concerns

### Attachment B Public Consultation Map



# Council Report

penticton.ca

**Date:** May 2, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 251 Rigsby Street  
**Subject:** **Development Variance Permit PL2017-7907**  
**Development Permit PL2017-7908**

File No: DVP PL2017-7907  
& DP PL2017-7908

## Staff Recommendation

### *Development Variance Permit*

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7907" for Lot 25, District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206, located at 251 Rigsby Street, a permit to decrease the minimum front yard from 3.0m to 2.7m, to decrease the minimum south interior side yard from 3.0m to 1.5m, to decrease the minimum exterior side yard from 4.5m to 4.4m and to decrease the minimum rear yard from 6.0m to 3.5m;

### *Development Permit*

AND THAT Council approve "Development Permit PL2017-7908", for Lot 25 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206, located at 251 Rigsby Street, a permit that allows for the construction of a 4-unit townhouse.

## Strategic priority objective

N/A

## Background

The subject property was rezoned from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing) on March 21, 2017. Council also approved a variance to the front, rear, exterior and interior yards as well as a development permit for a 3-unit townhouse (Attachment 'I'). Since then, the proposal has changed to a 4-unit townhouse as it is more economically viable for the new owners of the property. The proposed building will be constructed under the same footprint and with the same variances as the 3-unit townhouse proposal.

The subject property is designated by the City's Official Community Plan as MFLD (Multi-Family Low Density). Photos of the site are included as Attachment 'D'. The site is 508m<sup>2</sup> (5470 ft<sup>2</sup>). A Single Family Dwelling and garage that previously occupied the site have been demolished. The surrounding properties are primarily zoned RD2 (Duplex Housing: Lane), RM2 (Multiple Family Low Density) and C6 (Mixed Use

Commercial). Surrounding properties are designated by the OCP as MFLD (Multi-Family Low Density) and MFMD (Multi-Family Medium Density).

### Proposal

The applicant is proposing to construct a 4-unit townhouse. Each unit will have living area on the main floor with two or three bedrooms on the second floor.

The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.
- Section 10.8.2.7.i: To decrease the minimum south interior side yard from 3.0m to 1.5m.
- Section 10.8.2.8.i: To decrease the minimum exterior side yard from 4.5m to 4.4m.
- Section 10.8.2.9: To decrease the minimum rear yard from 6.0m to 3.5m.

Furthermore, the subject property is located within the Downtown Multiple Family Development Permit Area. The applicant requires development permit approval for the form and character of the building and to address landscaping requirements.

### Financial implication

NA

### Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. A 1.5m dedication along Rene Avenue has already been obtained by the City and registered with the land title office through the previous application. A sidewalk and curbing will be required at the developer’s expense along Rigsby Street. These items have been communicated to the applicant. If the requests for the variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

### Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement of RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40%	40%
Maximum Density:	0.8 FAR	0.73 FAR
Vehicle Parking:	1 per unit + 0.25 per unit for visitor	1 per unit + 1 for visitor (5 total)

<b>Required Setbacks</b>		
Front yard (East):	3.0m	2.7m (variance required)
Rear yard (West):	6.0m	3.5m (variance required)
Interior yard (South):	3.0m	1.5m (variance required)
Exterior yard (North):	4.5m	4.4m (variance required)
<b>Maximum Building Height:</b>	12m	7.0m

## Analysis

### Development Variance Permit

#### Support Variances

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

*Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.*

- The proposed development will result in a 2.7m front yard setback from the east property line. This distance is measured from the 1.5m road dedication along Rigsby Street which was obtained by the City in the previous application. The road dedication will allow for a sidewalk to be constructed. Staff feel that a .3m (1ft) variance is minimal and are in support of the variance.

*Section 10.8.2.7.i: To decrease the minimum south interior side yard from 3.0m to 1.5m*

- The proposed development will result in a 1.5m interior yard on the south side of the property. 1.5m (5ft) is an adequate distance between the development and the property line. The townhouse development to the south is set back a fair distance from the property line. The proposed 1.5m interior yard will help to maximise the density of the lot with minimal impacts to adjacent properties.

*Section 10.8.2.8.i: To decrease the minimum exterior side yard from 4.5m to 4.4m.*

- The proposed development will result in a 4.4m exterior yard along Rene Avenue. The exterior yard is large enough to provide the required amenity space for the development. Adequate space will be provided for landscaping which will act as a buffer from Rene Avenue. Staff feel that a .1m variance is minimal and are in support of the variance.

*Section 10.8.2.9: To decrease the minimum rear yard from 6.0m to 3.5m*

- The proposed development will result in a 3.5m rear yard. The road dedication on Rigsby Street resulted in the applicants having to shift the building to the west, which reduced the rear yard. The rear yard will still provide enough space for a patio. Adequate landscaping and a fence will provide screening from the neighbouring properties.

Council has set a precedence by approving the same variances for the previous application. This proposal is within the same building footprint as the previous application, lower in height (7.0m vs 7.9m) and lower in

floor area (0.73 FAR vs 0.75 FAR). As depicted in Attachment 'J', the previously approved 3-unit proposal had a total of four bedrooms overlooking the neighbour to the west whereas the current 4-unit proposal has a total of only two. It is anticipated that this will create less privacy issues for the neighbour. The current proposal includes a 5ft privacy fence along the west property line. In the previous application, Council approved a 6ft fence along the same property line and staff will ensure that the fence that is built is 6ft high. The proposed units will be 1100ft<sup>2</sup> each which is an adequate size in the downtown area. The current proposal includes a visitor parking space which was not included in the previous application as it is a requirement of the new zoning bylaw. In 2006, variances were approved for a duplex development at 496 & 500 Westminster Avenue West which reduced the setback along Rigsby Avenue to 2m.

Given the above, staff feels that the variances requested are appropriate for this area and recommend that Council support the application.

#### Deny/Refer Variances

Council may consider that the number of variances is too significant and this type of development will negatively affect the neighborhood. If this is the case, Council should deny the variances.

#### **Development Permit**

##### Support Development Permit

This property is within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although this Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process, should Council support the application. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the siting, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods." The proposal meets the intent of the development permit guidelines as highlighted below:

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- Small, but private amenity space is proposed for each unit.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- Landscape plan features a variety of different plants, flowers and trees.

Staff feel that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

#### Deny/Refer Development Permit

Council may consider that the proposals do not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should



deny the permit. A potential solution to further reduce the impact on adjacent neighbours would be through the planting of more trees along the west property line and a higher privacy fence.

**Alternate Recommendations**

1. THAT Council support "DVP PL2017-7907" & "DP PL2017-7908" with conditions.
2. THAT "DVP PL2017-7907" & "DP PL2017-7908" be referred back to staff.

**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: Landscape Plan
- Attachment H: Letter of Intent
- Attachment I: Previously Approved 3-unit Townhouse Proposal
- Attachment J: Second Floor Plan Comparison
- Attachment K: "Development Variance Permit PL2017-7907"
- Attachment L: "Development Permit PL2017-7908"

Respectfully submitted,

Randy Houle  
Planner I

Approvals

DDS	CAO
<i>AH</i>	PW

Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map



Figure 2: Zoning Map



Attachment 'C' - OCP Map

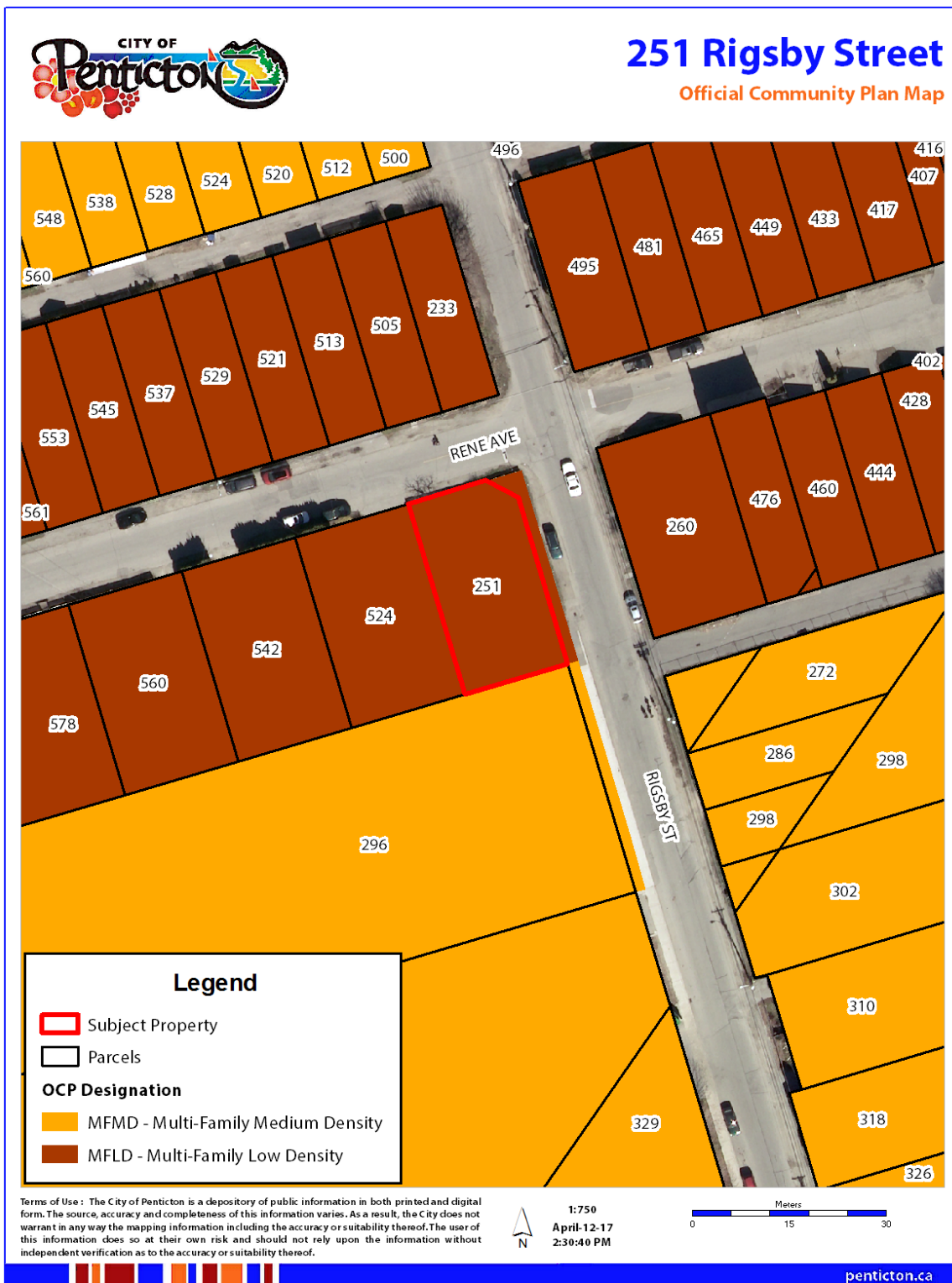


Figure 3: OCP Map



Attachment 'D' – Images of Subject Property



Figure 4: East View (from Rigsby Street)



Figure 5: North View (from Rene Avenue)



Attachment 'E' - Site Plan

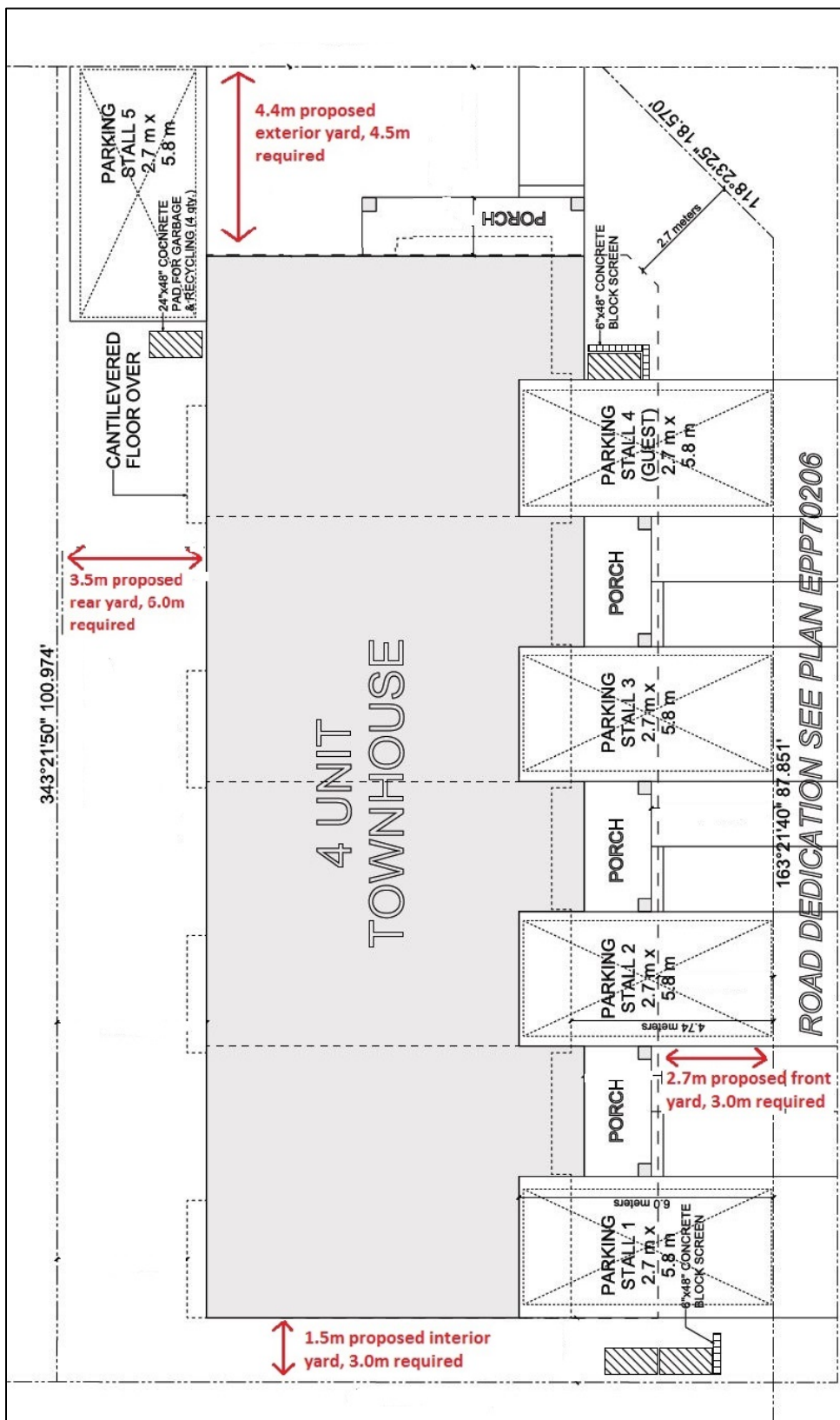


Figure 6: Site Plan

Attachment 'F' - Elevations



Figure 7: East Elevation (from Rigsby Street)



Figure 8: North Elevation (from Rene Ave.)



Figure 9: West Elevation

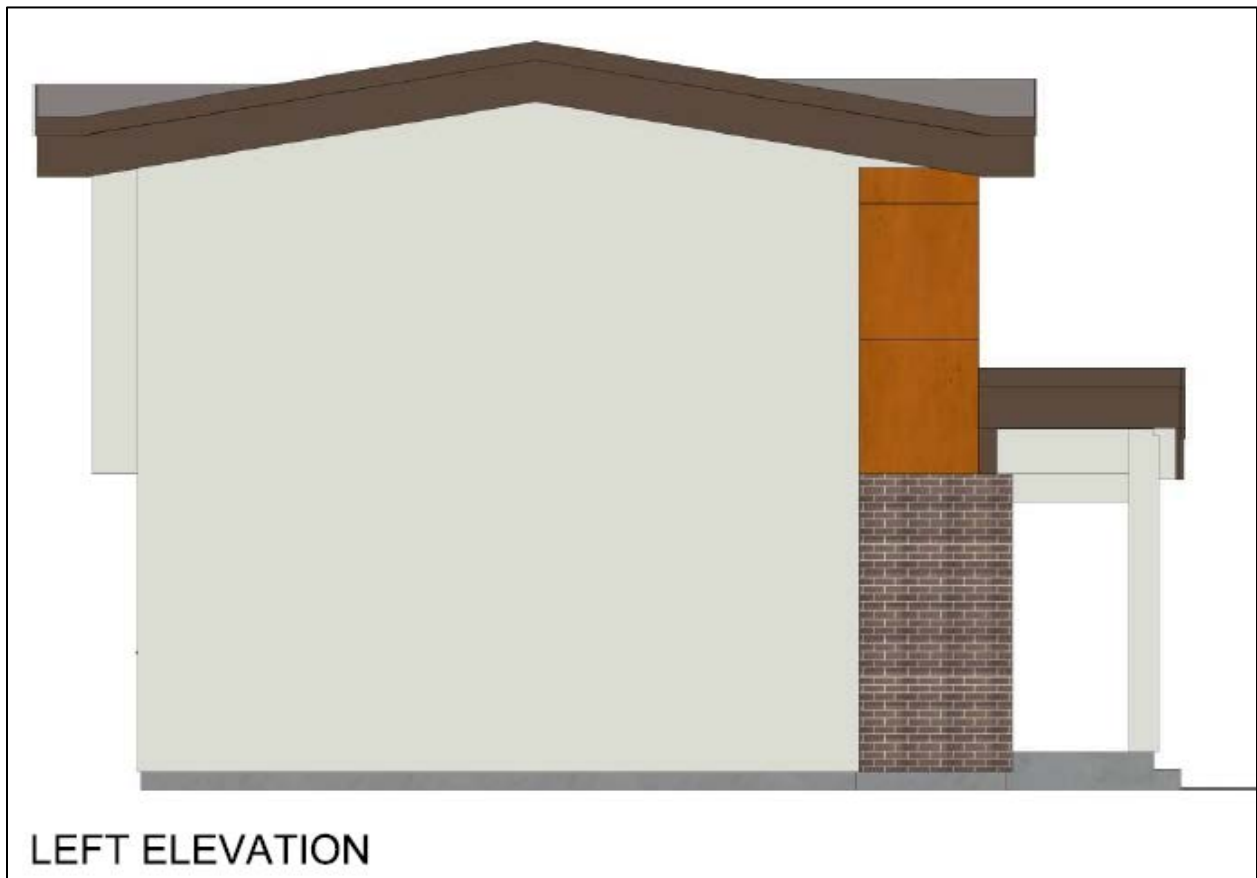


Figure 10: South Elevation



Attachment 'G' – Landscape Plan

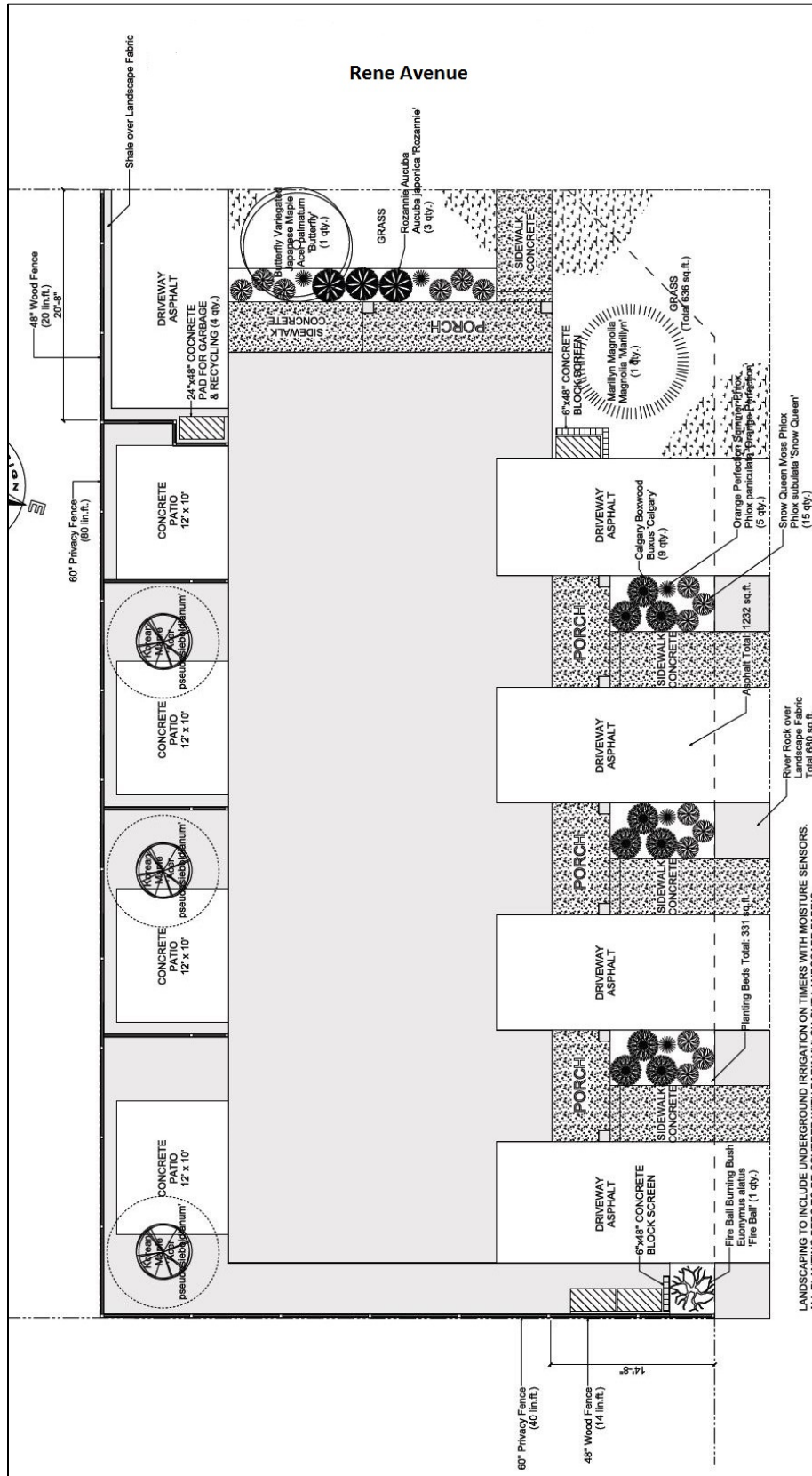


Figure 11: Landscape Plan

Attachment 'H'- Letter of Intent



March 27, 2017

Giroux Design Group  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 251 Rigsby Street Development Variance Permit Application

To City of Penticton Mayor, Council, and Planning Department,

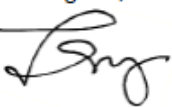
This letter is in regards to a proposed development of a four unit townhouse proposed at 251 Rigsby Street. This property recently was before council by another developer for rezoning and variances to allow for the construction of a three unit townhouse. Since then the property has been sold and the previous approved development does not meet the business plan for the new developer. The previous three unit townhomes were oversized for the area of town and not suited to the affordable housing model of the new developers. The new four unit proposal works with the developers model of providing quality affordable housing, whereas the size of the individual units in the previous development would have priced them too high to be realistic for the area of the City.

Even though this project is adding one more unit than the previous design, it is actually smaller than the other project, as the individual units are more compact. The overall building has a smaller footprint, is not as high, and includes two extra off-street parking spaces.

