Agenda

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

Tuesday, June 20, 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 June 6, 2017 Committee of the Whole Meeting	1-2	Receive
6.2	Minutes of the June 6, 2017 Public Hearing	3-7	Receive
6.3	Minutes of the June 6, 2017 Regular Council Meeting	8-12	Adopt

7. **Committee and Board Reports:**

7.1 OCP Task Force Minutes of April 20, 2017 13-14
Recommendation: THAT Council receive the minutes of the OCP Task Force meeting of April 20, 2017.

7.2 Agriculture Advisory Committee Minutes of May 25, 2017 15-16
Recommendation: THAT Council receive the draft minutes of the Agriculture Advisory Committee meeting of May 25, 2017.
Committee Recommendation: THAT Council does not support the ALC Subdivision for 295 Upper Bench Road North as presented.

7.3 Penticton Arena Task Force Minutes of May 29, 2017 17-18
Recommendation: THAT Council receive the minutes of the Penticton Arena Task Force meeting of May 29, 2017.

7.4 Transportation Advisory Committee Minutes of May 30, 2017 19-21
Recommendation: THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of May 30, 2017.
Committee Recommendation: THAT Council authorize Staff to purchase 100 'Penticton Slow Down' signs at a maximum cost of $2,500 for distribution to community organizations to bring safety awareness around the city with the assistance from members from the Transportation Advisory Committee to promote the campaign.

8. **Correspondence**

9. **Staff Reports:**

PI	9.1	Agriculture Land Commission Subdivision Application PL2017-7923 Re: 295 Upper Bench Road North	22-52	Applicant

Staff Recommendation: THAT Council deny support for ALC Subdivision of Lot A District Lot 203 Similkameen Division Yale District Plan 34545 Except Plan KAP91434, located at 295 Upper Bench Road North; AND THAT the application proceeds to the Agricultural Land Commission without Council support.

PWM	9.2	2018- 2025 Collection of Garbage, Recycling, Compostable Materials Re: Contract Award	53-55

Staff Recommendation: THAT Council authorizes staff to enter into negotiations up to an upset value of $1,098,305 with Waste Connections of Canada based on their proposal for the provision of the Collection of Garbage, Recycling, Compostable Materials and Large Items for the City of Penticton for the term of seven years commencing July 1, 2018; AND THAT the Mayor and Corporate Officer are directed to execute the negotiated contract on behalf of the City of Penticton.

DS	9.3	KVR Trail Retaining Wall Replacement	56-58

Staff Recommendation: THAT Council direct staff to implement the replacement of the KVR Trail Retaining Wall located north of Carder road extending North to the Trestle Bridge; AND THAT Council approves a budget amendment of $300,000 from the City's Asset Emergency Reserve to fund the capital improvements.

MF	9.4	Protection of Asset Re: Gyro Bandshell	59-61

Staff Recommendation: THAT Council direct staff to install a modu-lock fence on the Gyro bandshell stage to deter vandalism and help protect this valuable City asset.

BSS	9.5	Smoking in Public Municipal Open Spaces	62-69

Staff Recommendation: THAT Council receives this report for information. THAT Council endorses the proposed Bylaw Services Department schedule for public awareness campaign of the Smoking Bylaw.

June 20th - July 4th	*Drafting/preparation and delivery of education material*	*Bylaw Services and Communications*
July 4th-July 18th	*Warning ticket period at Parks and Beaches*	*Bylaw Enforcement Officers*
July 18th onward	*Warning and/or Ticketing period at Parks and Beaches*	*Bylaw Enforcement Officers*

BPM	9.6	Intro for Section 57 Notice on Title Re: 850 Westminster Avenue E	70-78

Staff Recommendation: THAT the owner(s) of 850 Westminster Ave E be notified that Council will consider passing a resolution to place a Notice on Title under Section 57 of the Community Charter on Lot 1, Plan KAP 16972 located at 850 Westminster Ave E, stating the following:
"Failure to complete building permit (expired), which is a violation of City of Penticton Building Bylaw 94-45 and failure to complete exterior and interior life safety items, which is a violation of the BC Building Code 2012 Further information may be inspected at City Hall";
AND THAT further injunctive action be commenced by staff within 60 days of Section 57 Notice on Title being registered if outstanding exterior and life safety deficiencies are not completed; AND FURTHER THAT the owner be notified of the proposed Notice on Title report and be given an opportunity to complete the permit or speak to the matter at the August 15, 2017 Council meeting.

CFO	9.7	Statement of Financial Information	79-91

Staff Recommendation: THAT Council receive the Statement of Financial Information for the fiscal year ending December 31, 2016.

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:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(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.

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

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

14. **Land Matters:**

DDS 14.1 Zoning Amendment Bylaw No. 2017- 40 92-113
DVP PL2017-7797
Re: 218 Norton Street

Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-40," a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, Plan 3115, located at 218 Norton Street from RM3 (Medium Density Multiple Housing) to RD2 (Duplex Housing: Lane) be given first reading and forwarded to the July 4, 2017 Public Hearing;
AND THAT, in accordance with section 507 of the Local Government Act, Council require the developer to construct the full width of Townley Street to a local residential street standard including the provisions for storm water management;
THAT delegations and submissions for "Development Variance Permit PL2017-7797" on Lot 2, District Lot 202, Similkameen Division Yale District, Plan 3115, located at 218 Norton Street, a permit to vary the maximum lot coverage from 40% to 45%; to decrease the minimum front yard setback from 4.5m to 3m, to increase the height of a retaining wall from 1.2m to 3.5m and increase the height of a building from 10.5m to 11.5m to construct 1 side-by side duplexes with suites, be heard at the July 4, Public Hearing; AND THAT Council consider "DVP PL2017-7797" following the adoption of "Zoning Amendment Bylaw No. 2017-40".

DDS 14.2 Official Community Plan Amendment Bylaw No. 2017-41 114-142
Zoning Amendment Bylaw No. 2017-42
DVP PL2017-7930
DP PL2017-7931
Re: 102 Cossar Avenue

Staff Recommendation: THAT prior to consideration of OCP Amendment Bylaw No. 2017-41 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 conducted to date is sufficient;
AND THAT "OCP Amendment Bylaw No. 2017-41", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of

District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, shown as Attachment 'B' of this report, from HR (High Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the July 4, 2017 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2017-42," being a bylaw to Rezone Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the July 4, 2017 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2017-7930" for Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, a permit to waive the requirements to provide trees in the landscape buffer area, to decrease the minimum west interior yard from 3.0m to 1.5m, and to decrease the minimum east interior yard from 3.0m to 2.4m, be heard at the July 4, 2017 public hearing;

AND THAT Council consider "DVP PL2017-7930" following the adoption of "Zoning Amendment Bylaw No. 2017-42". AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-42," approve Development Permit PL2017-7931 for Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, a permit that allows for the construction of a four-unit townhouse.

DDS 14.3 Zoning Amendment Bylaw No. 2017-43 143-164
DVP PL2017-7969

Re: 602/640 Eckhardt Ave W

Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-43," being a bylaw to rezone Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 35373, located at 602 Eckhardt Avenue West, and to rezone Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 7039, located at 640 Eckhardt Avenue West from C7 (Service Commercial) to CT1 (Tourist Commercial), be given first reading and forwarded to the July 4, 2017 Public Hearing;
AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-43," the following conditions are met:
1. a 2.9m road dedication and 5.0m x 5.0m northeast corner cut is registered with the Land Title Office;
2. the subject lots are consolidated and registered with the Land Title Office;
3. a transportation impact assessment is submitted.

THAT delegations and submissions for Development Variance Permit PL2017-7969 for Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 35373, located at 602 Eckhardt Avenue West, and Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 7039, located at 640 Eckhardt Avenue West, a permit to increase the maximum height from 12.0m to 13.5m and to waive the requirement for bicycle parking, be heard at the July 4, 2017 Public Hearing. AND THAT Council consider DVP PL2017-7969 following the adoption of Zoning Amendment Bylaw No. 2017-43."

15. **Notice of Motion**

16. **Business Arising:**

Motion deferred from the May 23 Committee of the Whole:

Community Sustainability Advisory Committee
Staff Recommendation: THAT the Community Sustainability Advisory Committee be parked and reviewed in May 2018.

17. **Council Round Table**

18. **Public Question Period**

19. **Adjournment**

Minutes

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

Tuesday, June 6, 2017
Recessed from the Regular Council Meeting at 1:00 p.m.

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

Absent: Councillor Sentes (with notice)

Staff: Peter Weeber, Chief Administrative Officer
Mitch Moroziuk, General Manager of Infrastructure
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Dana Schmidt, Corporate Officer
Angie Collison, Deputy Corporate Officer

1. Call to order

The Mayor called the Committee of the Whole meeting to order at 1:02 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED
THAT the agenda for the Committee of the Whole meeting held on June 6, 2017 be adopted as circulated.

CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 Proclamation – Built Green Day, June 7, 2017

Mayor Jakubeit proclaimed June 7, 2017 as "Built Green Day" in the City of Penticton.

3.2 Proclamation – Penticton Lions Club Centennial Celebration Day, June 10, 2017

Mayor Jakubeit proclaimed June 10, 2017 as "Penticton Lions Club Centennial Celebration Day" in the City of Penticton.

3.3 Proclamation – Elder Abuse Awareness Day, June 15, 2017

Mayor Jakubeit proclaimed June 15, 2017 as "Elder Abuse Awareness Day" in the City of Penticton.

3.4 Housing Needs Assessment – Final Report

The Planning Manager presented Council with the Housing Needs Assessment Report prepared by Urbanics Consultants Ltd. commissioned on recommendation by the Affordable Community Task Force.

4. Adjourn to Regular Meeting

It was MOVED and SECONDED
THAT Council adjourn the Committee of the Whole meeting held June 6, 2017 at 2:05 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

_____
Dana Schmidt
Corporate Officer

Confirmed:

_____
Andrew Jakubeit
Mayor

Minutes

Public Hearing

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

Tuesday, June 6, 2017
at 6:00 p.m.

Present:	Mayor Jakubeit Councillor Watt Councillor Picton Councillor Martin Councillor Konanz Councillor Sayeed
Absent:	Councillor Sentes (with notice)
Staff:	Peter Weeber, Chief Administrative Officer Dana Schmidt, Corporate Officer Jim Bauer, Chief Financial Officer Anthony Haddad, Director of Development Services Blake Laven, Planning Manager Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for "Zoning Amendment Bylaw No. 2017-37", Zoning Amendment Bylaw No. 2017-38" and OCP Amendment Bylaw No. 2017-39". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

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

"Zoning Amendment Bylaw No. 2017-37" (380 White Avenue East)

The purpose of "Zoning Amendment Bylaw No. 2017-37" is to amend Zoning Bylaw No. 2017-08 as follows:

Add under 10.6 RD2 – Duplex Housing: Lane; 10.6.4.6 "In the case of that part of Lots 18-20 shown on Plan B4556, Block 30 District Lot 202 Similkameen Division Yale

District Plan 755, located at 380 White Avenue East, duplexes with a combined Floor Area Ratio of 1.15 are permitted."