We are requesting the exact same variances to the setbacks as the previous development that was approved by council. The variances are as follows: 1) Front Yard (Facing East to Rigsby Street) from 3.0 meters to 2.7 meters; 2) Side Interior (Facing South to Maple Street Townhouses) from 3.0 meters to 1.5 meters; 3) Exterior Side Yard (Facing North to Rene Avenue) from 4.5 meters to 4.4 meters; 4) Rear Yard (Facing West to neighboring house) from 6.0 meters to 3.5 meters.

The project meets the other requirements for parking, amenity area, building height, FAR, and lot coverage. Because of the lower roof lines the design of this new project will feel smaller than the previous proposal, which will benefit the neighboring properties. We feel strongly that the variances requested are reasonable and fit with what was just approved by council. It also works with the City plans to provide more affordable housing and rental homes.

Best regards,



Tony Giroux **BD.ASTTBC**  
Owner/Registered Building Designer  
Giroux Design Group

Figure 12: Letter of Intent

### Attachment 'I' – Previously Approved 3-unit Townhouse Proposal

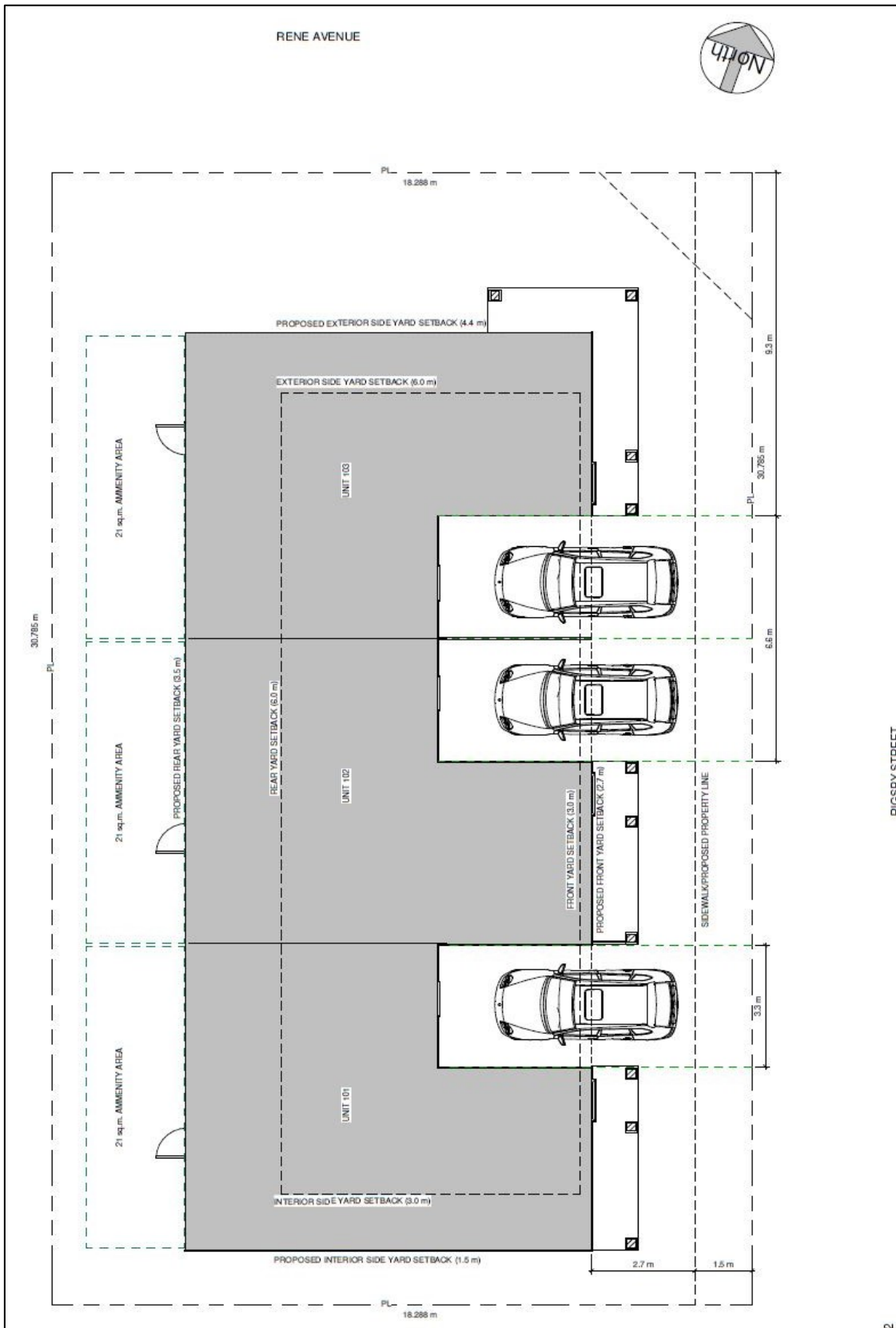


Figure 13: Previous Site Plan



Figure 14: Previous East Elevation (from Rigsby Street)



Figure 15: Previous North Elevation (from Rene Ave.)



Figure 16: Previous West Elevation



### Attachment 'J' - "Second Floor Plan Comparison"

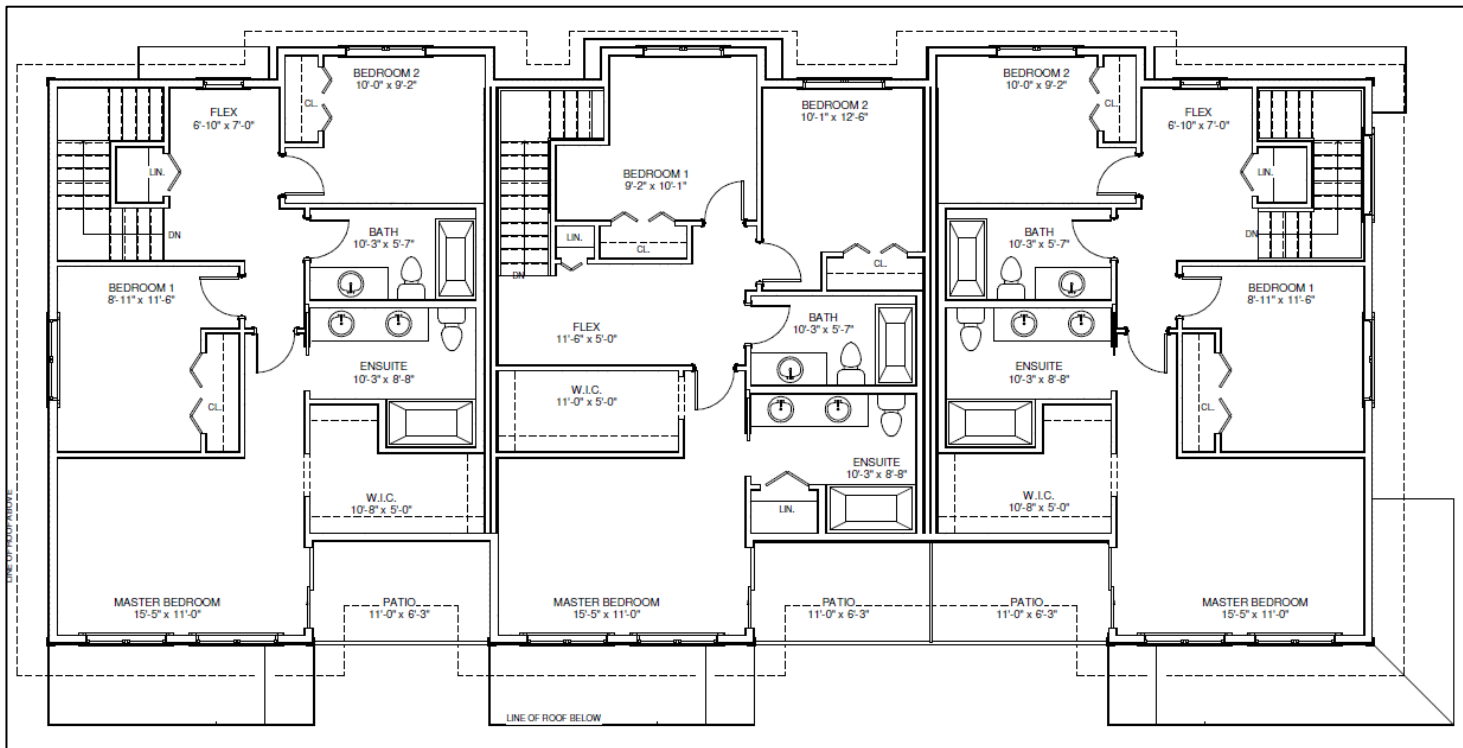


Figure 17: Previously Approved Second Floor Plan

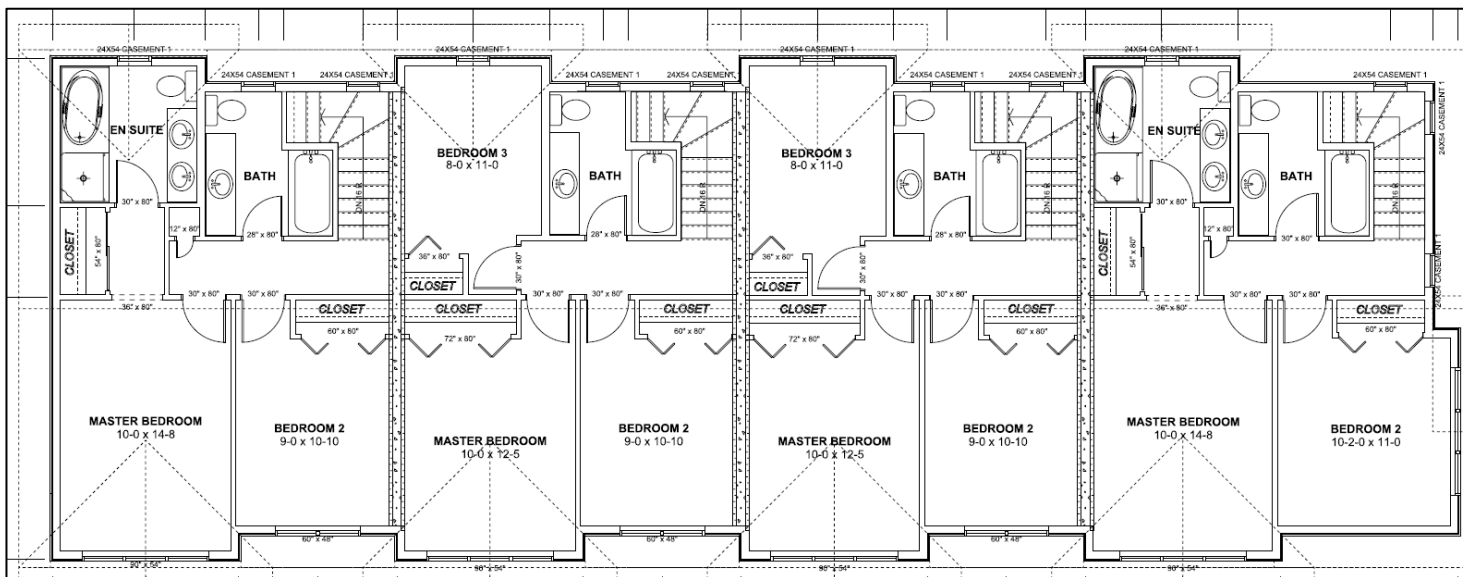


Figure 18: Proposed Second Floor Plan

Attachment 'K'- "Development Variance Permit PL2017-7907"



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

## Development Variance Permit

**Permit Number: DVP PL2017-7907**

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 25 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206  
Civic: 251 Rigsby Street  
PID: 011-855-525
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a townhouse as shown in the plans attached as Schedule 'A'.
  - Section 10.8.2.6: To decrease the minimum front yard from 3.0m to 2.7m.
  - Section 10.8.2.7.i: To decrease the minimum south interior side yard from 3.0m to 1.5m.
  - Section 10.8.2.8.i: To decrease the minimum exterior side yard from 4.5m to 4.4m.
  - Section 10.8.2.9: To decrease the minimum rear yard from 6.0m 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 2 day of May, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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

Attachment 'L' - "Development Permit PL2017-7908"



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

## Development Permit

**Permit Number: DP PL2017-7908**

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 25 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1035 Except Plan EPP70206  
Civic: 251 Rigsby Street  
PID: 011-855-525
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a townhouse, 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 \$7272 must be deposited prior to, or in conjunction with, an application for a building permit 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 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 2 day of May, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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

# Council Report

penticton.ca

**Date:** May 2, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 747 Government Street  
**Subject:** **Zoning Amendment Bylaw No. 2017-32**  
**Development Variance Permit PL2017-7910**  
**Development Permit PL2017-7911**

File No: RZ PL2017-7909  
DVP PL2017-7910  
& DP PL2017-7911

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## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-32," a bylaw to Rezone Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the May 23, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-32," a 1.75m road dedication on the east side of the property (along Government Street) is registered with the Land Title Office.

### *Development Variance Permit*

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7910" for Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street, a permit to waive the requirement for trees and shrubs to be planted in the landscape buffer area, to waive the visitor parking space requirement for cluster housing, to decrease the minimum interior side yards from 3.0m to 1.5m and to waive the requirements for street frontage upgrades along Bird Street as per Section 9.3 of the City of Penticton Subdivision and Development Bylaw No. 2004-81;

AND THAT "DVP PL2017-7910" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-32".

### *Development Permit*

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-32," approve Development Permit PL2017-7911 for Lot 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street, a permit that allows for the construction of two duplexes.

## Strategic priority objective

N/A

## **Background**

The subject property (Attachment 'A') is zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. The vacant lot is approximately 771m<sup>2</sup> (8298ft<sup>2</sup>). The surrounding properties are primarily zoned R2 (Small Lot Residential), RD1 (Duplex Housing) and RM2 (Low Density Multiple Housing). Surrounding properties are designated by the OCP as MR (Medium Density Residential). The subject property fronts both Government Street and Bird Street, with no vehicle access permitted from Government Street.

## **Proposal**

The applicant is proposing to construct two duplexes. Since two duplexes are not permitted in the R2 zone, a rezoning to RM2 (Low Density Multiple Housing) to permit cluster housing is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 5.3.1: To waive the requirement for trees and shrubs to be planted in the landscape buffer area.
- Section 6.5 (Table 6.5): To waive the visitor parking space requirement for cluster housing.
- Section 10.8.2.7.i: To decrease the minimum interior yards from 3.0m to 1.5m.

Additionally, the applicant is applying to vary Section 9.3 of the City of Penticton Subdivision and Development Bylaw No. 2004-81, which waives the requirement for street upgrades to the center line of Bird Street.

Lastly, the property is located within the General Multiple Family Development Permit area and requires approval for the form and character of the duplexes and to address landscaping requirements.

## **Financial implication**

N/A

## **Technical Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Through this process, it was determined that a 1.75m road widening along Government Street will be taken by the City. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The developer has been advised to contact the electrical department to confirm loads and service characteristics as connection costs could be substantial (approximately \$10,000-12,000). If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

## **Development Statistics**

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RM2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	30%
<b>Maximum Density:</b>	0.8 FAR	0.64 FAR
<b>Vehicle Parking:</b>	1 per unit + 0.25 per unit for visitor (5 total) for cluster housing	1 per unit (4 total) Variance required for visitor parking
<b>Required Setbacks</b>		
Front yard (East, Government Street):	3.0m	3.0m+
Front yard (West, Bird Street):	3.0m	6.0m+
Interior yard (North):	3.0m	1.5m (variance required)
Interior yard (South):	3.0m	1.5m (variance required)
<b>Maximum Building Height:</b>	10.5m	8.2m
<b>Amenity Area:</b>	20m <sup>2</sup> per unit (80m <sup>2</sup> total)	117m <sup>2</sup>
<b>Other Information:</b>	Subject property is located within the General Multiple Family Development Permit Area.	

## Analysis

### Zoning Amendment

#### Support "Zoning Amendment Bylaw No. 2017-32"

The site is situated in an area experiencing some densification. The OCP designation for this site is Medium Density Residential (MR), which supports duplex development. Staff consider that the zoning amendment to allow for cluster housing (two duplexes) represents best use of the land for the following reasons:

- 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 downtown, schools and nearby services encourages more walking and active forms of transportation.
- The current proposal will convert an empty lot into four dwelling units.

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. The FAR (Floor Area Ratio) for the current application is 0.64, must less than the 2016 5-unit townhouse proposal of 1.07 FAR. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-32" and forward the application to the May 23, 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.

### **Development Variance Permit**

#### Support Variances

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

*Section 5.3.1: To waive the requirement for trees and shrubs to be planted in the landscape buffer area.*

- The proposed development is required to have a landscape buffer on the north and south sides adjacent to the R2 (Small Lot Residential) lots. A variance from 3.0m to 1.5m does not allow enough space for the planting of trees and shrubs. If the property was subdivided and rezoned to RD2 (Duplex Housing: Lane), a duplex could be built on each lot with no requirement for a landscape buffer.

*Section 6.5 (Table 6.5): To waive the visitor parking space requirement for cluster housing.*

- The required parking spaces for cluster housing is 1 per dwelling unit plus 0.25 per unit for visitor parking. For this development, a total of 5 parking spaces are required and the developer is proposing 4. The visitor parking requirement for cluster housing is a requirement of the new Zoning Bylaw No. 2017-08, adopted March. 21<sup>st</sup>, 2017. Plans were prepared based on the previous Zoning Bylaw No. 2011-23 which had no visitor parking requirements for cluster housing.

*Section 10.8.2.7.i: To decrease the minimum interior yards from 3.0m to 1.5m.*

- The proposed development will result in a 1.5m setback from the north and south property line. If the property was subdivided and rezoned to RD2 (Duplex Housing: Lane) then a 1.5m minimum interior yard would apply and no variance would be required. No negative impacts on the surrounding neighbourhood is anticipated. The height of the building (8.2m) is less than the 10.5m permitted which will lessen its impact on the surrounding properties.

*Section 9.3 of City of Penticton Subdivision and Development Bylaw No. 2004-81: To waive the requirement for street upgrades to the center line of Bird Street.*

- Section 9.3 states that if building costs exceed \$150,000 in the RM2 zone, developers are required to provide works and services within the development and on the portion of a highway immediately adjacent to the lot being developed up to the center line of the way. This could include sidewalks, boulevard crossings, etc. In this particular case, the condition of Bird Street is adequate and doesn't require upgrading. While the developer would typically be responsible for carrying out these works,

Staff see no benefit to the City. The additional cost to the developer would be substantial. For these reasons, Staff feel the upgrades to Bird Street are not required.

Supporting the variances listed above would help to maximize the living space of the duplexes, with little impact on the surrounding neighbourhood. Staff considers that the variances requested are reasonable and recommend that Council, after hearing from any affected neighbours, support the application.

#### Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the neighborhood. If this is the case, Council should deny the variances.

#### **Development Permit**

##### Support Development Permit

The subject property is located within the General Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although this Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the siting, form, character and landscaping of new development and exterior renovations and additions to existing buildings are compatible with the context of the surrounding neighbourhood and that site access, parking, storage and landscaping matters are satisfactorily resolved, and generally, development is of high aesthetic quality."

- In the current proposal, the building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.
- Garbage and recycling bins will be screened within an enclosure.
- Each duplex has private amenity space in the back yard.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit applications.

##### Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

**Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-32" and deny support for DVP PL2017-7910 & DP PL2017-7911.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-32" but deny support for DVP PL2017-7910 & DP PL2017-7911.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-32" and support DVP PL2017-7910 & DP PL2017-7911 with conditions that Council feels are appropriate.

**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: Landscape Plan
- Attachment H: Letter of Intent
- Attachment I: "Development Variance Permit PL2017-7910"
- Attachment J: "Development Permit PL2017-7911"
- Attachment K: "Zoning Amendment Bylaw No. 2017-32"