The applicant is proposing to construct two side-by-side duplex buildings with each duplex unit containing a one bedroom basement suite (total of 8 dwelling units).

The Corporate Officer advised that 5 letters have been received after the printing of the agenda.

DELEGATIONS

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

- Fred Trainor, OK Falls, applicant, spoke in support of the application. Similar project as the one on Ellis Street, four units with four suites.
- Cynthia Magnus, Papineau Street, lived in neighbourhood three years, looked at density, zoned for duplexes, eight dwellings above and beyond essence of OCP, concerned with parking and garbage, no alley access, 8 garbage and recycling cans on the street.
- Dave West, Beams Lane, live in unit behind proposed development, submitted comments, in favour of walkable communities and affordable housing, concerns with this development and long term liveability, space, sunlight and density. Ample opportunity to increase density and respect existing guidelines and spaces, ask that project is scaled back slightly to fit within confines of lot. Overflows the boundaries, needs variances on all side and can't accommodate its own parking.

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

- Steve Thompson, spoke in support of the application, duplexes with suites provides affordable housing.
- Amanda Pervily, Vernon Street, parking concerns, loose 6m at intersection for parking, 8 dwellings, couples with two vehicles, 16 vehicles on that spot, no room, decrease size of development and it will decrease number of vehicles and garbage and recycle bins.
- Lynn Kelsey, Oakville Street, one bedroom, 500 square foot suite at $900 is not affordable. Support this type of development, don't want so many variances.
- Leslie Mclosky, Beams Lane, new structures bigger at 1300 square feet, six units on Beams, this is 8 units, Beams on lane for parking and garbage pick-up, similar to Ellis project but lot is different, nice in picture, no trees, Council needs to be aware that it won't look like the diagram.

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

- Fred Trainor, applicant, topicality of city leave few choices to build multi-family homes, can't create parking on White, four in front of each unit and four on street, 8 spots able to give, all in front of building. There are four mature trees, adding four more at back, mature trees on front will keep, four more in front, 15 ft back yards, grass and patios decks and nice curb appeal, everybody doesn't have two cars, basement suites set up downtown for those who want to walk or bike, nice product that is in demand.
- Dave West, Beams Lane, sound transmission, closer you are the clearer you'll hear them speak or live in their home, making point that when you decrease distance between dwellings sounds from TV or outside will be close to next person. Elevation of rear door will be higher, respect setbacks, and weigh aspects for people living in these neighbourhoods.

- Fred Trainor, two levels, will not be as tall as Beams Lane; steps will not come off back and into neighbour yard.
- Leslie Mclosky, Beams Lane, 15 feet back yard, some mature trees.

The public hearing for "Zoning Amendment Bylaw No. 2017-37" was terminated at 6:49 p.m. and no new information can be received on this matter.

2. <u>"Zoning Amendment Bylaw No. 2017-38" and Official Community Plan Amendment Bylaw No. 2017-39 (1498 Leir Street)</u>

The purpose of "Zoning Amendment Bylaw No. 2017-38" is to amend Zoning Bylaw No. 2017-08 as follows:

> Rezone Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, from R1 (Large Lot Residential) to C1 (Commercial Transition).

The purpose of "Official Community Plan Amendment Bylaw No. 2017-39" is to amend Official Community Plan Bylaw No. 2002-20 as follows:

> Amend Schedule 'H' Development Permit Area Map to include Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street in the General/Tourist Commercial Area.

The applicant is proposing to construct a 2 storey medical building with vehicle access from the land off of Carmi Avenue.

The Corporate Officer advised that 4 letters and a petition have been received after the printing of the agenda.

<u>DELEGATIONS</u>

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

- Dr. Moshaver, Finnerty Road, proximity to hospital essential to patient care, positive affect on community, location is ideal, addressing parking concerns, not family practice, specialized care, work in hospital, physicians will park at hospital, asking patients to use hospital parkade, staff may use provided parking.
- Larry Morgan, Leir Street, speaking on behalf of Leir Park Residents Association, issues with how letter from Interior Health obtained and interpreted by staff, read submission, we were first to get neighbourhood parking. Nothing communicated to us, saw the follow up letter from Interior Health, concerned with process.
- Eileen Kim, Belfour Street, complained about existing clinic, they got enough parking, nothing against this medical clinic, concerns with parking, only four parking spots for doctors, concerns with increase traffic, Carmi to Duncan, isn't safe to walk, speed is 20km people travel 60km per hour, can we get some posted signs, what will we done to get more parking and slow the traffic.
- Vicki Morgan, Leir Street, home backs onto subject property, concern that contradictions in application stating four stalls for patients and now for staff, two doctors with two to three staff, now four offices for four doctors and double the staff, 12 patients a cycle. Submitted letter, advocate for resident only parking, surprised that parking availability is still a concern. Plan is not clear, fronting Carmi Avenue or Leir Street?

- Chris Allen, Main Street, architect for building, rezoning for doctor office, logical place to be located, OCP supports this activity, parking in short distance from property, taxi drop off, accessible stall, building aligns with rest of housing on street, Leir is front yard, corner property general where front door faces, the amount of parking is a response to the size of the lot, four stalls all could fit.
- Matt Hopkins, Balfour Street, live across from Balfour Street clinic, great neighbours. Parking enforcement concerns, cars circling area trying to get spots. Carmi has 8 or 9 free parking spots, install meter to turn over spot. Don't think city has done enough to encourage safe cycling infrastructure, support bike parking.
- John Shay, Leir Street, concerns with parking, with no crosswalk directly across, going to try to park in residential only parking and get away with it. Limited visibility at corner, concerns with elementary school, privacy may be violated with waiting room traffic viewing my front yard. Encourage Council to come by at 2 pm when school getting out, parking a free for all closer to hospital and school.
- Linda Pitzel, Leir Street, concerns with parking, commercial business has no right in that residential area, do not need to encroach further into residential areas, school, ambulances go down street, what right does business have to use parking and not pay for it, should not be allowed to build that building, provide parking.
- Al Stark, Leir Street, told that would be doctor office for one doctor and four spots, enlightened recently that two doctors and possibly three to four, up in air, hold off until know who is going in there, we have resident only parking.
- Lynn Kelsey, Oakville Street, aware of parking rules in area, doesn't guarantee a stall, Carmi Avenue stalls full in the mornings.

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

- Larry Morgan, Leir Street, never opposed a commercial development until now, would prefer different orientation of building, this is a Carmi Avenue building, setbacks have to be respected, how it got through council report is amazing. Alley between Leir Street and Balfour is tight and blind, dangerous, someone will get hurt. Traffic on blind corner, will not see doctors parking lot, and will have to take the alley to park in one of the four stalls. Building will be there after doctor gone, not the right building for that site.
- Vicki Morgan, Leir Street, Carmi Street is front façade, contravention of zoning bylaw section 5 landscape buffer and projection into interior side yard. Missing variances. What message sending to other doctors and dentists that purchased appropriate size lot and put in parking, report says no precedent set here, beg to differ.

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

- Vicki Morgan, Leir Street, report initialled as approved, reports should be unbiased, everything for developer, issues with neighbourhood perspective, no mention of school, front facing, design could put vestibule and call front of house, intent of building slope of roof, all state Carmi primary façade of property, four stalls parking, backing into alley.
- Chris Allen, Architect, slope of roof and shading capture heat of sun, front door faces Leir Street, southern orientation appropriate for windows. Can't be held responsible for people breaking bylaws and parking.
- Larry Morgan, Leir Street, why can't he secure parking in area, don't think he's tried, Interior Heath guiding document to waive city covenant.
- Linda Pitzel, Leir Street, concerned commercial businesses that are not providing adequate parking for their costumers, look at plan and zoning.

The public hearing for "Zoning Amendment Bylaw No. 2017-38" and "Official Community Plan Amendment Bylaw No. 2017-39" was terminated at 8:27 p.m. and no new information can be received on this matter.

Certified correct:

_____
Dana Schmidt
Corporate Officer

Confirmed:

_____
Andrew Jakubeit
Mayor

Minutes

penticton.ca

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

Tuesday, June 6, 2017
at 1:00 p.m.

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

Absent: Councillor Sentes (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 1:01 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

333/2017 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council meeting held on June 6, 2017 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:02 p.m.

5. Reconvene the Regular Council Meeting

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

6. Adoption of Minutes:

6.1 Minutes of the May 23, 2017 Committee of the Whole Meeting

334/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the May 23, 2017 Committee of the Whole Meeting as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the May 23, 2017 Public Hearing

335/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the May 23, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the May 23, 2017 Regular Council Meeting

336/2017 **It was MOVED and SECONDED**
THAT Council adopt the minutes of the May 23, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Parks and Recreation Master Plan Steering Committee Minutes of April 5, 2017

337/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the Parks and Recreation Master Plan Steering Committee meeting of April 5, 2017.

CARRIED UNANIMOUSLY

7.2 Parks and Recreation Master Plan Steering Committee Minutes of May 11, 2017

338/2017 **It was MOVED and SECONDED**
THAT Council receive the minutes of the Parks and Recreation Master Plan Steering Committee meeting of May 11, 2017.

CARRIED UNANIMOUSLY

7.3 SOEC Select Committee Minutes of May 24, 2017

339/2017 **It was MOVED and SECONDED**
THAT Council receive the draft minutes of the SOEC Select Committee meeting of May 24, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

9. Staff Reports:

9.1 Campbell Mountain Landfill Lease and Licence Amendment

340/2017 **It was MOVED and SECONDED**
THAT Council approve the Campbell Mountain Landfill Lease Modification Agreement with the Regional District of Okanagan Similkameen as contained in Attachment "A" of the Campbell Mountain Landfill Lease and License report dated June 6, 2017;

AND THAT Council approve the Campbell Mountain License Modification Agreement with the Regional District of Okanagan Similkameen as contained in Attachment "B" of the Campbell Mountain Landfill Lease and License report dated June 6, 2017;
AND THAT the Mayor and Corporate Officer be authorized to execute both of these agreements.

CARRIED UNANIMOUSLY

9.2 Section 57 Notice on Title – Failure to complete building permit
Re: 75 Front Street

341/2017 **It was MOVED and SECONDED**
THAT Council the owner(s) of 75 Front Street be notified that Council will consider passing a resolution to place a Notice on Title under Section 57 of the Community Charter on Lot B, DL202, Plan KAP 44123 located at 75 Front Street, stating the following:

"Failure to complete building permit (expired), which is a violation of City of Penticton Building Bylaw 94-45 and failure to complete fire separations, which is a violation of the BC Building Code 2012
Further information may be inspected at City Hall";

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

AND FURTHER THAT the owner be notified of the proposed Notice on Title report and be given an opportunity to complete the permit or speak to the matter at the July 4, 2017 Council meeting.

CARRIED UNANIMOUSLY

9.3 Parking Update

The Director of Development Services presented Council with an update on the parking strategy and plans for future engagement.