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

DDS	CAO
<i>HH</i>	PW



Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map



Attachment 'B' – Zoning Map

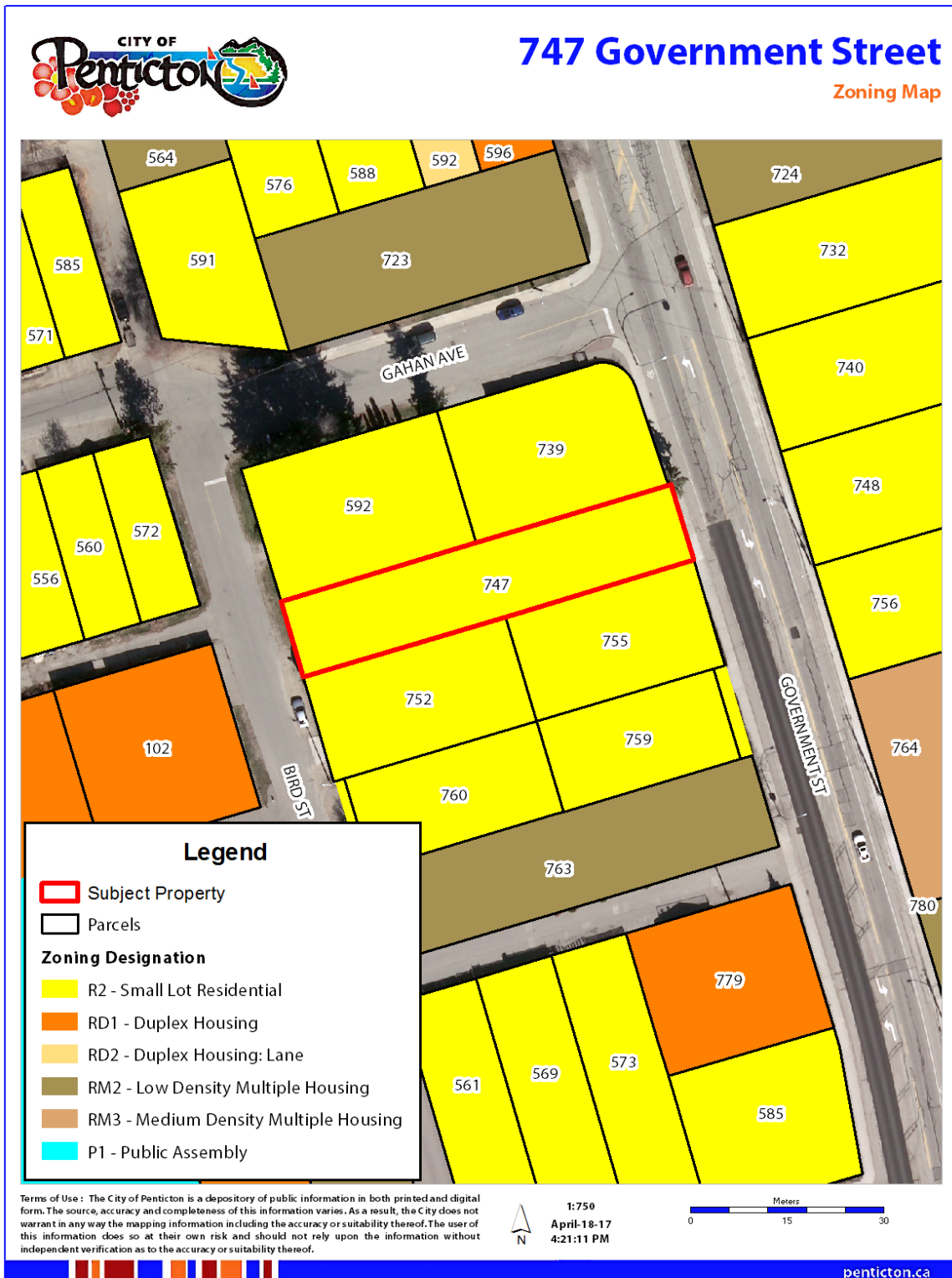


Figure 2: Zoning Map

Attachment 'C' - OCP Map

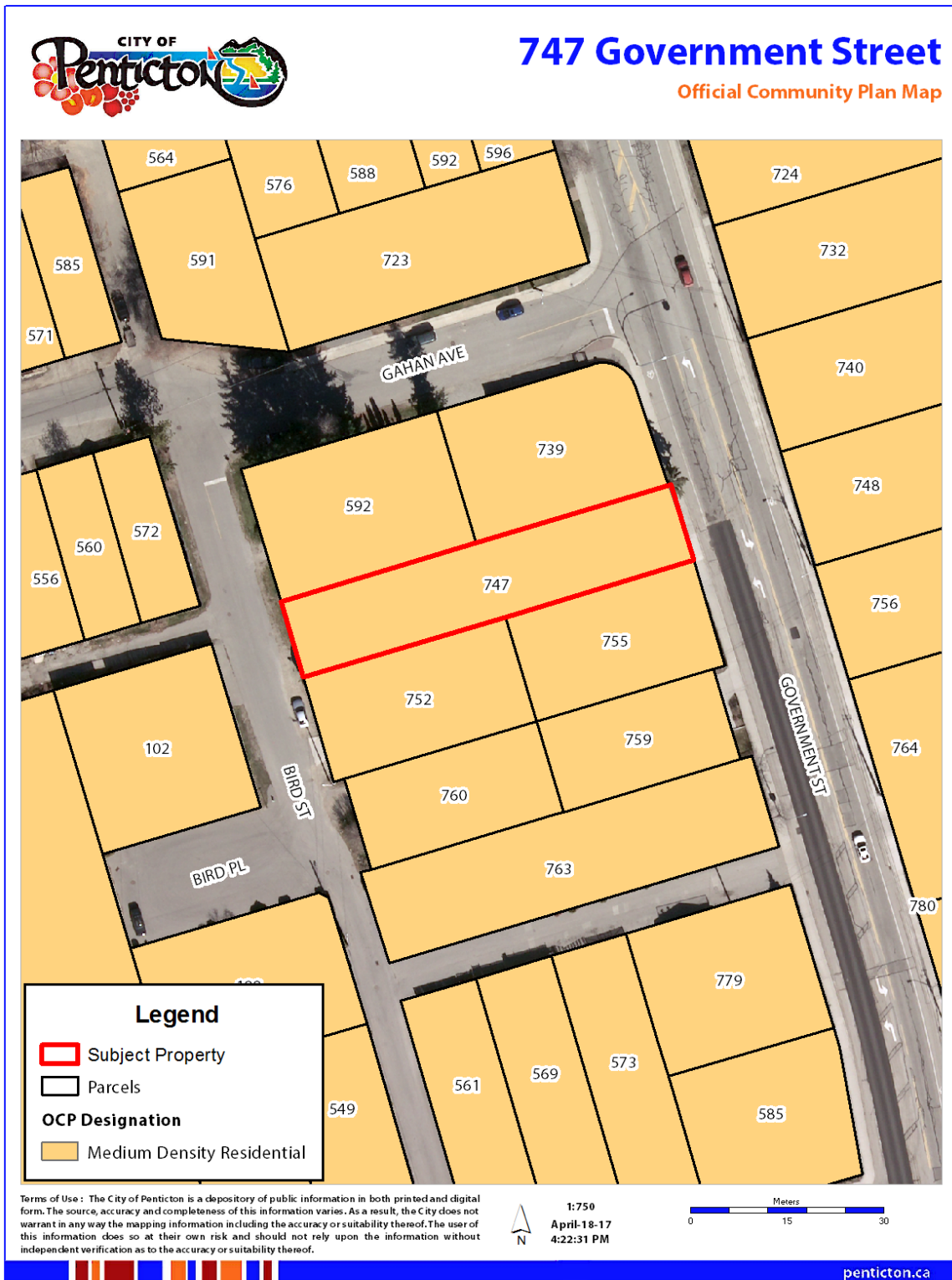


Figure 3: OCP Map



Attachment 'D' – Images of Subject Property



Figure 4: East View (from Government Street)



Figure 5: West View (from Bird Street)

Attachment 'E' - Site Plan

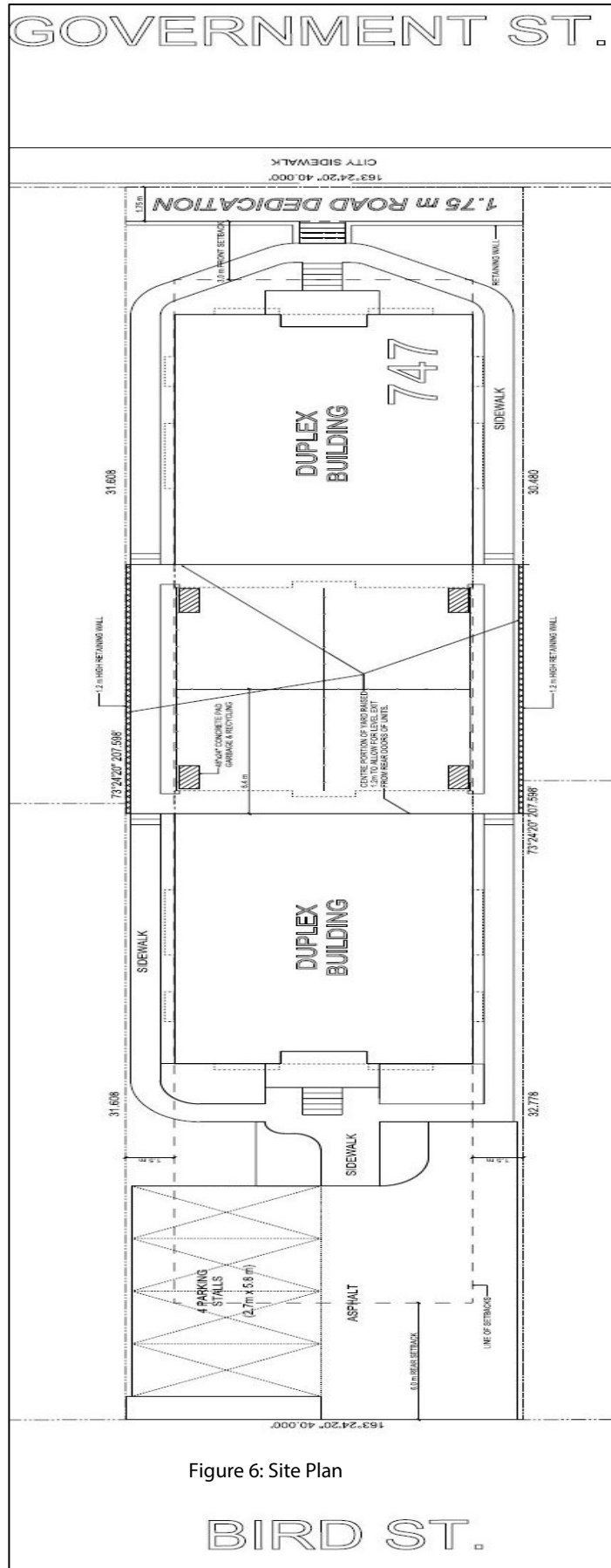


Figure 6: Site Plan

Attachment 'F' - Elevations



Figure 7: East Elevation



Figure 8: West Elevation

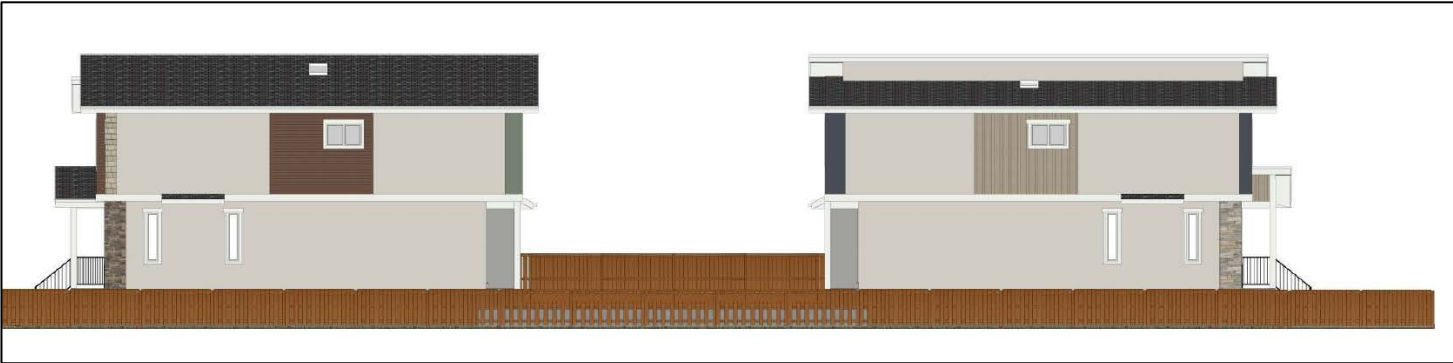


Figure 9: South Elevation

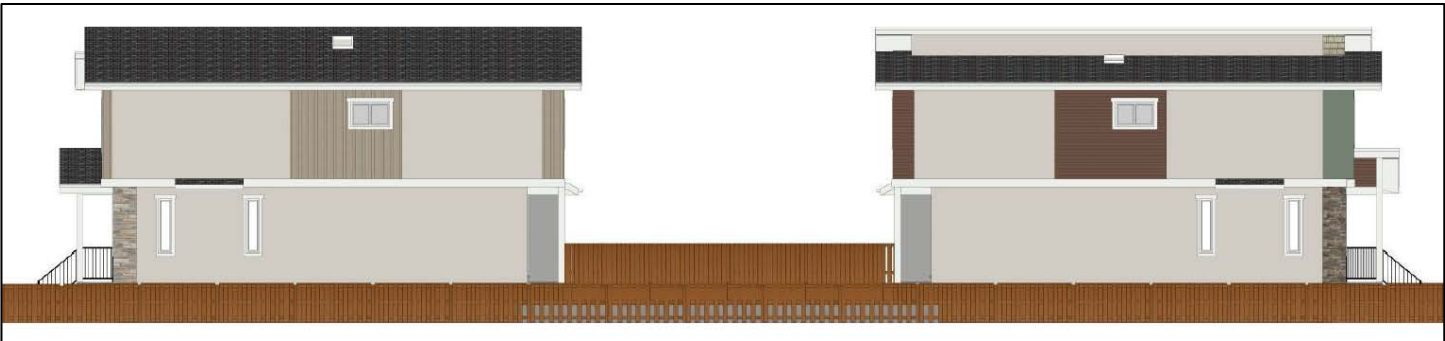


Figure 10: North Elevation



Attachment 'G' – Landscape Plan

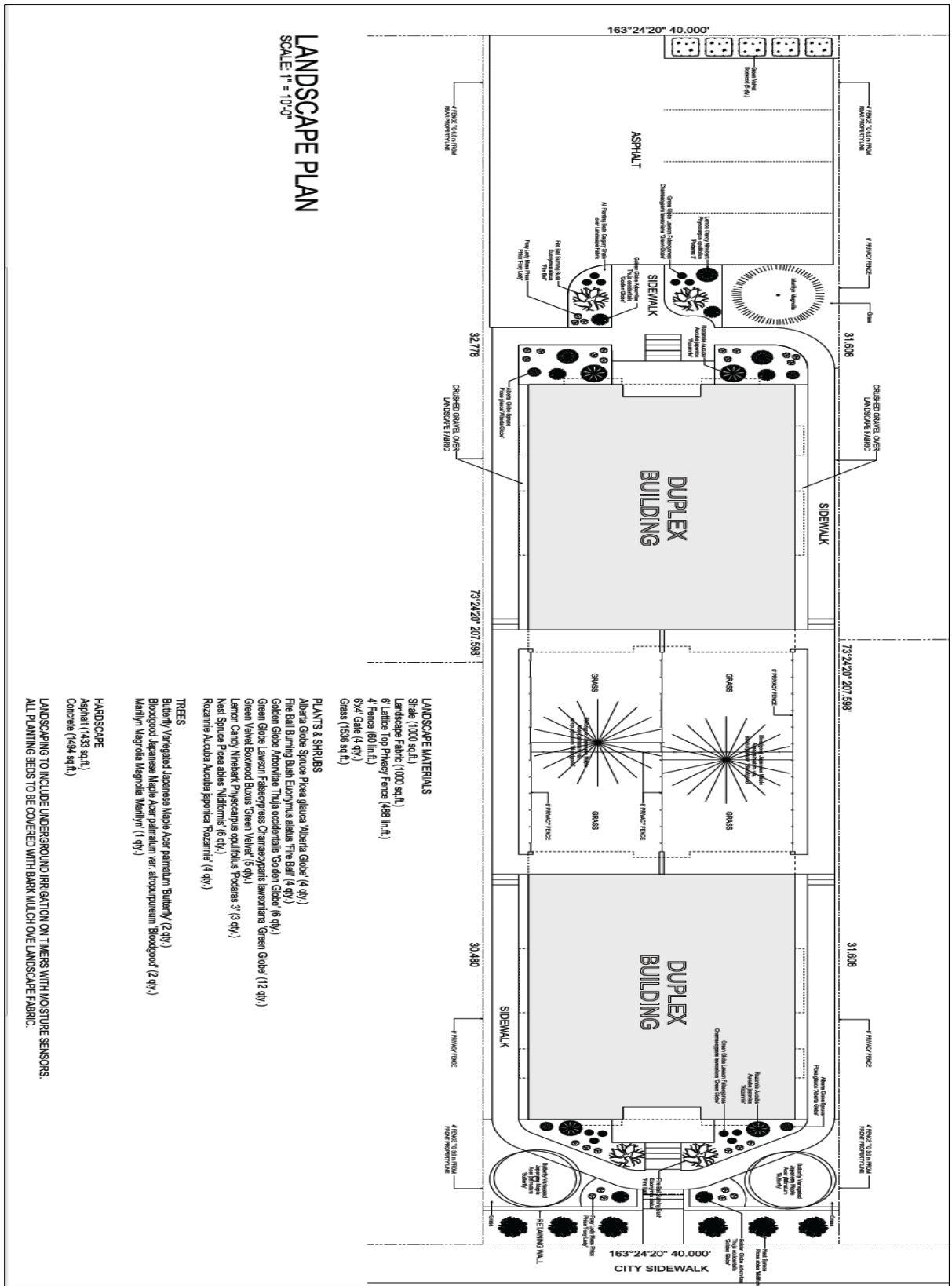


Figure 11: Landscape Plan

Attachment 'H'- Letter of Intent



# GIROUX DESIGN group

Custom Home and Building Design Since 1950

April 13, 2017

Giroux Design Group  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 747 Government Street Rezoning and Development Variance Permit Application

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the proposed rezoning and development of 747 Government Street to allow two duplex buildings. We have looked at this lot several times over the years for different developers, but because of the size of the lot and challenges with access it was not economical to develop. The current zoning bylaw allows more flexibility and we feel that the current proposal is the best option for development of the property which is now a vacant lot. The lot is a long and narrow property that faces Government Street to the East and Bird Street to the West. Because of this all vehicle access must come from Bird Street, which is one of the challenges to development.

The proposed development requires rezoning of the property from R2 to RM2. This rezone fits with the OCP as well as other properties in the proximity. While the property is being zoned to RM2, the actual development will be two duplex buildings which will have less impact on the neighbors than a townhouse or small apartment. Subdivision of the lot into two parcels was discussed with the City Planning Department, but because of the problem with access not being allowed from Government Street this was not possible. Please note that this project was prepared under the previous City of Penticton Bylaw requirements, and that the new requirements for landscape buffering were not in place during the planning and would create a major hardship for this development. The current proposal provides adequate landscaping and privacy, and is in harmony with the landscape requirements for duplex buildings.

We are requesting four variances: 1) To waive the requirements of section 5.3.1. of the *new* City of Penticton Bylaw for required landscape buffering; 2) Reduce the interior side yards from 3.0 m to 1.5 m, this is the normal setback for duplex zoned lots; 3) Reduce the required number of parking stalls from 5 to 4, the lesser would be the requirement if the lot was subdivided with two duplexes; 4) a variance is required to vary the City of Penticton Subdivision and Development Bylaw No. 2004-81 Section 9.3, to waive the requirement for street upgrades to the center line of Bird Street.

The project meets the other requirements for amenity area, building height, FAR, and lot coverage. We believe that this project will be a positive one for the neighborhood, taking a hard to develop lot and turning it into affordable housing for families close to schools and the downtown core. We feel the requested variances are very reasonable and in harmony with other development taking place.

Best regards,



Tony Giroux **BD.ASTTBC**  
Owner/Registered Building Designer  
Giroux Design Group

Figure 12: Letter of Intent



Attachment 'I' - "Development Variance Permit PL2017-7910"



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

## Development Variance Permit

**Permit Number: DVP PL2017-7910**

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 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121  
Civic: 747 Government Street  
PID: 010-833-960
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 and Subdivision and Development Bylaw No. 2004-81 to allow for the construction of two duplexes as shown in the plans attached as Schedule 'A'.

#### Zoning Bylaw No. 2017-08:

- Section 5.3.1: To waive the requirement for trees and shrubs to be planted in the landscape buffer area.
- Section 6.5 (Table 6.5): To waive the visitor parking space requirement for cluster housing.
- Section 10.8.2.7.i: To decrease the minimum interior yards from 3.0m to 1.5m.

#### Subdivision and Development Bylaw No. 2004-81:

- Section 9.3: To waive the requirement for street upgrades to the center line of Bird Street.

### 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 23 day of May, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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Dana Schmidt,  
Corporate Officer

Attachment 'J' - "Development Permit PL2017-7911"



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

## Development Permit

**Permit Number: DP PL2017-7911**

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 1 District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121  
Civic: 747 Government Street  
PID: 010-833-960
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two duplexes, 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 \$9958.76 must be deposited prior to, or in conjunction with, an application for a building permit 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 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 23 day of May, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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

**Bylaw No. 2017-32**

*A Bylaw to Amend Zoning Bylaw 2017-08*

---

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 2017-08;

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. 2017-32".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 1, District Lots 202 and 249 Similkameen Division Yale District Plan 3562 Except Plan KAP68121, located at 747 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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*.

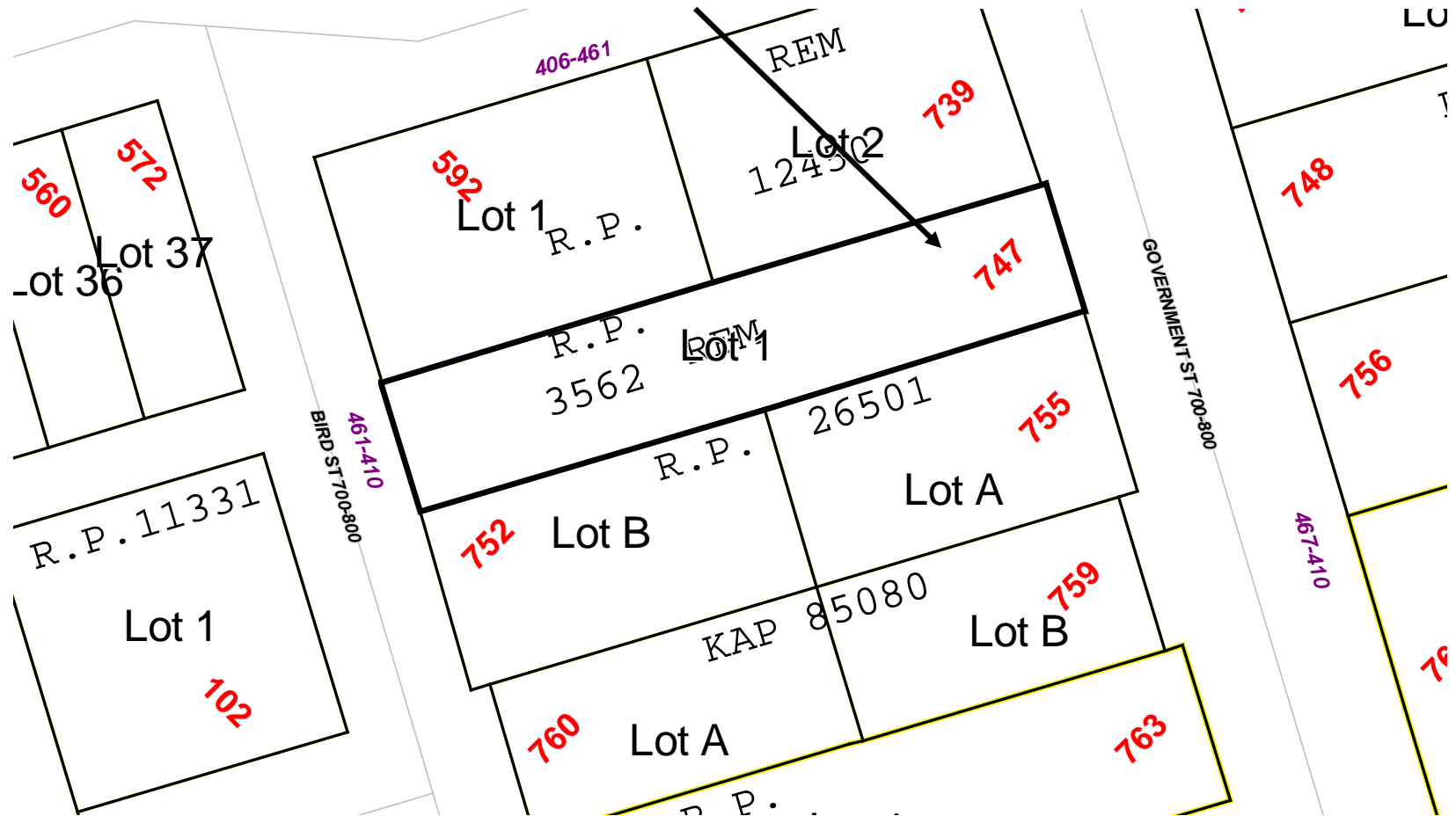
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Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

# Rezone 747 Government Street From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-32

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

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

# Council Report

penticton.ca

**Date:** May 2, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Address:** 285 Nanaimo Ave W  
**Subject:** **Zoning Amendment Bylaw No. 2017-33**  
**Development Permit 2017-7913**

File No: PRJ2017-012

## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-33," a bylaw to amend Zoning Bylaw 2017-08, allowing ground floor residential in the C5 zone, as a site specific allowance, for Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, be given first reading and forwarded to the May 23, 2017 Public Hearing;

### *Development Permit*

AND THAT Council, approve Development Permit PL2017-7913, a permit that allows for the construction of a four storey, 52 unit apartment building on Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, subject to adoption of Zoning Amendment Bylaw 2017-33.

## Strategic Priority Objective

Approval of the subject bylaw is in support of creating a more affordable community, in line with the strategic pillar of creating a livable community. The subject development will also contribute to the revitalization of the downtown by adding 52 new households into the downtown.

## Background

In the fall of 2015, the City entered into a Memorandum of Understanding (MOU) with BC Housing to develop non-market housing for persons and families with low and moderate incomes on City owned lands. The MOU committed the City to lease lands to the provincial housing commission on a long-term basis (60+ years) and committed BC Housing to finance qualified societies to develop housing on the lands.