342/2017 **It was MOVED and SECONDED**
THAT Council direct staff to display their staff report recommendations on the screen at the time of debate during Council meetings.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

343/2017 **It was MOVED and SECONDED**
THAT Council recess at 3:01 p.m. 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.

CARRIED UNANIMOUSLY

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

13. Reconvene the Regular Council Meeting following the Public Hearing

Council reconvened the Regular Council Meeting at 8:28 p.m.

14. Reconsideration of Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2017-33
Re: 285 Nanaimo Ave. W

344/2017 **It was MOVED and SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2017-33".

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2017-35
Re: Administrative Amendment

345/2017 **It was MOVED and SECONDED**
THAT Council adopt "Amendment Bylaw No. 2017-35".

CARRIED UNANIMOUSLY

14.3 Fees and Charges Amendment Bylaw No. 2017-36
Re: Transit Fares

346/2017 **It was MOVED and SECONDED**
THAT Council adopt "Fees and Charges Amendment Bylaw No. 2017-36".

CARRIED UNANIMOUSLY

14.4 Zoning Amendment Bylaw No. 2017-37
Re:380 White Avenue East

347/2017 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-37".

CARRIED

Mayor Jakubeit, Opposed

14.5 Zoning Amendment Bylaw No. 2017-38
Official Community Plan Amendment Bylaw No. 2017-39
DVP PL2017-7900
Re: 1498 Leir Street

348/2017 **It was MOVED and SECONDED**
THAT Council refer Zoning Amendment Bylaw No. 2017-38 to staff to work with the developer to address concerns raised at the June 6, 2017 Public Hearing.

CARRIED

Councillors Konanz and Picton, Opposed

349/2017 **It was MOVED and SECONDED**
THAT Council refer OCP Amendment Bylaw No. 2017-39 and DVP PL2017-7900 to staff to work with the developer to address concerns raised at the June 6, 2017 Public Hearing.

CARRIED

Councillors Konanz and Picton, Opposed

15. Land Matters

16. Notice of Motion

17. Business Arising

18. Council Round Table

19. Public Question Period

20. Adjournment

350/2017 **It was MOVED and SECONDED**
THAT Council adjourn the Regular Council meeting held on Tuesday, June 6, 2017 at 9:11 p.m.

CARRIED UNANIMOUSLY

Certified correct:

_____
Dana Schmidt
Corporate Officer

Confirmed:

_____
Andrew Jakubeit
Mayor

Official Community Plan Task Force Meeting

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

Thursday, April 20, 2017
at 5:30 p.m.

Present: Andrew Jakubeit, Mayor
Judy Sentes, Councillor
Andre Martin, Councillor
Tracy Van Raes, Penticton Wine & Country Chamber of Commerce Representative
Lynn Allin, Downtown Penticton Association Representative
Kristi Estergaard, Interior Health Representative
Dawn Russell, Penticton Indian Band Representative
Jill Bateman, Penticton Industrial Development Association Representative
Evelyn Riechert, Regional District of the Okanagan Similkameen Representative
Garrett Cruickshank, Member at Large
Sharon Fletcher, Member at Large
Lynn Kelsey, Member at Large
Randy Kowalchuk, Member at Large
Randy Manuel, Member at Large
Suzanne Moccia, Member at Large
Denis O'Gorman, Member at Large
Warren Sanders, Member at Large
Bruce Schoenne, Member at Large
Jillian Tamblyn, Member at Large

Staff: Ben Johnson, Special Projects Manager
Anthony Haddad, Director of Development Services
Blake Laven, Planning Manager
JoAnne Kleb, Communication Engagement Officer
Lorraine Williston, Corporate Committee Secretary

1. Call to Order

The Official Community Plan Task Force was called to order by Mayor Jakubeit at 5:35 p.m.

2. Task Force Member Introductions

The Mayor and the Special Projects Manager welcomed the members and provided an overview of this Task Force. Roundtable introductions were done by all members and staff. Each member provided their perspective on what they love about Penticton, hopes and concerns for the future of Penticton and expectations for the OCP process.

5.3 Draft Open House Material Review

The Special Projects Manager presented for review and discussion the information boards that will be displayed at the various community engagement events noting they are still a work in progress. Discussion followed on the format and questions to be asked. It was generally agreed by the Task Force to keep the questions open ended to allow the public to tell us what their priorities are. The PIB representative recommended an accurate map is displayed clearly outlining PIB and Locatee land boundaries in relation to the City of Penticton boundaries and stated the importance of PIB involvement in this process. Other suggestions included using a triple bottom line format for the boards and highlighting current projects that are in the forefront e.g. YES Project.

5.4 Community Engagement Discussion

The Special Projects Manager stated the City will have a booth set up at the first Downtown Farmers Market on May 6, 2017 noting this will be a good test pilot. Members of this Task Force are welcome and are invited to all community engagement events.

5.5 Meeting Date Discussion

Future dates and times were discussed. It was agreed that Monday evenings are the preferred night. The next meeting was set for May 15, 2017 at 5:30 p.m. Future meeting dates to be discussed at the next meeting.

6. Appointment of Committee Chair & Vice Chair

It was MOVED and SECONDED
THAT Suzanne Moccia be appointed as Chair and Lynn Kelsey be appointed as Vice-Chair for the Official Community Plan Task Force for the 2017 term.

CARRIED UNANIMOUSLY

7. Next Meeting

The next regularly scheduled meeting of the Official Community Plan Task Force will be Monday, May 15, 2017 at 5:30 p.m.