The two sites identified in the MOU include the subject lands at 285 Nanaimo Ave W and a neighbouring plot of land at 260 Brunswick Street. 260 Brunswick Street is currently under lease to another not-for profit group for recreational purposes and will not be available until after 2020.

After endorsement of the MOU from both City Council and the provincial ministry responsible for housing, a request for proposals (RFP) was issued to develop a project on the subject property. Through the RFP process, the Penticton and District Community Resource Society (PDCRS), a local housing provider and Catalyst Community Developments, a not-for-profit housing development group from the Lower Mainland were selected as the successful proponents of the project.

The proponents have now submitted for development approval for the development. The proposed building is four-storeys in height and features 52-units with one level of underground parking. The unit mix features studio, one bedroom, two bedroom and three bedroom units. The building also features a ground floor outdoor amenity area and indoor amenity room at the ground floor. In their letter of intent (Attachment C) the developers have described the intended client mix in the building, which is as follows:

- *Families:* The two and three bedroom homes are planned for families with children.
- *Individuals:* The one bedroom apartments are for working age singles and couples between the age ranges of about 20-45 years. These units are intended to provide secure and affordable homes within this demographic in Penticton.
- *People with developmental disabilities:* 4 apartments are designed to be fully accessible.
- *Youth:* The studios may house youth or young adults served by PDCRS. These units would provide safe and affordable housing for youth living independently.

The proposed client group is in-line with the intended groups outlined in the MOU and is aligned with the City's labour market objectives and affordable housing strategy.

## **Property Description**

The subject property, located on the corner of Brunswick Street and Nanaimo Avenue is currently vacant but is used as a monthly rental parking lot. Given its close proximity to the Canadian Revenue Agency (CRA) office, the parking lot is predominately used by CRA employees. Staff are working on a marketing plan to promote other local parking lots to the existing lot users for when the lot is closed (most likely in July 2017).

The property is currently designated as Downtown Commercial by the City's Official Community Plan, but is also identified as being in the residential transition area by the City's Downtown Plan, a document that forms part of the OCP. The zoning on the property is C5 (City Centre Commercial). The proposal for an apartment building conforms to the residential transition area description in the downtown plan, but does not strictly conform to the existing zoning, which does not permit ground floor residential in the C5 zone. In that zone, residential uses are restricted to the second or higher storey. Given this provision of the zoning bylaw, the applicants are requesting a site-specific zoning change.

This property is also included in the Downtown Commercial Development Permit Area (DPA). The DPA outlines guidelines to follow when considering development in the downtown.

## **Proposal**

The developers are requesting that the lands be rezoned on a site-specific basis, specifically that the following section be added to Zoning Bylaw 2017-08:

ADD:



Section 11.5.4.6: On Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, residential uses shall be permitted on the first floor.

Development Permit approval is also required to permit the construction of the building and is being requested at this time.

### **Financial Implication**

This project represents a significant contribution from the City towards housing affordability in Penticton. The City is leasing the land at no cost to the BC Housing Commission as an in-kind contribution to the project.

The City will also be forgoing approximately \$10,000 in yearly revenue from the parking lot currently operating on the lands.

### **Technical Review**

This application was reviewed by the City's Technical Planning Committee on April 13, 2017. That review did not identify any major off site or servicing issues. Early on in the review process for this project, it was discovered that there was a sewer line running through the property, which was not protected by an easement. The sewer line services the clubhouse of the Lawn Bowling Club next door. The sewer line will be relocated onto the lawn bowling property by City public works staff. This commitment was made early on in the MOU discussion and will be a minimal cost.

Given that the project features an underground parkade, this will result in the closure of the sidewalk along the frontage of the property on both Nanaimo Avenue and Brunswick Street for some time. Staff will be working with the construction company to ensure as little disturbance to traffic as possible. This is all the more important in this location given the proximity to the City's main Fire Hall.

### **Public Consultation**

The developers are hosting an open house on May 10<sup>th</sup>, 2017 at Penticton Fire Hall #201 at 250 Nanaimo Avenue from 4:15 PM to 6:15 PM. This consultation is in addition to the statutorily required Public Hearing. Staff will provide a recap of the public open house and bring forward any amendments to the plans that result from comment from the public prior to the scheduled Public Hearing on May 23<sup>rd</sup>, 2017.

### **Development Statistics**

The following table outlines the proposed development statistics on the plans submitted with the application:

Item	Requirement C5 Zone	Proposal	Notes
<b>Minimum Lot Area</b>	275m2	1,717 m2	
<b>Maximum Lot Coverage:</b>	100%	59%	
<b>Maximum Density:</b>	6.0 FAR	2.2 FAR	
<b>Parking:</b>	52 spaces required	43 spaces required (1 for every unit larger than a studio apartment)	Proposal is to add an on-street car share and to pay cash in-lieu for the remainder of spaces not provided
<b>Required Setbacks</b> Front yard (Nanaimo): Interior yard (Lane): Exterior yard (Brunswick Street): Rear yard (lawn bowling):	0 0 0 0	3.93m 2.10m 0.63m 2.67m	
<b>Maximum Building Height:</b>	36m	12.1m	
<b>Unit mix:</b>	N/A	9 studio, 22 one-bedroom, 14 two-bedroom, 7 three-bedroom	
<b>Other information:</b>	Project is proposing residential units on the ground floor, which is not permitted by the zoning bylaw.		

## Analysis

### Zoning Amendment

*Support "Zoning Amendment Bylaw No. 2017- 33"*

The City's Downtown Plan identifies the subject property as being within the "residential transition" character area. The Downtown Plan sees areas that are within the residential transition area as being developed as pedestrian oriented housing for a range of incomes levels. The Downtown Plan encourages the rezoning of properties in these areas to residential uses and tries to limit commercial uses so as to not compete with Main Street.

Staff feel that allowing residential at the ground floor in this location is keeping with the intent of the Downtown Plan for the residential transition character area. The proposal also meets several other objectives of the OCP and Downtown Plan, including:

- Developing partnerships with non-for profit groups to develop affordable housing in the downtown.
- Promoting infill development.

- Supporting development where services can support higher densities.
- Encouraging the integration of medium density residential into the downtown.
- Ensuring buildings constructed in the downtown contribute to a positive physical appearance of the downtown.

For the reasons listed above, staff recommend that Council support the zoning amendment bylaw and forward it to the May 23, 2017 Public Hearing for comment from the public.

#### *Deny/Refer Zoning Amendment*

Council may feel that a more active ground floor, including commercial uses should be incorporated into the design. If that is the case, Council should deny the request to allow residential units on the ground floor.

#### **Development Permit**

##### *Support Development Permit PL2017-7913*

When considering a development permit, staff and Council are required to review the plans against the established development permit area (DPA) guidelines for the development permit area that the property is located. In this case, the property is in the Downtown Commercial DPA. The DPA guidelines encourage buildings that meet the following objectives:

- Buildings should define a pedestrian oriented first floor.
- Building design should incorporate architectural detailing and variety in building finish to provide interest, such as window and door details, varied roof lines, pillars, cornices and or similar features.
- Outdoor patios and plazas are encouraged.
- Corner lot developments are the focal points of any streetscape, therefore development should be of exemplary quality.
- Variety, continuity and pedestrian interest should be expressed in the design of the building, especially at the ground level.
- All plans should have landscaping that enhances the building and provides a positive impact at the street level, including plants of a highly decorative nature.
- Safe and efficient parking areas should be provided and entrances should be accessed from lanes wherever possible.

The developer has submitted a letter of design rationale, which outlines how the building meets the above objectives (Attachment D). Staff have reviewed the plans against the OCP design guidelines and consider that the proposed development conforms to the guidelines. As such, staff are recommending that Council approve the development permit and direct staff to issue the permit upon adoption of Zoning Amendment Bylaw 2017-33.

##### *Deny/ Refer Development Permit 2017-7913*

Council may feel that plans do not conform to the development permit guidelines. If that is the case, Council may refer the permit back to staff for further work with the developer.

**Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-33" and refer the permit back to staff with instructions on the design that Council feels are appropriate.
2. THAT Council support "Zoning Amendment Bylaw No.2017-33, but refer the development permit back to staff with instructions for changes that Council feels are appropriate.


**Attachments**

- Attachment A: Subject Property Location Map
- Attachment D: Images of Subject Property
- Attachment C: Letter of Intent
- Attachment D: Design rationale
- Attachment E: Development Permit PL2017-7913
- Attachment F: "Zoning Amendment Bylaw No. 2017-33"

Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Approvals

Director Development Service  	Chief Administrative Officer  PW
---	--

Attachment 'A'  
Subject Property Location Map





Attachment 'B'  
Images of Subject Property



**Figure 1: Subject property looking north east from the corner of Brunswick Street and Nanaimo Avenue**



**Figure 2: Image of subject property looking east, from Brunswick Street with the CRA building in the mid ground**

Attachment 'C'  
Letter of intent

**Catalyst Community Developments Society**  
catalystcommdev.org



March 21, 2017

Blake Laven,  
Planning Manager  
City of Penticton  
171 Main Street  
Penticton, BC V2A 5A9

**Re: Letter of Intent for Development Permit Application:**

**284 Brunswick Street, Penticton**

Dear Mr. Laven,

Please accept this letter of intent in support of the development permit application for 284 Brunswick Street in Penticton.

Last year, BC Housing Management Commission (BC Housing) and the City of Penticton invited non-profit proponents to submit their proposals for the creation and operation of an affordable rental housing project for low and moderate income households at 284 Brunswick St, Penticton. Catalyst Community Developments Society (Catalyst), together with The Penticton & District Community Resources Society (PDCRS), submitted a response to this RFP with a proposed project to deliver affordable rental housing for families and individuals. In May 2016, PDCRS and Catalyst became the successful proponents to build and operate this development.

PDCRS has been serving the community of Penticton for 50 years, providing an extensive range of services to families and individuals in Penticton. Catalyst is a non-profit society that develops, owns and operates affordable rental housing and community spaces in the Lower Mainland, Vancouver Island and the BC Interior.

The building proposed for 284 Brunswick Street will add affordable rental housing units to the City of Penticton, and create increased opportunity for PDCRS to deliver their services to families and individuals.

The proposed development consists of a new four-story building with one level of underground parking. There are 52 apartment style rental homes: 9 studios, 22 one bedroom units, 14 two bedroom units and 7 three bedroom units. There are 43 parking stalls to accommodate 1 stall per unit for all units larger than studios. A car share vehicle is planned to be located in an on-street stall near the building. Both indoor and outdoor amenity space is provided and would be used by residents for meetings, community get-togethers, informal play and gatherings of friends and family.

90 – 425 Carrall Street, Vancouver, BC V6B 6E3

**Catalyst Community Developments Society**  
catalystcommdev.org



The following groups are being considered as the target audience for this new building:

- Families – the two and three bedroom homes are planned for families.
- Individuals – the one bedroom apartments are for singles and couples between the age ranges of about 20-45 years. These units are intended to provide secure and affordable homes within this demographic in Penticton.
- People with developmental disabilities – 4 apartments are designed to be fully accessible.
- Youth – the studios may house youth or young adults served by PDCRS. These units would provide safe and affordable housing for youth living independently.

With residential units on the ground floor, a site-specific amendment to the zoning may be required. As well, the project is eligible for reductions in the development cost charges and property taxes due to the delivery of affordable rental housing. We are looking for City of Penticton staff input and direction on next steps with regards to these items.

We look forward to working with City of Penticton staff to review and progress this project through the development permit process. Please contact the undersigned with any questions, further information requests, or to set up a meeting to discuss this project further.

Thank you very much for your time and consideration.

Robin Petri,  
VP Development  
Catalyst Community Developments Society  
[robin@catalystcommdev.org](mailto:robin@catalystcommdev.org)  
604-312-5835

90 – 425 Carrall Street, Vancouver, BC V6B 6E3



Attachment 'D'  
Design rationale

**Design Rationale**

**Concept Design**

The building is conceived as a straightforward, efficient structure that provides clean, contemporary design within this emerging area adjacent to Penticton's Downtown core. All sides of the building are set back from the sidewalk and property lines. At the south and west, this setback provides the area for landscaped buffer to enhance the interplay of the site and the street. On the east side, the building pulls back from the Lane to keep it livable for both the new residents and the staff at Canada Revenue Agency. On the north, the orientation and setbacks accommodate future development at the neighbouring Lawn Bowling Club.

A prominent entry walk onto Nanaimo Street defines the pedestrian-oriented focal point of the building. On the north side, walkways from Brunswick Street and the Lane provide access to the more private interior of the site. Access to the below-grade parking and service areas is provided from the Lane. The extent of this access prioritizes the ground plane (and community) connections for residents.

Consistent stacks of Two- and Three-Bedroom homes anchor each of the four corners, to stabilize the building with respect to the street. These stacks are solidified by volumes that push outward from the building, and are defined by different cladding colour and lighter roof treatment overhead. Between these volumes at the east and west ends, the building is pulled inwards such that the two end sections of the building frame the middle inset section. This arrangement establishes a three-part form, with an inset area along both the north and south sides. The inset One-Bedroom homes are provided shelter from extreme weather conditions, and significant outdoor living spaces are supported. Almost all units have semi-private outdoor space – either balconies, or patios at the ground level.

Along the north interior face, the inset of the building shelters amenity and play spaces. In this location the shared spaces are removed from street traffic but watched over by the homes along this side. Along the street face to the south, the inset of the building signals a gradient between public, semi-private and private spaces. The roof overhangs provide substantial coverage along all faces of the building, establishing a distinctive identity that also functions to effectively shelter and drain the site. Additional sun screening canopies moderate direct sunlight to the windows along the south and west sides.

The ground level of the building rises slightly above the natural grade level. The change of height contributes to defining the sense of privacy and demarcation, yet is kept low enough for the raised ground floor to engage comfortably with the street level. At the same time the raised grade accommodates for the basement with one level of parking.

To maintain the flow and integrity of pedestrian activity along the street sides, a single in- and- out ramp access to parking is situated at the laneway. The recycling and waste management are also situated and enclosed along this side for utility of servicing. Mechanical and utility rooms are also grouped along this east side for ease of access and servicing. The building's location and siting acknowledges CPTED principles and strategies by promoting security, accessibility, natural surveillance, and visibility at the edges and corners of the site. The adjacencies of the Lobby and Amenity areas on the first floor allow for common awareness of the primary entry points and exterior areas.

### **Typical Home Plans**

Each home is informed by the BC Housing Design Guidelines and Construction Standards. A variety of home sizes and types have been provided, with bath, kitchen, dining and living areas appropriate for the expected number of occupants. In-suite storage spaces are generally provided, and in-suite laundry is included for all homes. The typical shape of each home allows for generous private outdoor patios and balconies. Opportunities for incorporating enhanced adaptability and accessibility provisions will be taken wherever possible in accordance with the needs of the Residents and Operator.

### **Universal Access**

Several suites have been designed to be fully wheelchair accessible. Located on the ground floor, these four suites represent a mix of unit types and are designed to accessibility standards per current BC Building Code and BC Housing guidelines. The remaining suites include adaptability features and clearances. All approach and outdoor amenity spaces have been designed to accommodate users of all abilities.

Fully Accessible Unit features include:

- 1500mm (5'-0") turning radii at suite doors, inside bedroom, bathroom, kitchen
- Latch-side clearances as suite entry door, bedroom and bathroom doors
- L-shaped kitchens where possible, with cooktop, wall
- oven, dishwasher, double-bowl sink
- Side-by-side laundry in-suite
- Bathrooms that include floor drains, showers with seats, grab bars, and transfer space adjacent to toilet and shower

Adaptability features include:

- Clearance at doorways on approach and swing side for suite doors, one bedroom and one bathroom door
- Clearances at the front of toilets and sinks
- Backing in-wall for grab bars at toilets and showers / tubs
- Continuous counter space between range and sink

## Attachment E Development Permit



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

### Development Permit

**Permit Number: DP PL2017-7913**

Owner Name  
Owner Address  
Owner Email 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 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton)  
District Plan EPP57755  
Civic:  
PID: 029-737-443
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a four storey, 52 unit apartment building, with one storey of underbuilding parking, 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 \$100% of the estimated cost of landscaping, including materials and installation must be deposited prior to, or in conjunction with, an application for a building permit 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 4 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

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



VIA ARCHITECTURE  
2645 Gordon Street, Suite 404, Vancouver, BC V6C 3H8  
ARCHITECT

DURANTE KREK LTD.  
3601 Kingsway, Vancouver, BC V6J 1K6  
ARCHITECT

ALTRA LAND SURVEYING LTD.  
3611 West Broadway, Vancouver, BC V6R 1A2  
SURVEYOR

PENTICTON & DISTRICT COMMUNITY RESOURCES SOCIETY / CATALYST COMMUNITY DEVELOPMENTS SOCIETY  
1015 KENNEDY STREET, SUITE 100, PENTICTON, BC V2Y 1K4  
CLIENT

PENTICTON AFFORDABLE RENTAL HOUSING  
3601 Kingsway, Vancouver, BC V6J 1K6  
CLIENT

VIA  
DEVELOPMENT PERMIT

1015 KENNEDY STREET, SUITE 100, PENTICTON, BC V2Y 1K4  
VIA PROJECT NO. 2017-7912-01

**DESIGN RATIONALE**

**Context Design**

The subject site is located on a major arterial road, 1015 Kennedy Street, in the heart of the downtown core of the City of Penticton. The site is bounded by the 1015 Kennedy Street to the north, the 1015 Kennedy Street to the south, the 1015 Kennedy Street to the east, and the 1015 Kennedy Street to the west. The site is currently vacant and is surrounded by residential and commercial buildings. The site is located in the heart of the downtown core of the City of Penticton, which is a vibrant and growing community. The site is well-served by public transit and is within walking distance of schools, parks, and other amenities. The site is also located in a high-density area, which provides an opportunity to create a diverse and vibrant community.

**Typical Home Plans**

The typical home plans for this project are designed to provide a mix of housing options, including single-family homes, townhouses, and multi-family units. The plans are designed to be flexible and adaptable to a variety of site conditions and requirements. The plans include a range of floor plans, including single-story and two-story options. The plans are designed to be energy-efficient and sustainable, and they include a range of features that enhance the quality of life for residents. The plans are also designed to be aesthetically pleasing and to blend with the surrounding community. The plans are designed to be cost-effective and to provide a high level of value for the investment. The plans are designed to be flexible and adaptable to a variety of site conditions and requirements.

**Design Summary**

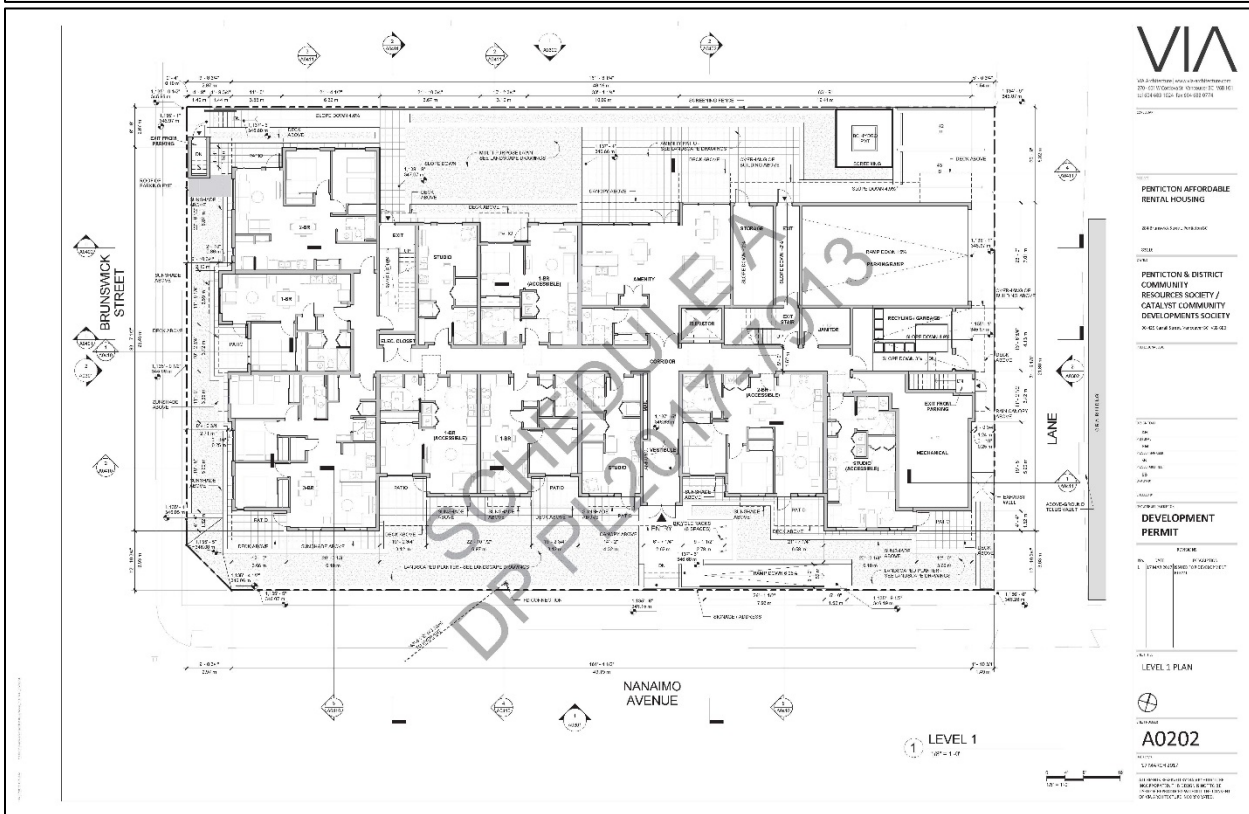
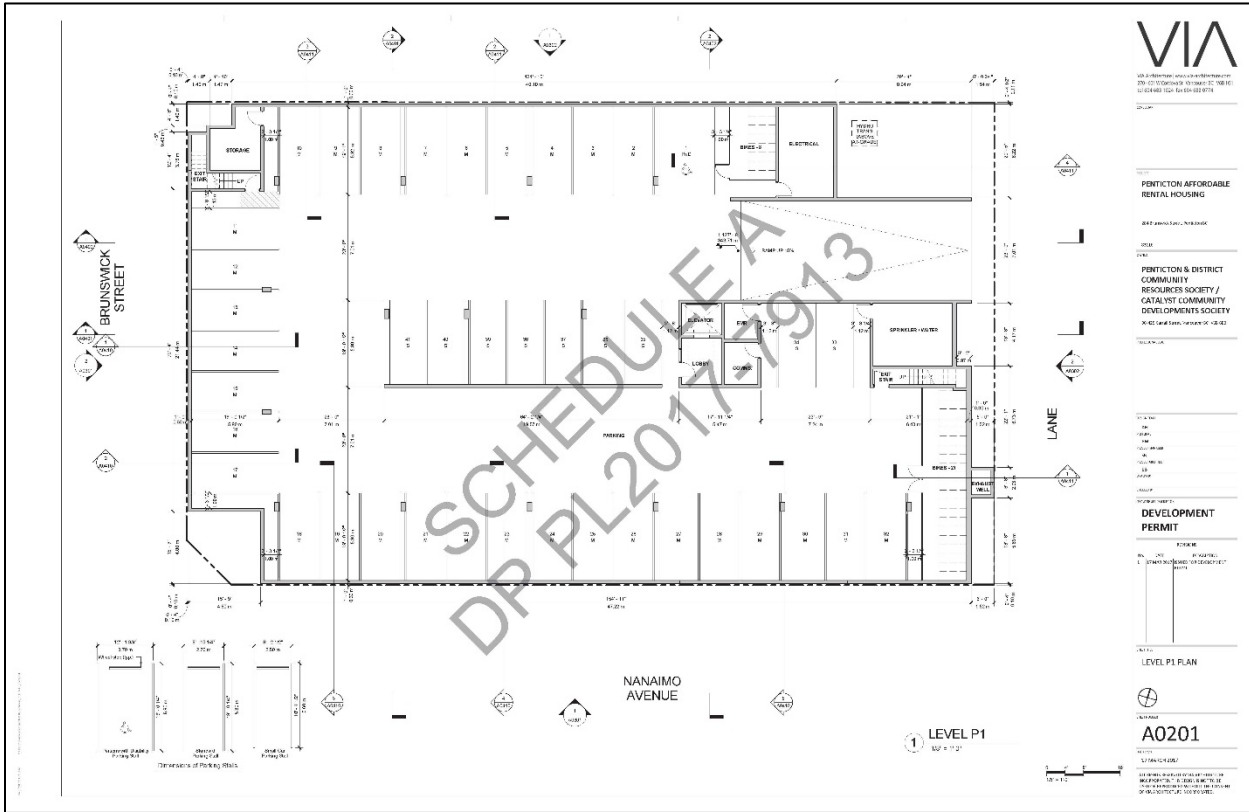
The design summary for this project includes a range of key features and details. The design includes a mix of housing options, including single-family homes, townhouses, and multi-family units. The design is designed to be flexible and adaptable to a variety of site conditions and requirements. The design includes a range of features that enhance the quality of life for residents, including energy-efficient and sustainable features. The design is also designed to be aesthetically pleasing and to blend with the surrounding community. The design is designed to be cost-effective and to provide a high level of value for the investment. The design is designed to be flexible and adaptable to a variety of site conditions and requirements.

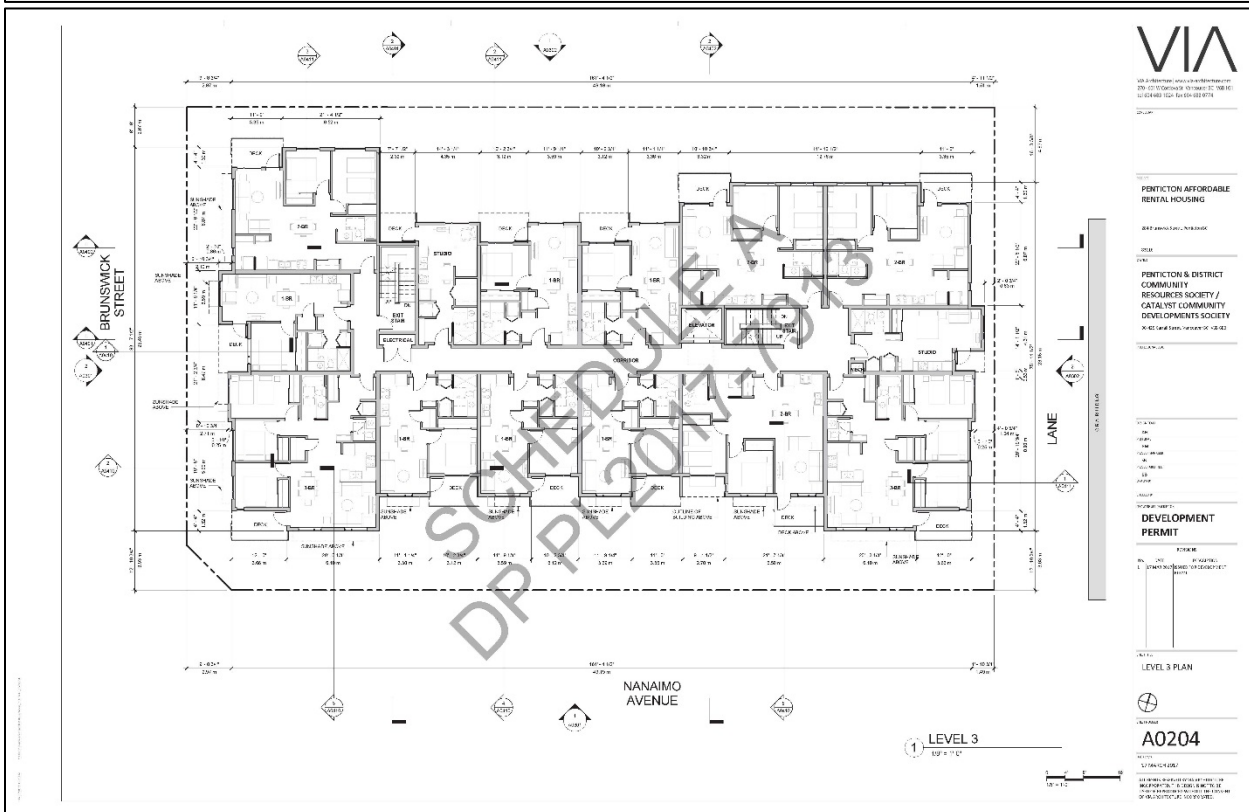
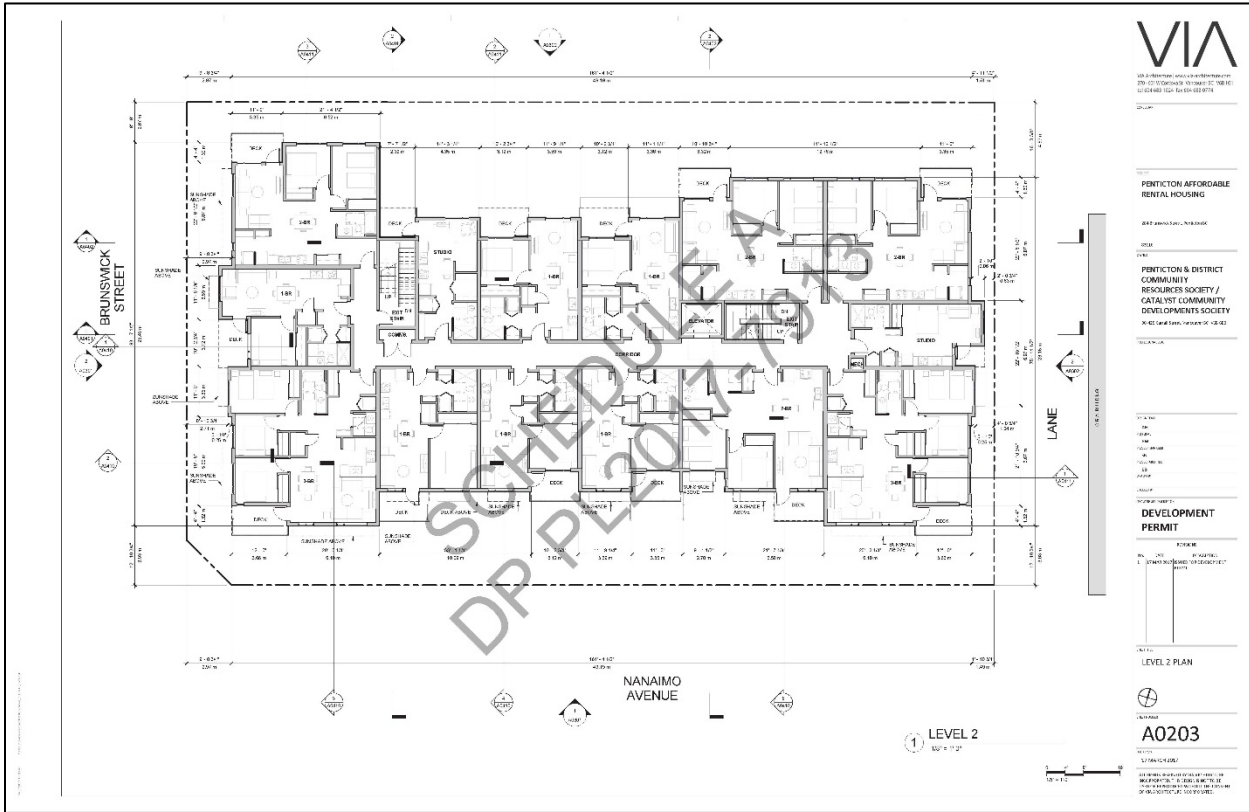
**Building Summary and Design Rationale**

The building summary and design rationale for this project includes a range of key features and details. The building is designed to be flexible and adaptable to a variety of site conditions and requirements. The building includes a range of features that enhance the quality of life for residents, including energy-efficient and sustainable features. The building is also designed to be aesthetically pleasing and to blend with the surrounding community. The building is designed to be cost-effective and to provide a high level of value for the investment. The building is designed to be flexible and adaptable to a variety of site conditions and requirements.

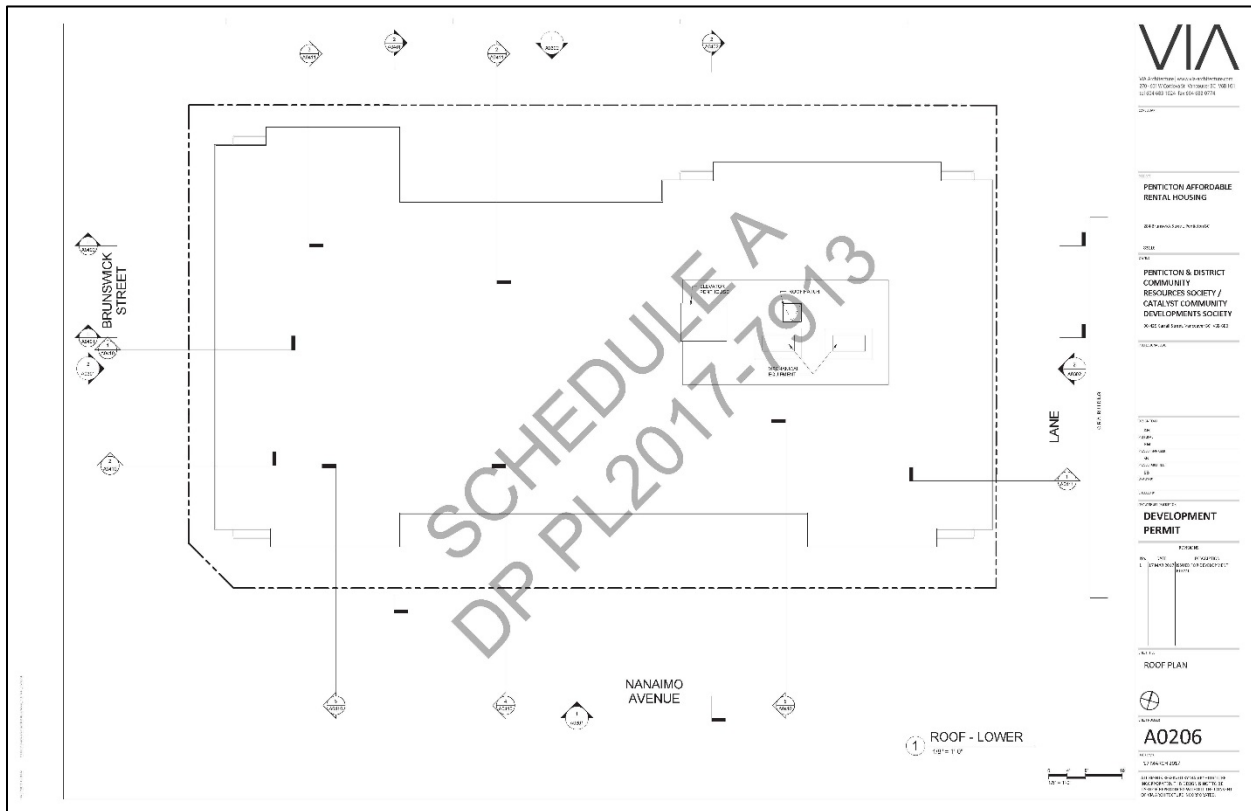
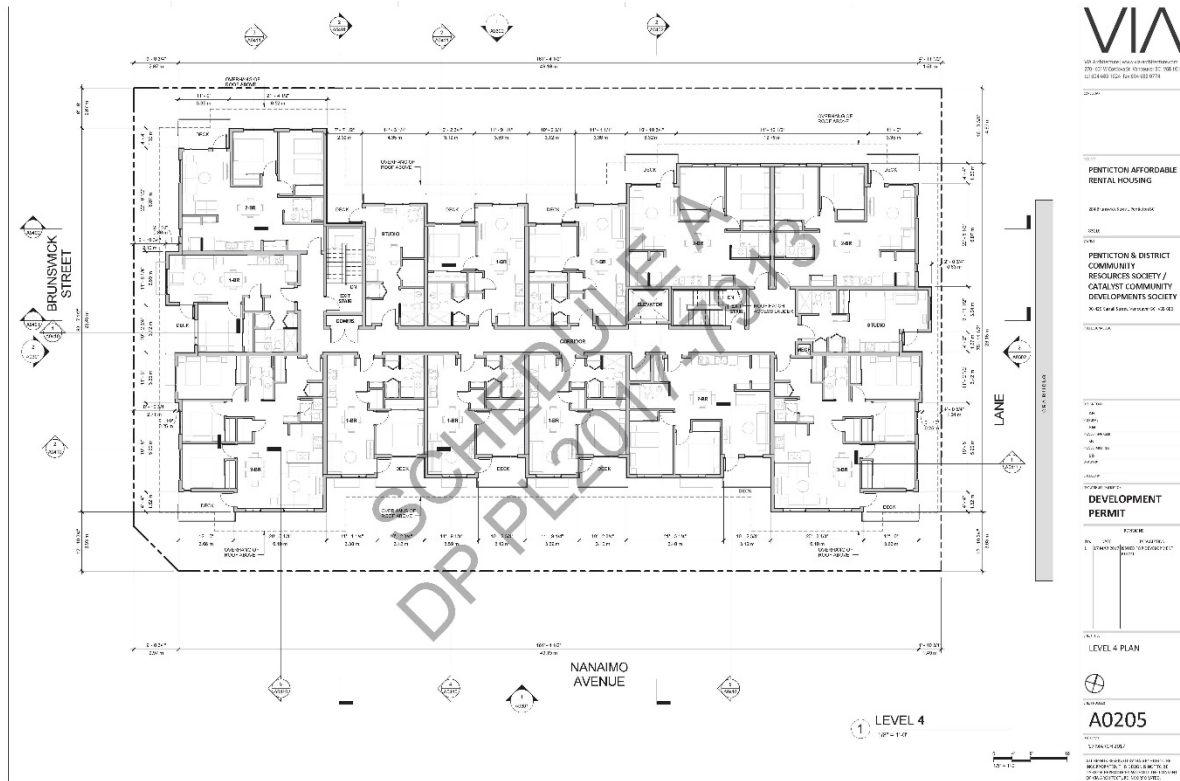
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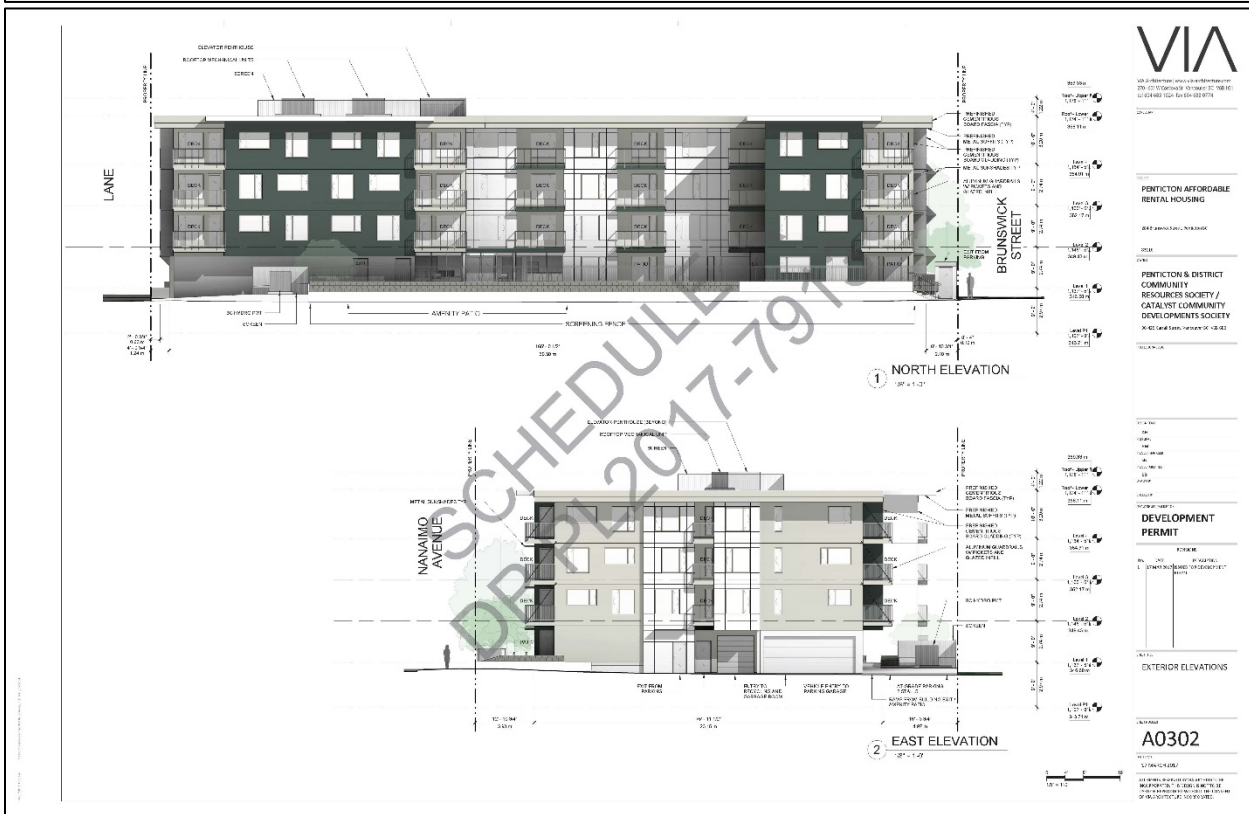
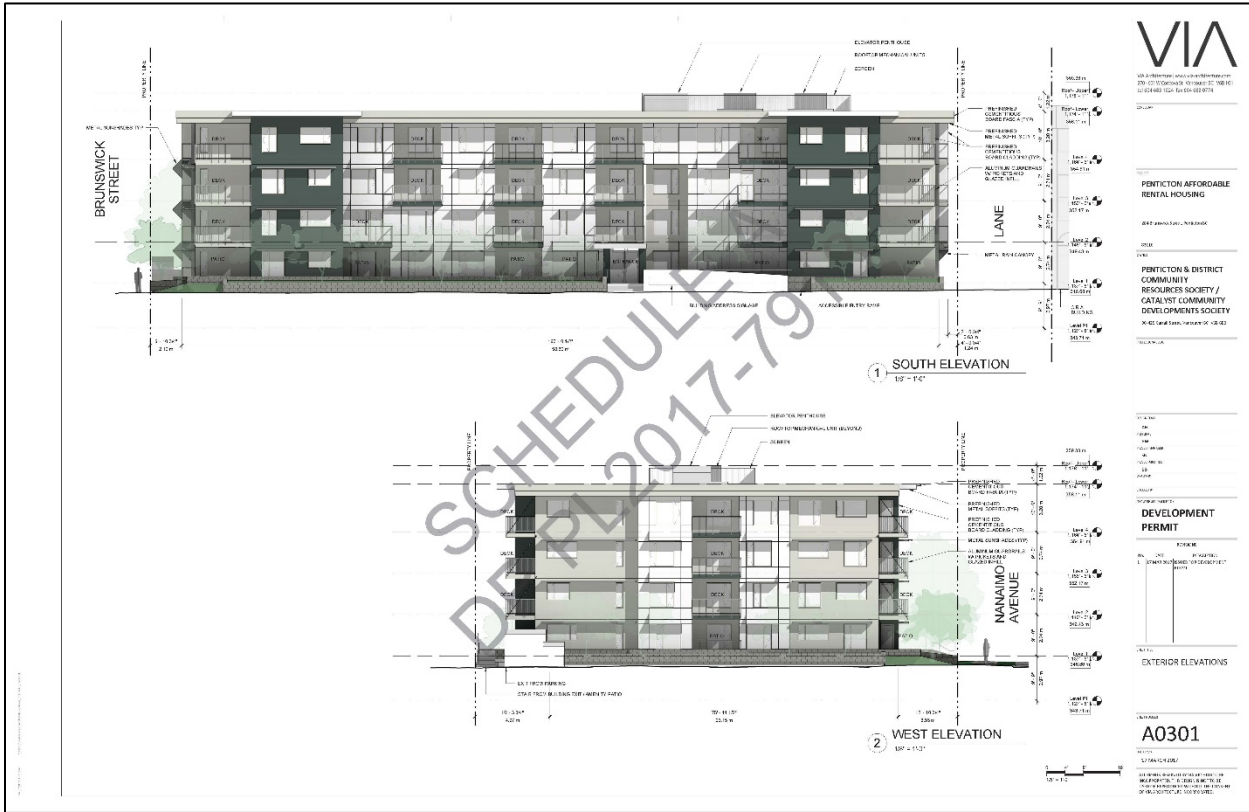