8. Adjournment

It was MOVED and SECONDED
THAT the Official Community Plan Task Force adjourn the meeting held on Thursday, April 20, 2017 at 8:28 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Minutes

penticton.ca

Agriculture Advisory Committee Meeting

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

Thursday, May 25, 2017
at 3:00 p.m.

Present: Rod King, Chair
Fritz Hollenbach, Vice-Chair & Wine/Grapes Representative
Darshan Jassar, Tree Fruits Representative
Rebecca Ogden, Community Gardens Representative
Rod Hollett, Member at Large
Paul Gardner, Member at Large

Staff: Blake Laven, Planning Manager
Randy Houle, Planner 1
Lorraine Williston, Committee Secretary

Guests: Ryan Foster

1. **Call to Order**

The Agriculture Advisory Committee was called to order by the Chair at 3:01 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on May 25, 2017 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the minutes of the March 31, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 295 Upper Bench Road North – ALC Subdivision

The Planner provided an introduction and overview regarding the property located at 295 Upper Bench Road North including diagrams and ariel views noting that back in 2010 there

was a home site severance and the applicants are requesting to further subdivide the remaining lot into two lots. Rational was provided for the application by staff and the OCP guidelines reviewed. The applicant provided additional history, background information and reasoning in support of the application as presented. Discussion and questions followed.

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee recommends that Council does not support the ALC Subdivision for 295 Upper Bench Road North as presented.

CARRIED
Rebecca Ogden, Opposed

4.2 979 Lochore Rd. – ALC Application

The Planning Manager provided an overview of a request by the owners of 979 Lochore Rd. for permission to add a mobile vending unit (food truck) on their property to provide food to their winery patio patrons. Staff confirmed the food truck would be there during the summer season only and falls within the regulations and are waiting for confirmation from the ALC that an application to the ALC is not required. Discussion and questions followed. By consensus, the committee was in support of this request.

5. Next Meeting

The next regularly scheduled meeting of the Agriculture Advisory Committee to be determined. The ALC Planner and Special Projects Manager to be added to the agenda at a future meeting.

6. Adjournment

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adjourn the meeting held on Thursday, May 25, 2017 at 3:56 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____

Lorraine Williston
Corporate Committee Secretary

ADOPTED

Minutes

penticton.ca

Penticton Arena Task Force Meeting

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

Monday, May 29, 2017
at 6:00 p.m.

Present: Councillor Helena Konanz
Councillor Max Picton
Stewart Ladyman, Chair
Larry Lund, Vice-Chair
Andy Oakes, OHA Representative (Via Conference Call)
Pamela McDonald, Dry Floor Representative (Via Conference Call)
Jamie Materi, PMHA Representative
Fred Harbinson, Vees Representative
Mike Hopkin, Adult League Representative
Trevor Buttenham, Figure Skating Representative
Neil Jamieson, Member at Large
Garth Astles, Member at Large
Larry Kenyon, Member at Large
Frank Regehr, Member at Large
Larry Lund, Member at Large
Ryan Schulz, Member at Large

Staff: Bregje Kozak, Manager of Facilities
Lori Mullin, Recreation & Culture Manager
JoAnne Kleb, Community Engagement Officer
Lorraine Williston, Corporate Committee Secretary

1. **Call to Order**

The Penticton Arena Task Force was called to order by the Chair at 6:01 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 May 29, 2017 as circulated.

CARRIED UNANIMOUSLY

7. **Community Engagement Update**

The Community Engagement Officer provided a verbal update noting that once the studies have been completed the next round of community engagement will begin.

8. **Next Meeting**

The next regularly scheduled meeting of the Penticton Arena Task Force will be June 12, 2017 at 6:00 p.m.

9. **Adjournment**

It was MOVED and SECONDED
THAT the Penticton Arena Task Force adjourn the meeting held on Monday, May 30, 2017 at 7:18 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Minutes

penticton.ca

Transportation Advisory Committee Meeting

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

Tuesday, May 30, 2017
at 3:00 p.m.

Present: Tarik Sayeed, Councillor
Daryl Clarke, Chair
Tracy Van Raes, Vice-Chair
Daniel Pizzaro, BC Transit Representative (via conference call)
Matt Berry, Penticton Transit Representative
Karina Chambers, Member at Large
Martyn Lewis, Member at Large

Staff: Mitch Moroziuk, General Manager of Infrastructure
Tyler Figgitt, Design Supervisor
Anthony Haddad, Director of Development
Lorraine Williston, Committee Secretary

Guests: Norman Goddard
Dan Tiessen

1. **Call to Order**

The Transportation Advisory Committee was called to order by the Vice-Chair at 3:00 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Transportation Advisory Committee adopt the agenda for the meeting held on May 30, 2017 as amended (refer to item 4.1).

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED
THAT the Transportation Advisory Committee adopt the minutes of the March 14, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. Delegation

4.1 BC Transit Update

The BC Transit representative provided an update on the upcoming South Okanagan-Similkameen Regional transit service integration to be implemented on July 1st reporting there will be a full marketing campaign included for all local markets of the new services and fair change. The second phase is scheduled for September which includes service expansion from Osoyoos to Penticton and the introduction of a Sunday service on route 5 in Penticton. More expansions have been planned but not yet approved for West Bench and West Kelowna. Route/fare information will also be easier to obtain online through Trip Planner. Discussion and questions followed.

Daniel Pizarro left the meeting at 3:20 p.m.

4.2 783 Winnipeg Street – Parking Reduction

The Planning Manager provided an overview of the property located at 783 Winnipeg Street and presented a design footprint of the proposed 18 unit development noting there would be a significant reduction in allocated parking. The City's Land Use Policy was reviewed. The owner and architect provided information on the rationale for the proposed development. Discussion and questions followed and the committee provided feedback and input.