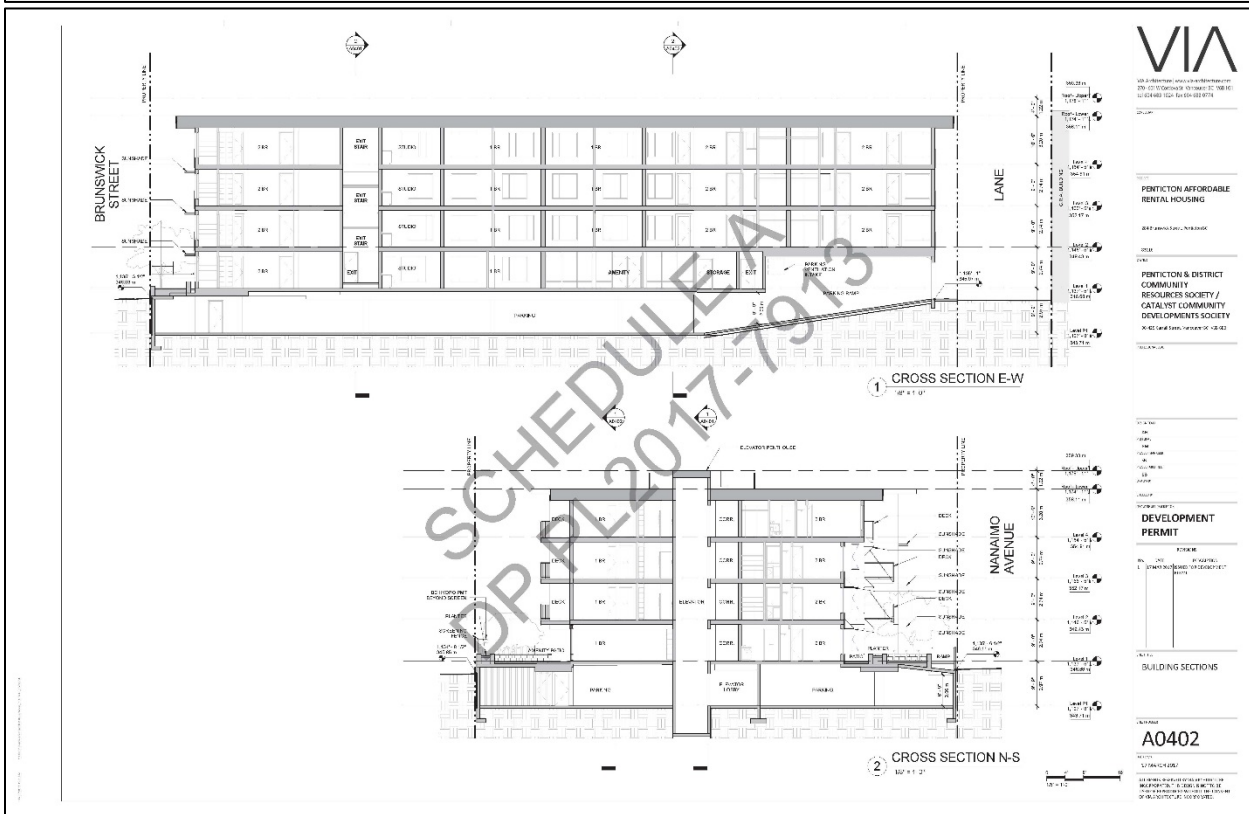
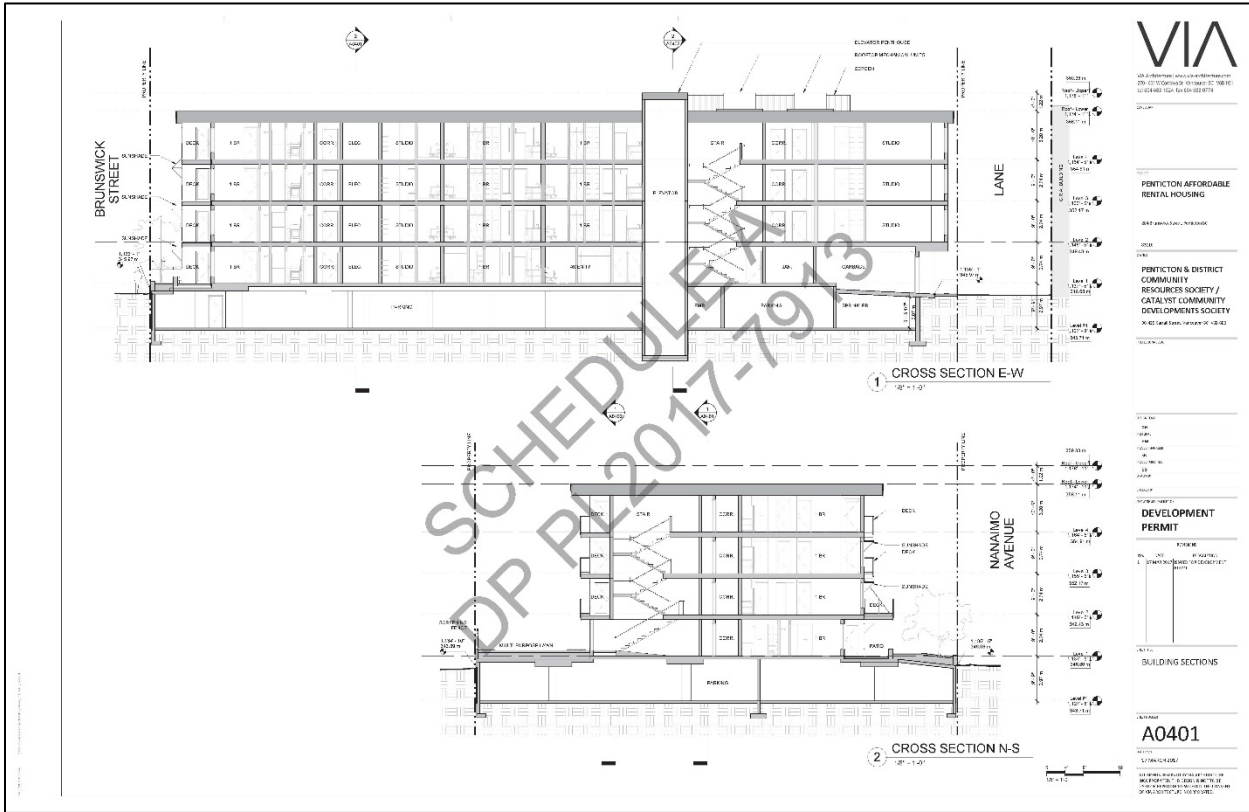












**Bylaw No. 2017-33**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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 2017-08;

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. 2017-33".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Add under **11.5 C5 – Urban Centre Commercial:**

**11.5.4 SITE SPECIFIC PROVISIONS**

.6 On Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan EPP57755, located at 285 Nanaimo Ave W, residential uses shall be permitted on the first floor.

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

RECEIVED the approval of the \_\_\_\_\_ day of \_\_\_\_\_, 2017

Ministry of Transportation on the  
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*.

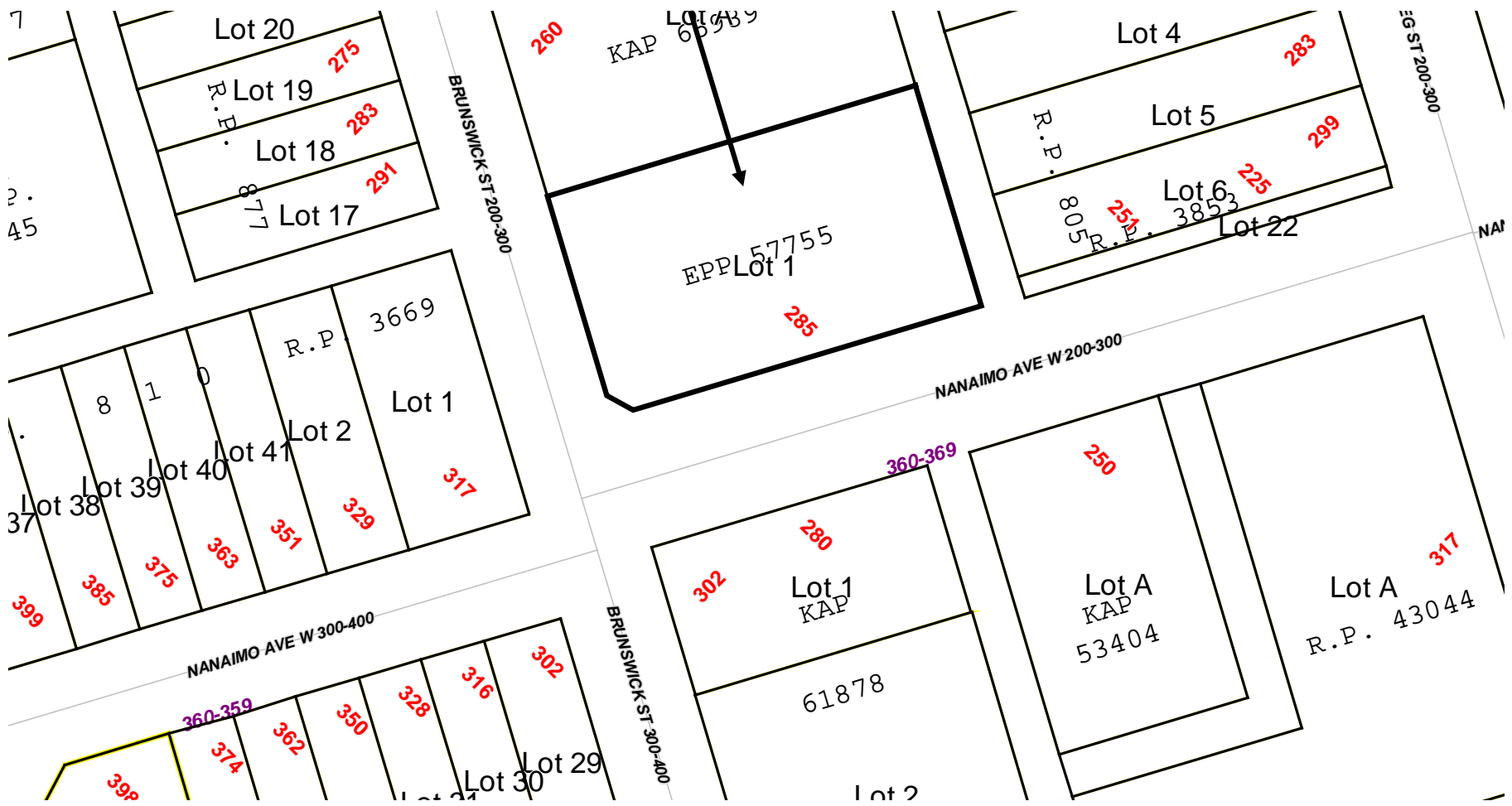
Approved pursuant to section 52(3)(a) of the *Transportation Act*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017  
  
\_\_\_\_\_  
for Minister of Transportation & Infrastructure

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

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

# Site Specific Zoning Amendment

To permit ground floor residential units at 285 Nanaimo Ave W (C5 Zone)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-33

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

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

# Council Report

penticton.ca

**Date:** May 2, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 532/536 Main Street  
**Subject:** **Zoning Bylaw Amendment No. 2017-34**

File No: RZ PL2016 7800

## Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2017-34", a bylaw adding section 11.5.4.7: "In the case of Lot 5, Block 19, District Lot 202, Similkameen Division Yale District Plan 269, located at 532/536 Main Street, dwelling units on the first storey behind commercial spaces shall be permitted", be introduced, read a first time and be forwarded to the May 23<sup>rd</sup>, 2017 Public Hearing.

## Strategic priority objective

N/A

## Background

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and is also zoned C5 (Urban Centre Commercial) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. The site is 744m<sup>2</sup> (0.184acre) in size and currently features an existing mixed use building with vacant commercial spaces on the first floor and four residential units on the second storey. This site is situated in an area with a mix of commercial, residential and office buildings.

Council adopted the Downtown Plan in July 2013. Throughout the creation of the Downtown Plan, development and land use throughout the entire City were taken into consideration. One of the policies of the Downtown Plan focuses on increasing residential density opportunities and reducing potential future commercial expansion into the periphery of the downtown, concentrating commercial development in the core. Another important policy is to encourage existing and new businesses as well as other contributors to locate within the specific character areas that most compliment surrounding land uses.

The applicant intends to convert the vacant commercial spaces on the first floor of the building, approximately 3,418 ft<sup>2</sup>, into 4 residential dwelling units with 2 small commercial leasable spaces fronting Main Street. Two additional residential units are also proposed on the second floor for a total of 10 dwelling units on the lot. The C5 zone restricts dwelling units to the second storey or higher. The reason for this regulation is to create a more active ground floor appearance to buildings in the commercial areas of the



City. Because of this restriction, the applicant is requesting a site specific rezoning from Council to allow 4 dwelling units on the first storey of the building.

### Proposal

The applicant is requesting a site specific rezoning to allow dwelling units on the first storey of their mixed use building behind small scale commercial spaces for this property only. The applicant intends to renovate the vacant commercial spaces into 2 small (25m<sup>2</sup> total) commercial leasable spaces with a shared bathroom fronting Main Street and 4 one bedroom residential dwelling units. Additional residential units are also proposed on the second floor for a total of 10 dwelling units on the lot.

### Development Statistics

Item	Requirement C5 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	100%	100%
<b>Maximum Density:</b>	6.0 FAR	0.8 FAR
<b>Vehicle Parking:</b>	6 new stalls	Cash in lieu for existing floor area converted to residential units at a rate of \$6,000 x 6
<b>Bicycle Parking Class I</b>	0.5 per unit (3)	3 stalls
<b>Required Setbacks:</b> All yards	0.0 m	0.0 m
<b>Maximum Building Height:</b>	15m (Main Street)	7m
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>The DP area that the property is situated in is the "Downtown Commercial Development Permit" area.</li> </ul>	

### Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No concerns were identified.

### Financial implication

N/A

### Analysis

#### *Support zoning amendment*

The subject property is designated for Downtown Commercial (DC) by OCP Bylaw 2002-20. This designation encourages a wide range of pedestrian oriented retail, office, institutional use, entertainment and also includes multi-family residential above the ground floor. The Downtown Plan specifies the promotion of



options to strengthen the economic vitality of the downtown, enhancing the character of the downtown and building local capacity. Promoting residential at grade in the downtown south will offer opportunities for denser residential development and support commercial activity onto Main Street. The Downtown Plan supports retaining the three storey character of Main Street.

Planning policies in the downtown encourage a mix of uses, particularly the combination of retail and residential uses. Mixtures of uses tend to create vibrancy and healthy density – the businesses provide services for residents and the residences provide customers for the businesses. In commercial areas where residential uses are proposed, the residential units are normally restricted to upper storeys of buildings to ensure an active and vibrant ground floor atmosphere and lively streetscape. Commercial uses, especially retail uses, are by nature more lively than residential uses, which usually require greater levels of privacy. In this instance, though very small, the commercial uses on Main Street are retained to provide for a commercial frontage along Main Street. The OCP does not have a minimum or maximum size for commercial spaces. The applicant has met with the Downtown Penticton Association and they have provided verbal support of the concept.

The subject property is designated as being in the Downtown Commercial Development Permit Area (DPA) by the Official Community Plan (OCP). The OCP outlines guidelines for staff and Council to consider when reviewing a development permit application. If Council supports the rezoning, a development permit approval to construct the proposed works will need to be granted and will come at a later date. Staff feels that the size, design, scale and scope of the proposed use are compatible with the character of Main Street and the policies laid out in the Downtown Plan. As such, staff recommend that Council support the application to rezone the property and refer the application to the May 23<sup>rd</sup>, 2017 Public Hearing.

Deny/Refer

Council may feel that the proposed amendment is not suitable for this site, Council should deny the bylaw amendment. Alternatively, Council may refer the application back to staff with further instructions.

**Alternate Recommendations**

- 1. THAT Council deny first reading to “Zoning Amendment Bylaw No. 2017-34”.

**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: Zoning Amendment Bylaw 2017-34

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Director  AH	CAO  PW
--------------------	---------------

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map



Figure 2: OCP Map

Attachment C - Zoning Map

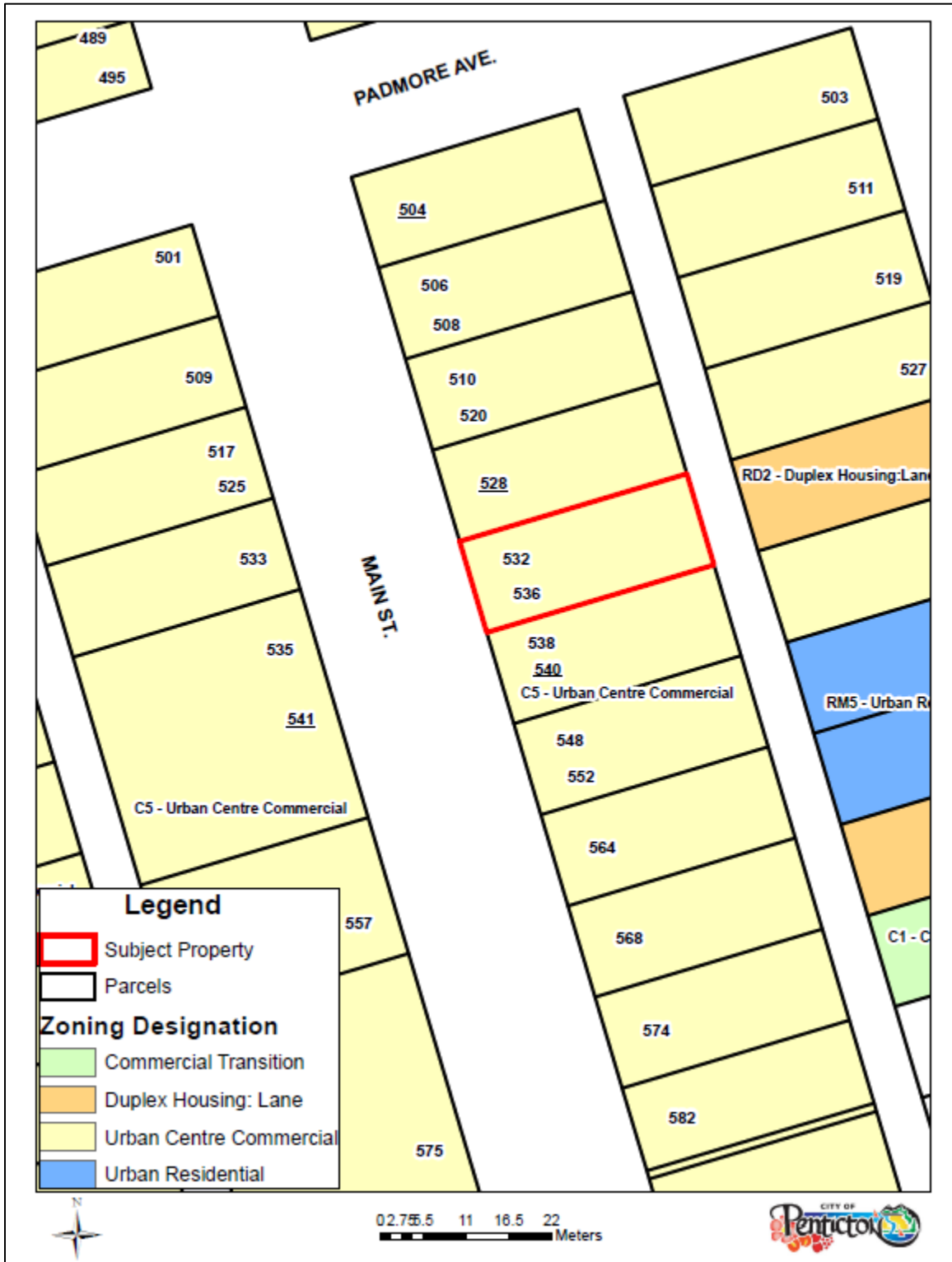


Figure 3: Zoning Map



Attachment D - Images of the Subject Property



Figure 4: View from Main Street



Figure 5: View from the Lane

Attachment E - Letter of Rationale

NOV 22 2016  
654299 BC LTD .

RE: 532-536 MAIN ST PENTICTON V2A-5C7

THIS APPLICATION IS TO REZONE THE ABOVE ADDRESS  
TO ALLOW FOR TWO COMMERCIAL AND FOUR  
RESIDENTIAL SUITES ON THE GROUND FLOOR.



IAN WILSON  
654299 BC LTD

Attachment F - Elevations

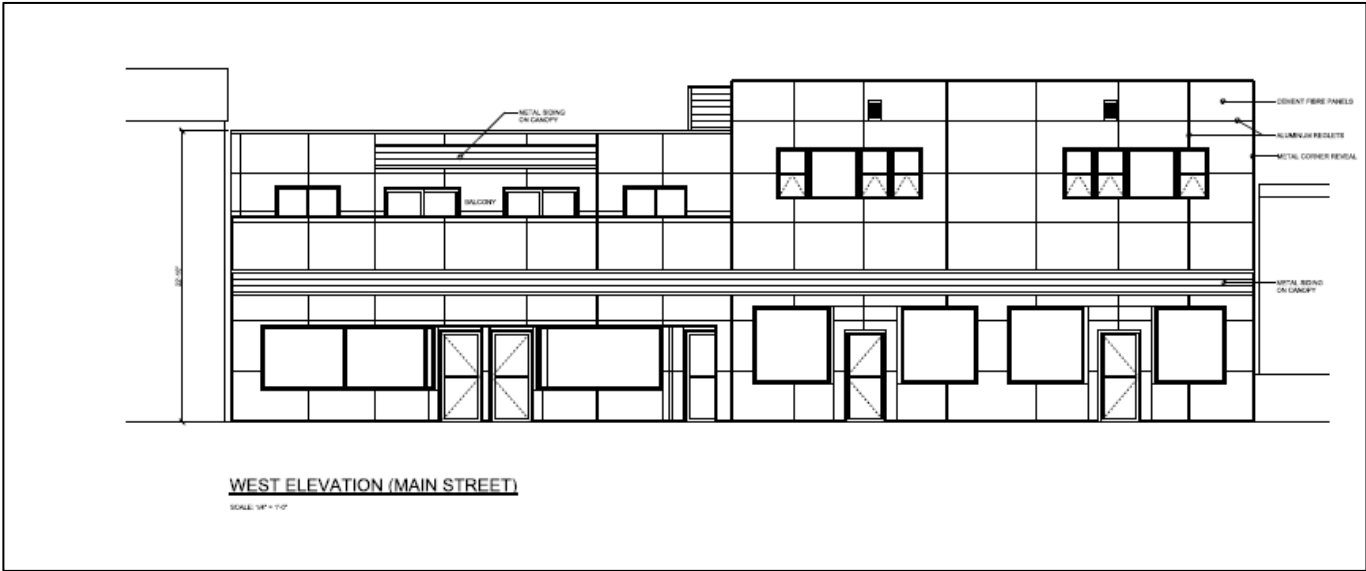


Figure 6: View from Main Street

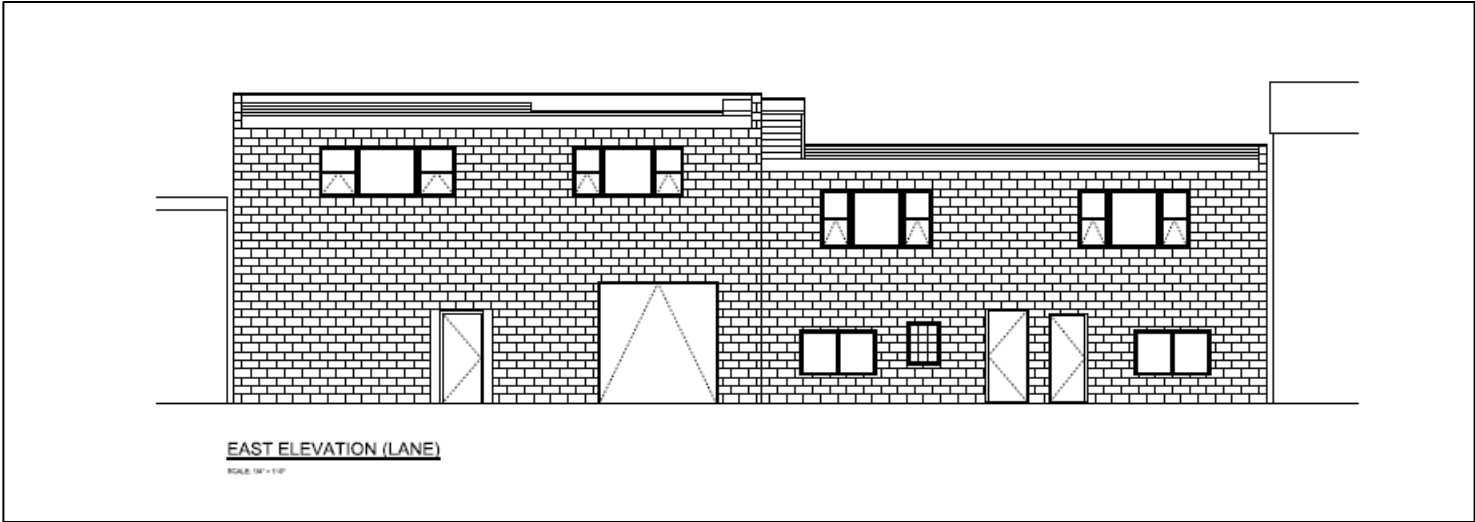
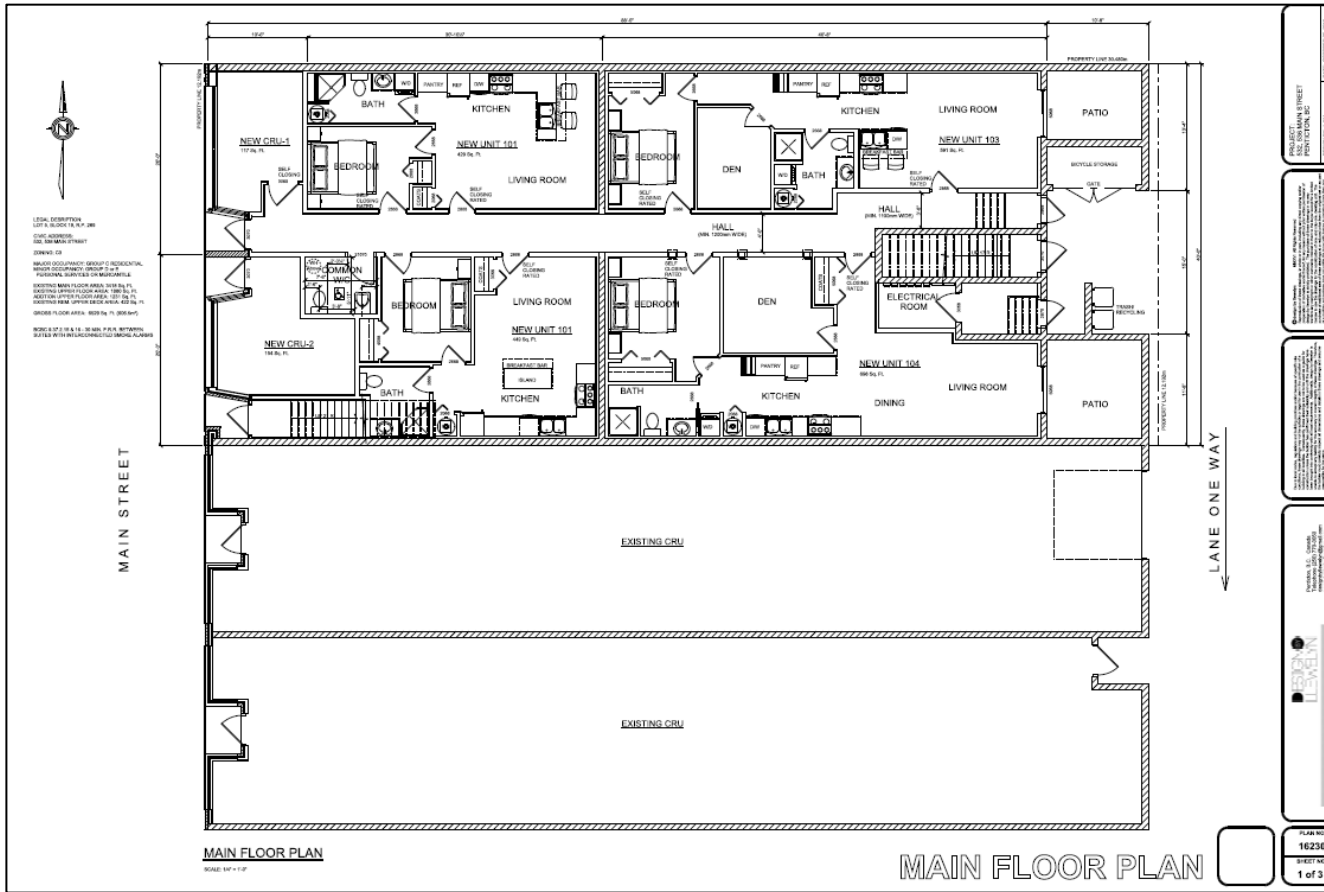
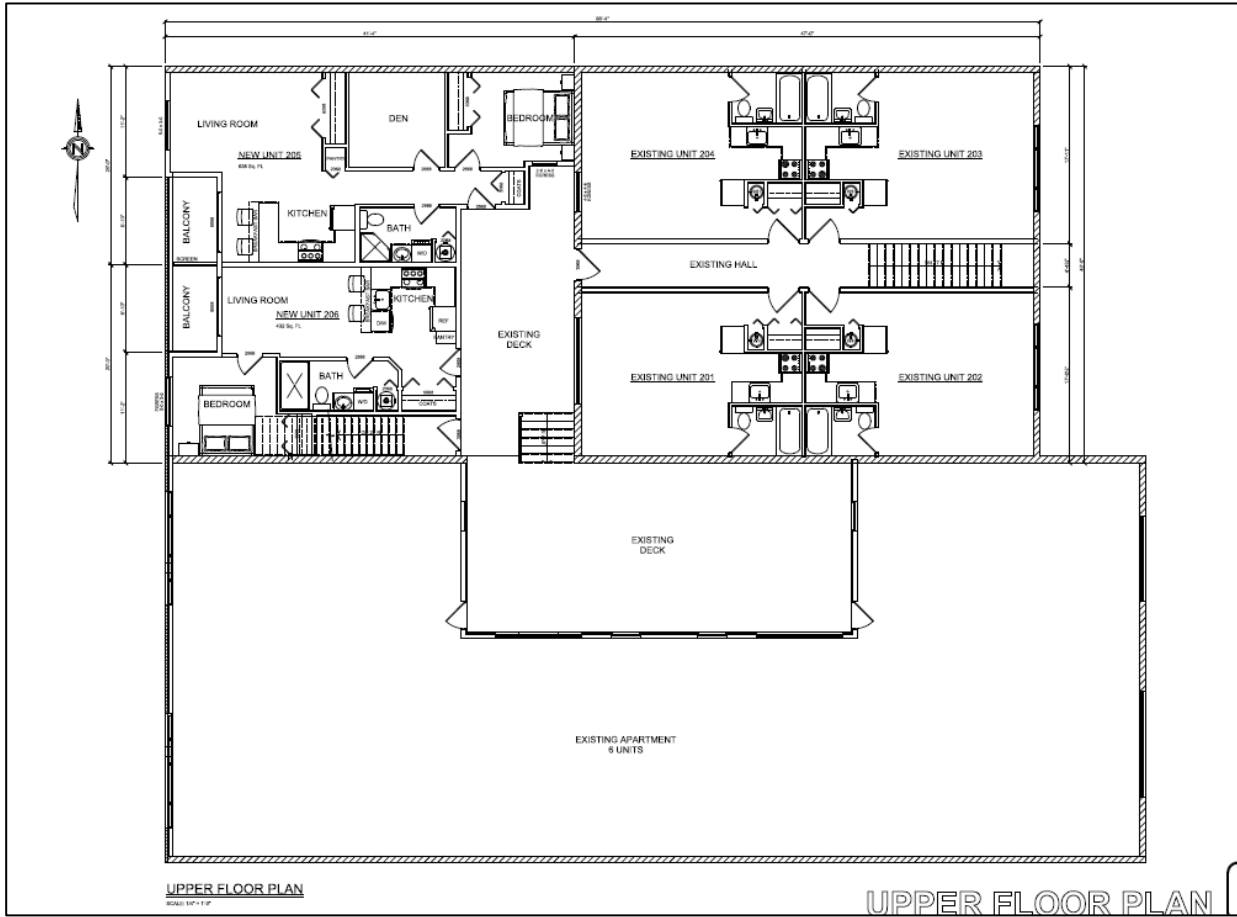


Figure 7: View from the lane



# Attachment G – Floor Plans





Bylaw No. 2017-34

A Bylaw to Amend Zoning Bylaw 2017-08

---

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 2017-08;

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

1. **Title:**

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2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Add under **11.5 C5 – Urban Centre Commercial:**

**11.5.4 SITE SPECIFIC PROVISIONS**

.7 In the case of Lot 5, Block 19, District Lot 202, Similkameen Division Yale District Plan 269, located at 532/536 Main Street, dwelling units on the first storey behind commercial spaces shall be permitted.

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*.

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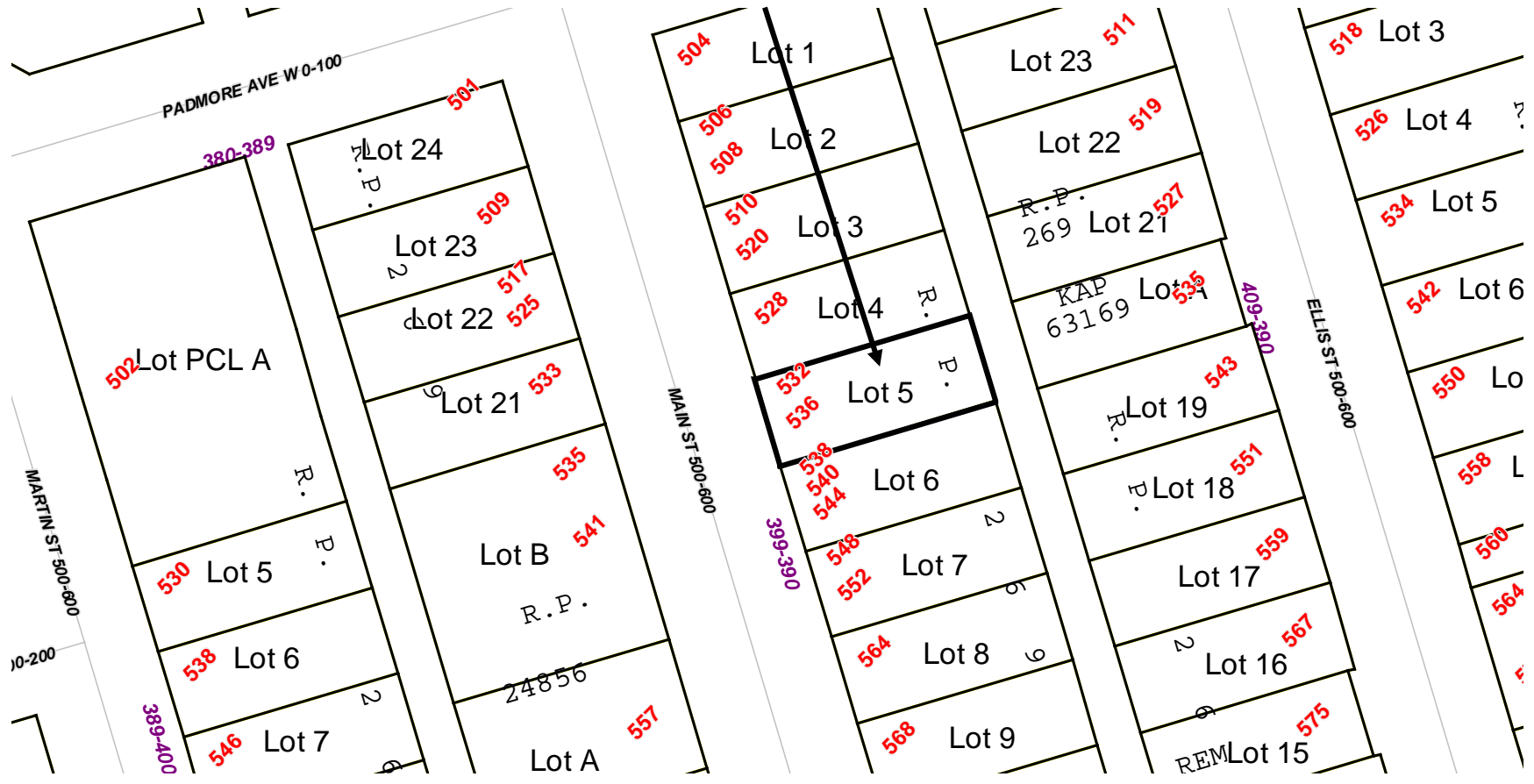
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

# Site Specific Zoning Amendment

## To permit dwelling units on the first storey behind commercial spaces at 532/536 Main Street (C5 Zone)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-34

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

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

# Council Report

[penticton.ca](http://penticton.ca)

**Date:** May 2, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 32-56 Backstreet Boulevard  
**Subject:** **Development Permit PL2017-7882**

File No: DP PL2017-7882

## Staff Recommendation

THAT Council approve DP PL2017-7882, a permit to allow the construction of an eight (8) storey building on *Lot 36, Lot 37, Lot 39, Lot 40, Block 6, District 202, Similkameen Division Yale District, Plan 269*, located at 56, 52, 40 and 32 Backstreet Boulevard, *The Easterly 15 Feet of Lot 38 Being The Easterly 15 Feet Frontage on Westminster Avenue By The Full Depth of Said Lot; Block 6, District Lot 202, Similkameen Division Yale District, Plan 269* located at 48 Backstreet Boulevard; and *Lot 38, Block 6, District 202, Similkameen Division Yale District, Plan 269 Except the Easterly 15 Feet Measured Along Westminster Avenue By The Full Depth of Said Lot* located at 44 Backstreet Boulevard;

AND THAT the 6 lots be consolidated prior to issuance of the Development Permit.

## Strategic priority objective

This project will add valuable residential units to the city's housing stock supporting housing affordability in Penticton and meeting the strategic priority of creating a livable and affordable community. The proposed development supports the City's priority for downtown revitalization and creation of a more walkable, liveable and sustainable community.

## Background

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and is also zoned C5 (Urban Centre Commercial) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. This proposal includes 6 parcels of land directly behind Main Street. The site has been used for a leased private parking. The subject site is 1,237m<sup>2</sup> (0.305 acre) in size. All the properties along Backstreet Boulevard are designated Downtown Commercial (DC) by the City's Official Community Plan.

The developer is proposing to develop a strata, multi-family project comprising three storey commercial and 5 storey residential with a total of 32 residential units. The proposed building contains a main level of 32 parking stalls along with retail space and residential access. The second level includes retail and office area

and the third level will be dedicated to offices. Levels four to seven contain 28 residential units with seven units per floor. Level eight contains four penthouse units.

## Proposal

The applicant is requesting a Development Permit approval to construct the proposed 8 storey mixed use building. The vehicular access to this development is from the lane and the building fronts onto Backstreet Boulevard. The first three levels of commercial will be concrete and steel construction and the residential units (levels 4-8) will be constructed using factory-built solutions from a local company and will be transported and craned into place. This landmark project will be the first modular mi-rise construction in Penticton.

## Project Specifications

The following table outlines the proposed development statistics on the plans submitted with the application:

### Development Statistics

Item	Requirement C5 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	100%	100%
<b>Maximum Density:</b>	6.0 FAR	5.14 FAR
<b>Vehicle Parking:</b>	32 stalls	32 stalls
<b>Bicycle Parking</b> <i>Class I</i>	0.5 per unit (16) minimum 2 for commercial uses + 15 when over 250m <sup>2</sup>	32 stalls 8 stalls(Cash –in-lieu required for 9 stalls)
<i>Class II</i>	0.1 per unit(3)	3 stalls
<b>Required Setbacks:</b> All yards	0.0 m	0.0 m
<b>Maximum Building Height:</b>	36.6m	31m
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>The DP area that the property is situated in is the “Downtown Enterprise Development Permit” area.</li> </ul>	

## Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Usual 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. Additionally, the city has an electrical pole that is encroaching on the site that is currently not protected by an easement. In discussions with the developer the electrical department agreed to move the

pole at their cost (approximately \$30-40K) and the developer is to work with the Electrical Department to determine the exact cost, process and design requirements for underground service.

### **Financial implication**

The proposed development will significantly contribute toward the future tax base within the City of Penticton, contributing towards through both commercial and residential classes. Through use of existing infrastructure in an efficient manner by proposing a higher density, the proposed development supports sustainable community development and use of infrastructure in an efficient manner.

### **Analysis**

#### Support Development Permit

#### Official Community Plan & Downtown Revitalization Plan

The Downtown Plan, adopted into the Official Community Plan by Council in 2013 formalized the vision and set planning principles, objectives, policies and actions to guide the development and revitalization of downtown. This was completed after extensive engagement and consultation with the community through 2012 and 2013. The Downtown Plan specifically addresses opportunities for redevelopment and re-invention with a strong connection with creativity and history. The Downtown Plan main goals include:

- Build a vibrant, healthy and safe place for more people to live, work and play.
- Create strong identity and character.
- Create partnerships to make it easier for businesses to invest.

The proposed 8 storey mixed-use development is exactly what was envisioned for the downtown community. The density proposed and for of development provides for an increase in the supply of quality commercial space in the heart of the downtown and provides for an increased residential density in a strategic location.

The proposed development also supports the recent street improvement projects invested in by the community and downtown property owners along Martin and Main Streets. The increased downtown residential population supports the local businesses community and increased pedestrian use of the improved sidewalks.

#### Downtown Enterprise Development Permit Area

The Downtown Enterprise Development Permit Area (DPA) encompasses a three block area, which is considered to be the “heart” of Penticton’s downtown. The City recognizes that the attractiveness of this area is vital in attracting tourists, pedestrians, and new development to the area. As such, development is expected to largely comply with what the OCP recommends with respect to siting, design, and community impact.

In terms of the Downtown Enterprise Development Permit Guidelines, the following is noted:



- The building design incorporates high degree of architectural detailing and includes an assortment of building finishes that provide visual interest. The East Elevation adjacent to the Guerard's Furniture store will include variation of colors to reduce the impact of the solid wall.
- Building finishes are consistent in terms of appearance and color on all elevations including brick and stone wood panels.
- The building entrance and façade provide separate and distinct identities for businesses and residents.
- The building design is visually compatible with existing adjacencies. Building articulation is used to provide visual interest and enhance the existing pedestrian environment.

In summary, the development meets the following objectives of the OCP:

- Encourage residential intensification and allow for a visually interesting building design
- Encourage mixed use development on vacant parcels
- Promote infill development with priority on mixed use development with ground floor commercial
- Retains the Downtown Commercial areas as a compact well defined and pedestrian oriented area and embrace convenient access to business, activities and services
- Support densification in areas where existing services can accommodate higher densities

Overall, staff believe that the proposed building will create positive impacts for the downtown with the increase in commercial area and the 32 new residential units. The overall design and appearance of the building is of high quality and will add certainly to Penticton as a whole. Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. The six lots will need to be consolidated prior to issuance of the development permit. As such, staff recommend that Council approve the development permit, subject to lots consolidation, and direct staff to issue the permit.

#### Deny/Refer

Council may feel that the proposed development does not meet the design guidelines contained with the OCP and should not be permitted to advance as a result. If this is the case, Council should deny the development permit application.

Alternatively, Council may wish to refer the proposed development back to planning staff with conditions that better reflect the OCP design guidelines, Council can forward back for staff review.

#### **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 G:	Building Rendering
Attachment H:	Site Plan
Attachment I:	DVP

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Director <i>AT</i>	CAO PW
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Attachment A - Subject Property