6.3 Sidewalk Installation Priority List

The Design Supervisor presented a map outlining the areas in the city with and without sidewalks and provided statistics of the number of roadways and existing sidewalks. The Design Supervisor stated that currently staff do not have a policy or priority list in place for new installations and past practice has been compliant driven. Staff will be bringing back a draft policy for the committee to review.

5. Business Arising from Prior Meetings

5.1 'Penticton Slow Down' Sign Campaign Update

Roundtable discussion ensued on the implementation of this program and whether to proceed with moving forward or to drop the campaign. It was generally agreed to ask Council if they will support an initial purchase of 100 signs at an approximate cost of $2,500 and offer schools and other organizations a few signs to put out during certain times of the year i.e. beginning of the school year and any residents with safety concerns in their neighborhoods.

It was MOVED and SECONDED that the Transportation Advisory Committee recommends:
THAT Council authorize Staff to purchase 100 'Penticton Slow Down' signs at a maximum cost of $2,500 for distribution to community organizations to bring safety awareness around the city with the assistance from members from the Transportation Advisory Committee to promote the campaign.

CARRIED
Daryl Clark and Martyn Lewis, Opposed

Daryl Clark left the meeting at 4:29 p.m.

5.2 Parking Update

The Director of Development Services provided an update on the parking consultation process including a review of the outcomes of meetings with community stakeholders, the current parking availability, parking system, pressure points, parking facts, upcoming changes, parking losses and demographic statistics. The Director of Development Services noted staff are currently working on gathering additional parking facts and questions to bring forward to stakeholders and the community at large for input and feedback. Discussion and questions followed. The Penticton Transit representative requested a copy of the previous parking reports completed from 2005 and 2008. Staff to forward the information.

6. New Business

6.1 Petition re: Atkinson Street Safety Concerns

The General Manager of Infrastructure reported that Council received a petition requesting several safety measures along Atkinson Street. This petition and the Transportation Safety Policy was forwarded by Council to the Transportation Committee to review. . Discussion and questions followed. Staff asked that members please review the letter introducing the petition that was received and the Transportation Safety Policy. Members asked staff to provide data on how many complaints city wide that have been received to date. Item to be added to the next agenda for further review and discussion.

7. Next Meeting

The next regularly scheduled meeting of the Transportation Advisory Committee to be determined.

8. Adjournment

It was MOVED and SECONDED that the Transportation Advisory Committee adjourn the meeting held on Tuesday, May 30, 2017 at 5:06 p.m.

Certified Correct:

_____

Lorraine Williston
Committee Secretary

Council Report

penticton.ca

Date: June 20, 2017 File No: ALC SD PL2017-7923
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 295 Upper Bench Road North

Subject: **Agricultural Land Commission Subdivision Application PL2017-7923**

Staff Recommendation

THAT Council deny support for ALC Subdivision of Lot A District Lot 203 Similkameen Division Yale District Plan 34545 Except Plan KAP91434, located at 295 Upper Bench Road North;

AND THAT the application proceeds to the Agricultural Land Commission without Council support.

Strategic priority objective

N/A

Background

The subject property (Attachment A) is currently zoned A (Agriculture) and is within the Agricultural Land Reserve. The property is 3.4 hectares and features a single family dwelling in the NW corner with a detached garage. A farm help dwelling is located in the NE corner of the property. Photos of the site are included as Attachment H. The surrounding properties are zoned A (Agriculture).

The subject lot (295 Upper Bench Road) was created through a home site severance application in 2006 (Resolution # 653/2006). In May of 2007, a Subdivision Preliminary Layout Approval (PLA) was issued by the City of Penticton for the subdivision of 275 Upper Bench Road North. The PLA was extended multiple times and eventually registered with the land title office in October of 2010 (Attachment F).

To qualify for a home site severance, the property under application must have been the principal residence of the applicant as owner-occupant since December 21, 1972. As mentioned above, a home site severance has already occurred on the subject property to allow the owner to remain in the house and sell the farm.

The applicant has submitted an Agrologist's report which states that the middle 2 acres of the property are not suitable for agricultural production as it is composed of asphalt fill material.

Proposal

The applicant is proposing to subdivide 295 Upper Bench Road North (3.4 hectares) into two lots. These lots will be approximately 0.9 ha and 2.5 ha (Attachment D).

Agriculture Advisory Committee

The application was forwarded to the Agriculture Advisory Committee. The committee's terms of reference outline that they are required to make recommendations to Council on all matters referred to the Committee. On March 25, 2017, the application was discussed and the Committee passed the following motion:

> It was MOVED and SECONDED
> THAT the Agriculture Advisory Committee recommends that Council does not support the ALC Subdivision for 295 Upper Bench Road North as presented.
>
> CARRIED
> Rebecca Ogden, Opposed

The Committee felt the proposal did not comply with the City's OCP policies to retain larger agricultural parcels. The committee also reiterated that a home-site severance has already occurred on this property and further subdivision may impact farming activities. The committee also mentioned that the portion of the property containing asphalt fill can be remediated for farming.

Development Engineering Review

A complete and comprehensive infrastructure analysis of the proposed development will be completed if a subdivision application is submitted to the City.