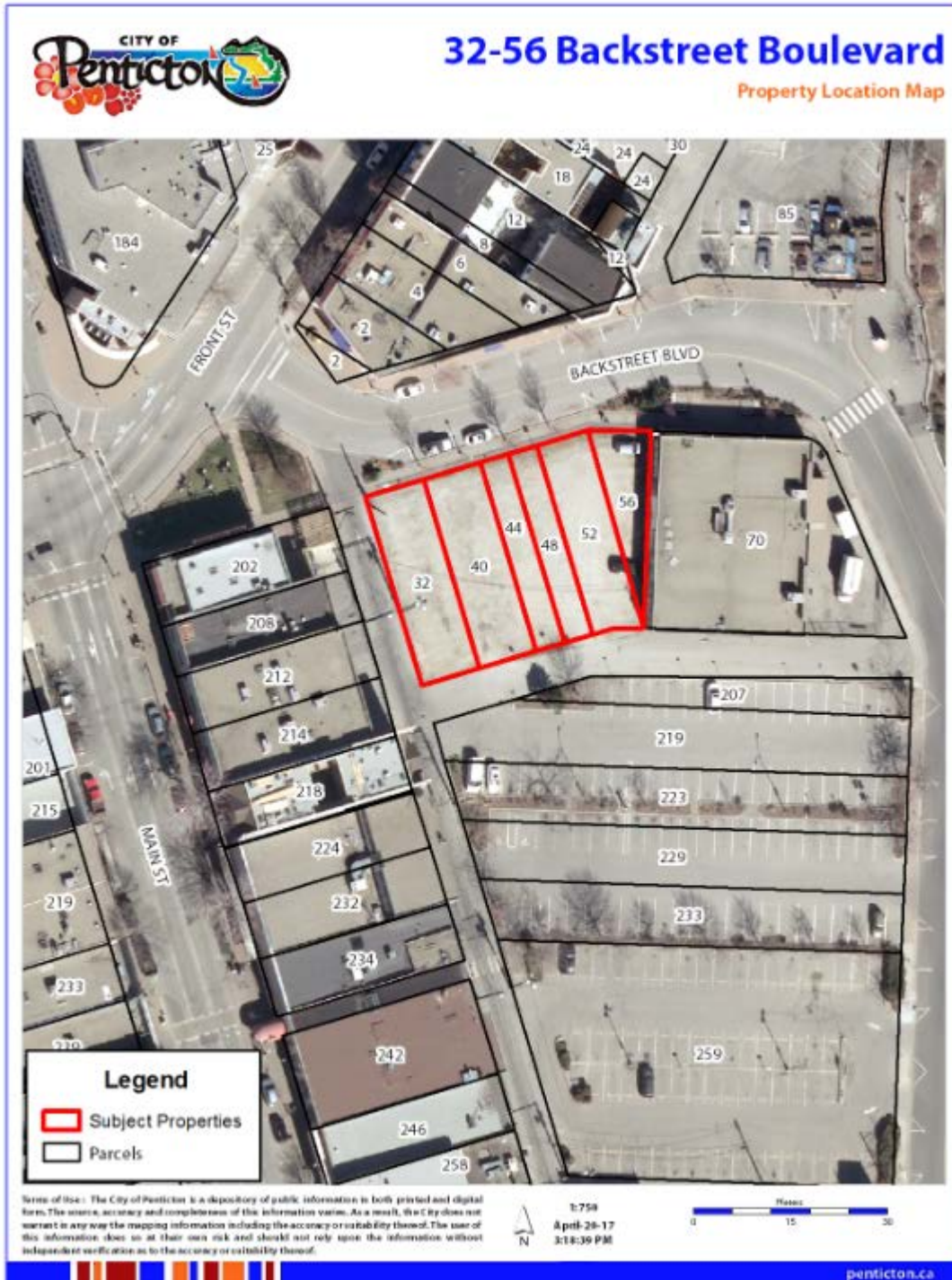


Figure 1: Location Map

Attachment B - OCP Map

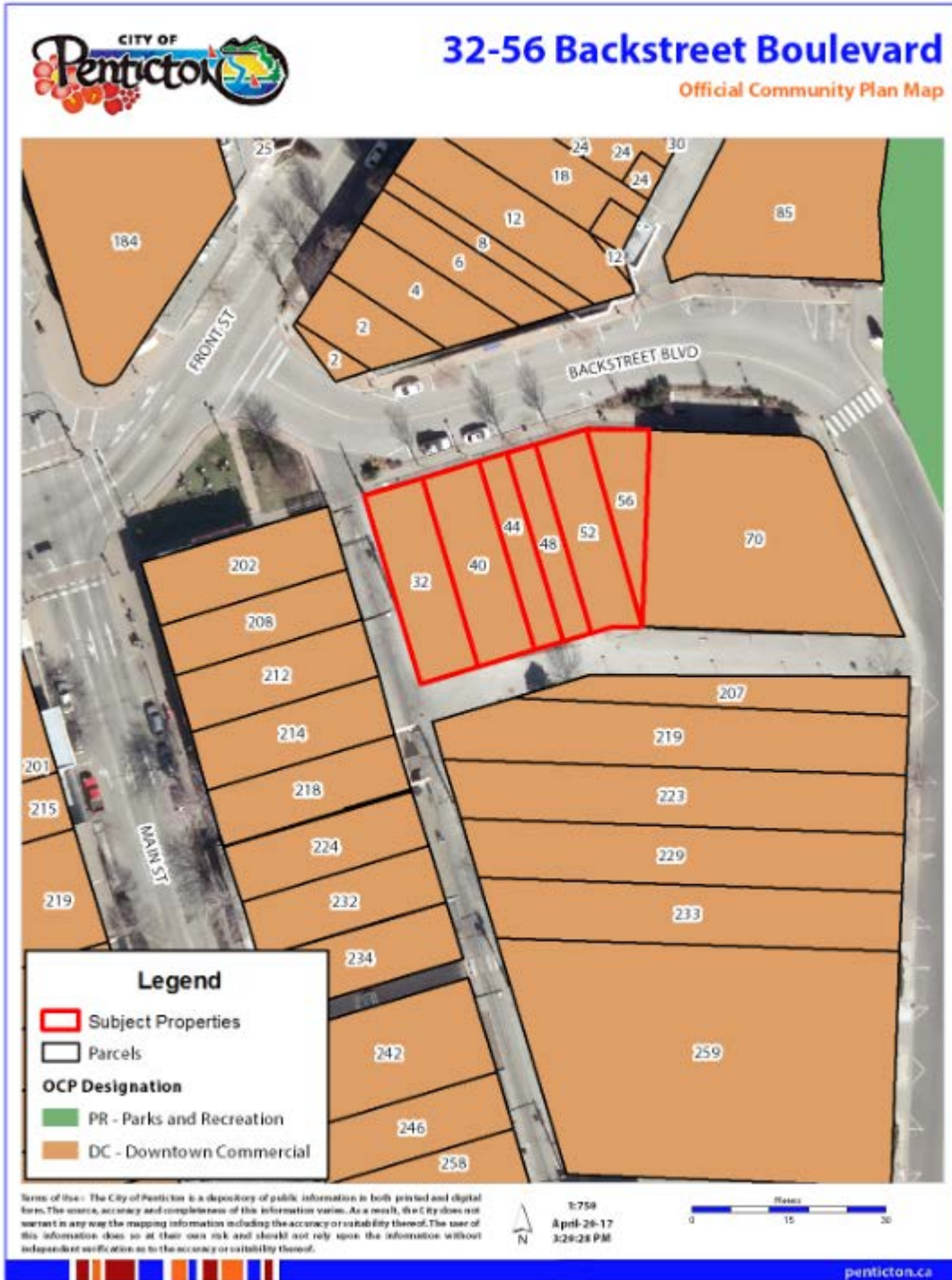


Figure 2: OCP Map



Attachment C - Zoning Map

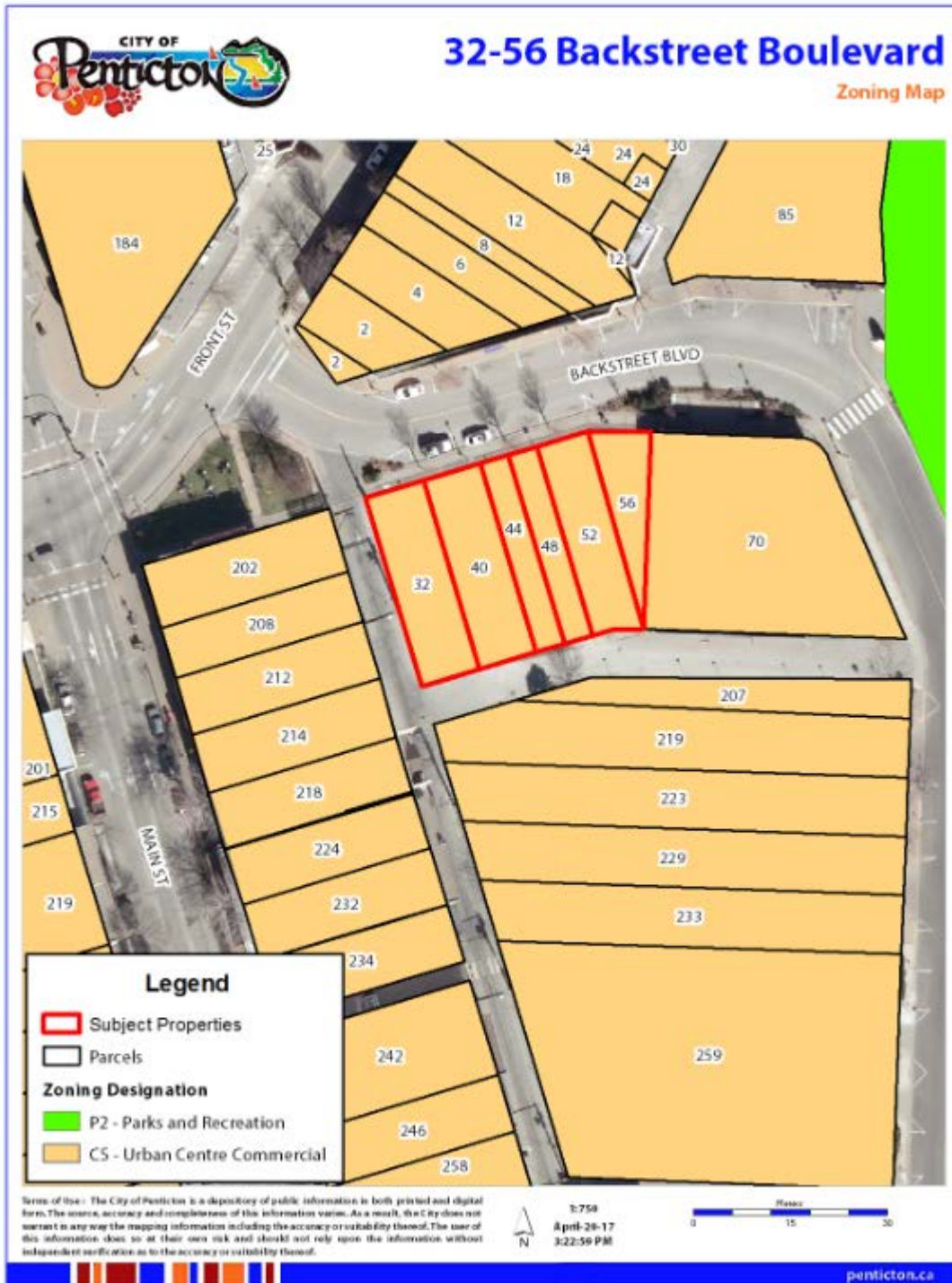


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View at the corner of Backstreet Blvd and the lane



Figure 5: View Looking East





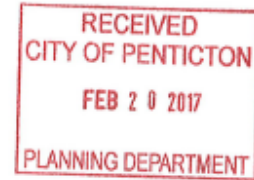
Figure 6: View from the lane



Figure 7: View from the lane



Attachment E –Letter of Rationale



February 20, 2017

Ms. Audrey Tanguay  
Senior Planner, City of Penticton  
171 Main St  
Penticton BC

Dear Ms. Tanguay,

Re: Mixed Use Development, 32-56 Backstreet Boulevard

On behalf of the developers of this proposed building, we are respectfully submitting the following to provide an overview of the development. The lot parcel, which is comprised of six small lots and currently used for leased private parking, is well situated in close proximity to Main St, Ellis St, Penticton Creek and government offices. We feel that the best use of the property would be to provide residential units in combination with high-quality office and retail space to augment and reinforce the vitality and urban character of downtown Penticton. The eight-storey building contains a main level of 32 parking stalls along with retail space, utility services and office and residential access. Level two includes retail and office areas while level three is devoted to office space. Levels four through eight contain 32 residential units- seven units per floor for three floors and four penthouse units. The residential homes are to be constructed using a sophisticated prefabrication technique where the modules that comprise each apartment are manufactured at Moduline Homes in Penticton and then trucked and craned into place. It is our intention that this development will simultaneously be a landmark project for modular mid-rise construction, augment the street quality of Backstreet Boulevard and enhance the energy of downtown Penticton.

Attachment F – Building Rendering



Figure 8: North Elevation (Backstreet Boulevard)



Figure 9: North Elevation (Street Level)

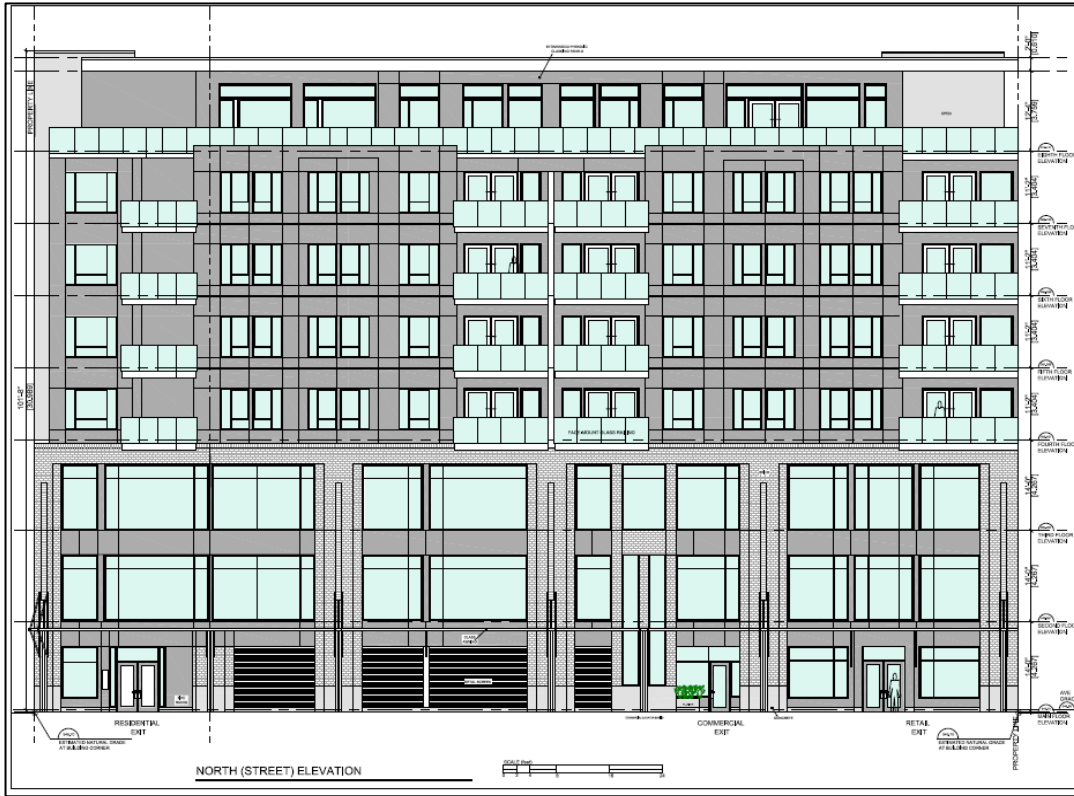


Figure 10: North Elevation

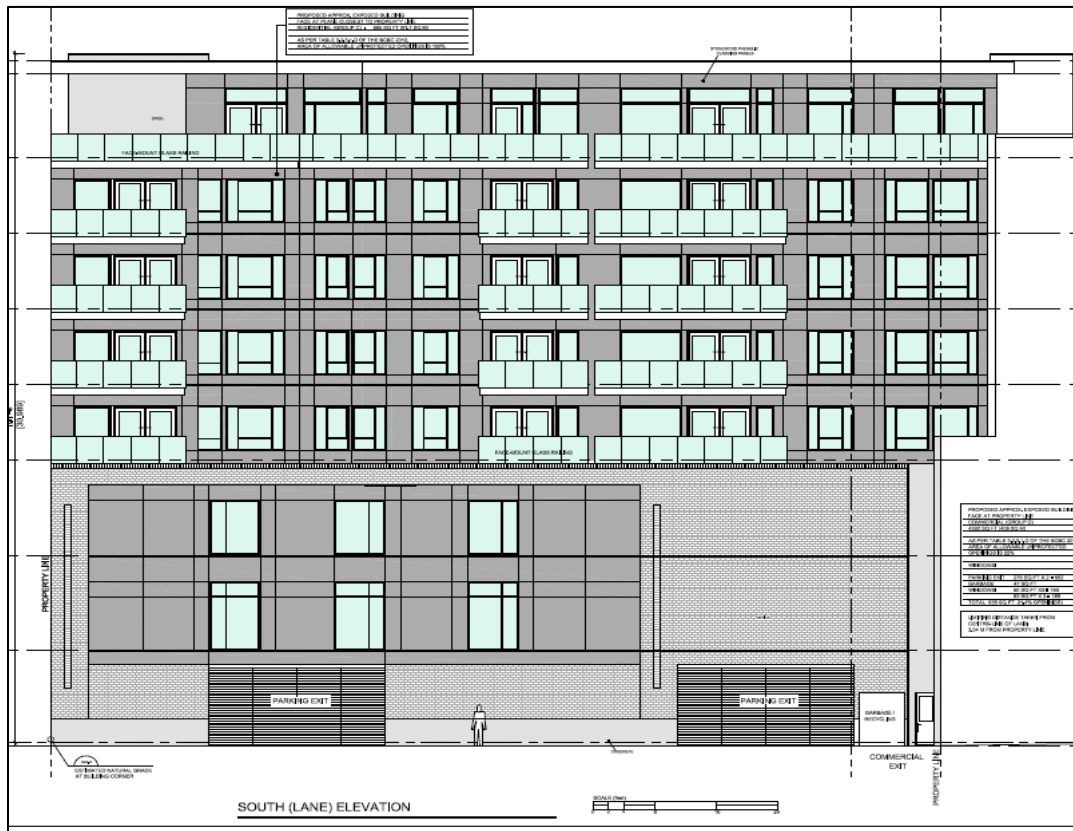


Figure 11: South Elevation (Lane)





Figure 12: West Elevation (View from lane)

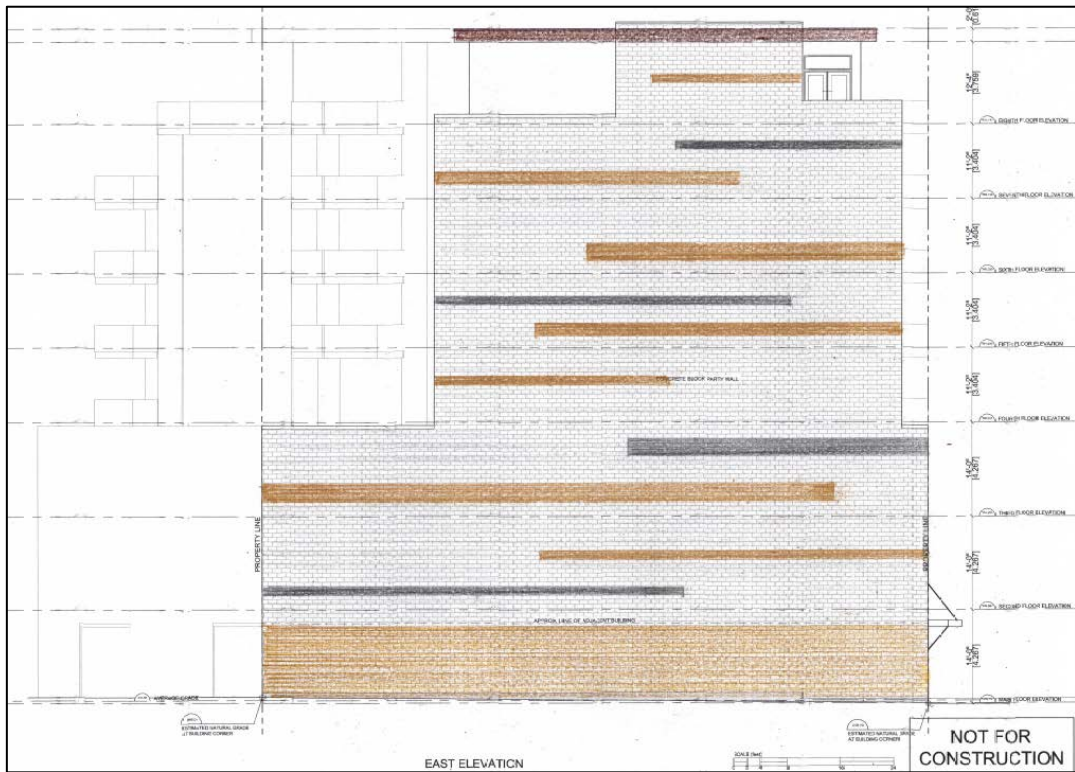


Figure 13: South Lane Elevation

### Attachment G: Site Plan

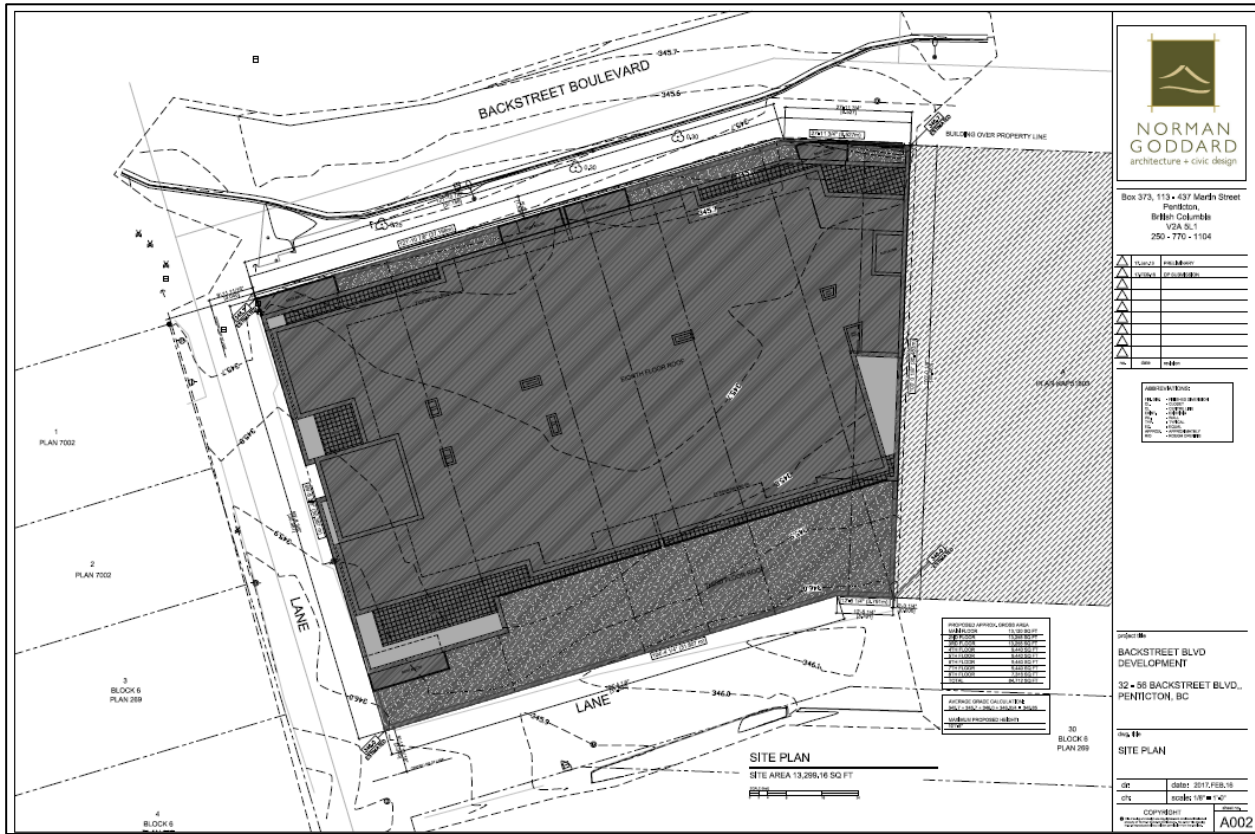


Figure 14: Site Plan

Attachment H: DP



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

**Development Permit**

**Permit Number: DP PL2017-7882**

**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: To be determined with lot consolidation  
Civic: to be determined  
PID:
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of an 8 storey building as shown in the plans attached in Schedule A.

**General Conditions**

4. 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.
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

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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



# Council Report

pentiction.ca

**Date:** May 2, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager

File No: RMS 3360-01

**Subject: Zoning Amendment Bylaw No. 2017-35 - Administrative Amendment**

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## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-35", an administrative amendment bylaw that fixes a clause in the C5 (City Centre Commercial) zone regarding residential units at the ground floor;

AND THAT Council direct staff to advertise the waiving of the Public Hearing for "Zoning Amendment Bylaw No. 2017-35", in accordance with Section 467 of the *Local Government Act*.

## Background

Council recently adopted a new Zoning Bylaw for Penticton. In the drafting of the bylaw a clause was *unintentionally* added that allows for ground floor residential units in the downtown core, outside of the 100-400 blocks of Main Street and Front Street. This idea to allow for ground floor residential was discussed at the workshop level, but was ultimately decided to not be included in the final draft. Unfortunately, this clause was inadvertently added.

The subject bylaw is intended to remove the clause, reverting the language back to what was in the previous zoning bylaw (Bylaw 2011-23).

## Proposal

Amend Section 11.5.3.1

From:

**Dwelling units** are restricted to second or higher **storeys** from the 100 block up to and including the 400 Block of Main Street and Front Street.

To:

**Dwelling units** are restricted to second or higher **storeys**.

## Financial Implication

N/A

## Analysis

Often when new bylaws of the complexity and length of the zoning bylaw are adopted, errors such as these can occur. Staff have reviewed the bylaw in its entirety and feel that this is the only administrative change required – one in which a clause from an earlier draft was included inadvertently.

While there has been discussion of allowing residential on the ground floor in some areas of the downtown, staff feel it was premature to add this clause to the zoning bylaw at this time without further input from the larger community and Downtown Business Association.

Staff are also proposing that in this case the Public Hearing for the bylaw be waived. Section 464(2) of the *Local Government Act* (LGA) allows for the waiving of a public hearing in cases where the bylaw is consistent with the Official Community Plan, which is the case in this instance. While staff rarely recommend waiving a Public Hearing, staff feel it is justified in this case, as there is limited benefit for public comment on a drafting error.

## Alternate Recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw 2017-35”.
2. THAT Council support “Zoning Amendment Bylaw 2017-35” with conditions that Council feels are appropriate.

## Attachments

Attachment A – “Zoning Amendment Bylaw No. 2017-35”

Respectfully submitted,

Blake Laven, MCIP, RPP  
Planning Manager

Approvals

Director of Development Services  <i>BL</i>	CAO  PW
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Bylaw No. 2017-35

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-35".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Delete and replace 11.5.3.1 OTHER REGULATIONS with the following:

.1 Dwelling units are restricted to second or higher storeys.

READ A FIRST time this	day of	, 2017
PUBLIC HEARING waived	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
RECEIVED the approval of the Ministry of Transportation on the	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*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this ____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
--

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

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