Financial implication

N/A

Analysis

Deny Support for ALC Subdivision

Staff has some concerns about the size of the proposed parcel (0.9 ha), as it is much less than the minimum lot size of 2ha for an agricultural zoned property. Additionally, the City's Official Community Plan No. 2002-20 has agricultural policies that speak against the current proposal:

- discourage subdivisions that fragment viable farm operations.
- encourage the consolidation of small parcels to create larger farm units

The applicant states that the proposed 0.9 ha lot would fit into the adjacent housing scheme, wherein the sequence of northerly neighbours each have small lots. These properties were subdivided in the late 1950's, prior to the establishment of the Agricultural Land Commission act on December 21, 1972.

Given that the Agriculture Advisory Committee did not support the application, and the OCP has policies that discourage subdivisions within the ALR, staff are recommending not to support the application.

Support ALC Subdivision

As per the ALC application (Attachment I), the applicant uses the following points as rationale for the application.

- "Subdivision of the land would enable myself and family to maintain a livelihood by continuing to work on ecological farming and stewardship.
- Natural barriers exist which divide the proposed lots.
- Two entirely separate driveways are already in place.
- There are existing structures already on both lots which can serve as residences.
- The property has agricultural challenges such as asphalt fill in the middle 2 acres of the property."

Council may feel that the proposed subdivision will not have a negative impact on viable farm operations nor the agriculture character of the area and may recommend to forward the application to the ALC with support.

Alternate recommendations

1. That Council refer the application back to staff.
2. That Council support the application and forward it to the ALC.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Proposed Subdivision
Attachment E:	2010 Home Site Severance
Attachment F:	Home Site Severance Subdivision Plan KAP91434
Attachment G:	Asphalt Fill Area
Attachment H:	Photos of Subject Property
Attachment I:	ALC Application
Attachment J:	Agrologist Report

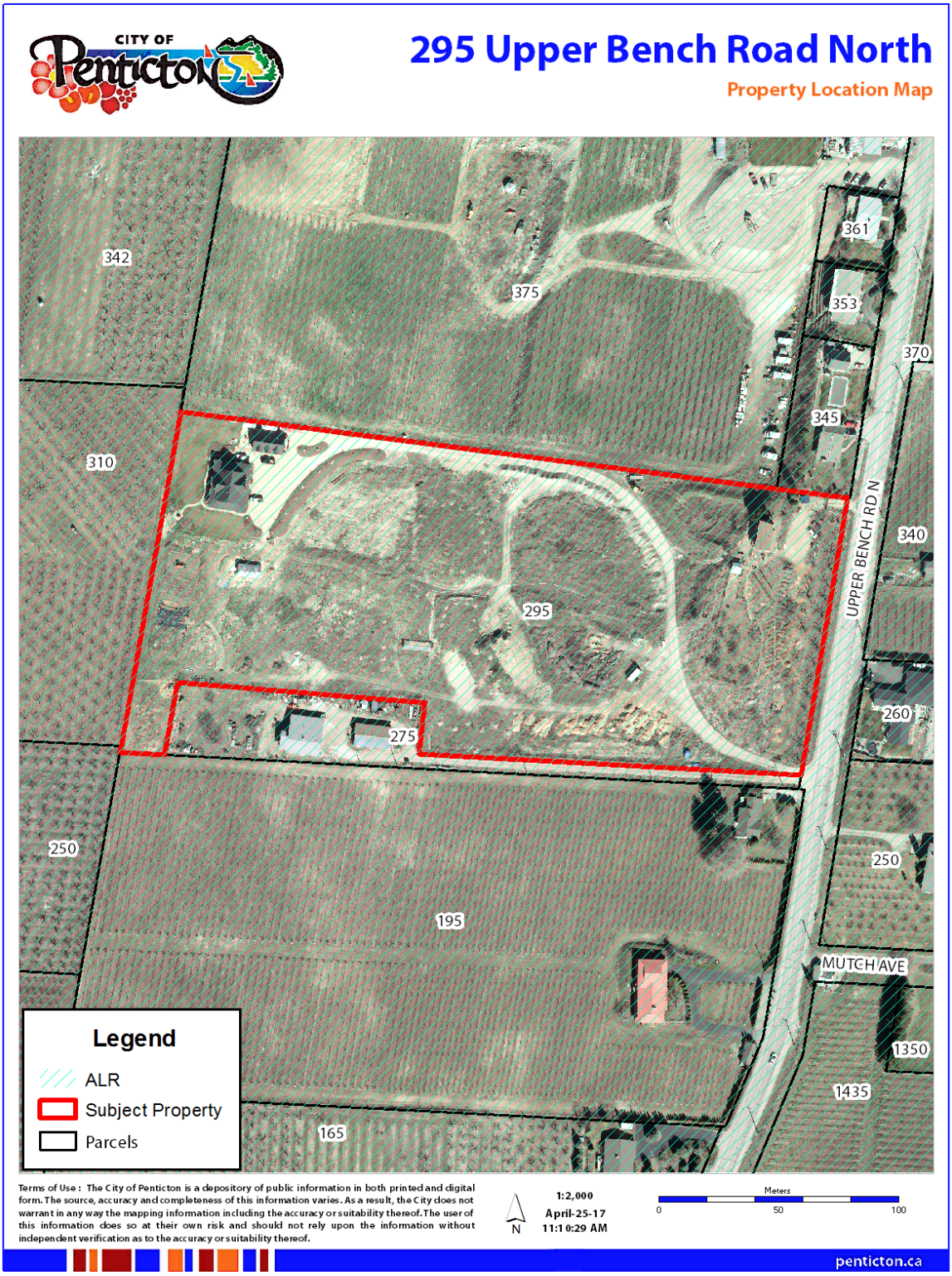
Respectfully submitted,

Randy Houle
Planner I, City of Penticton

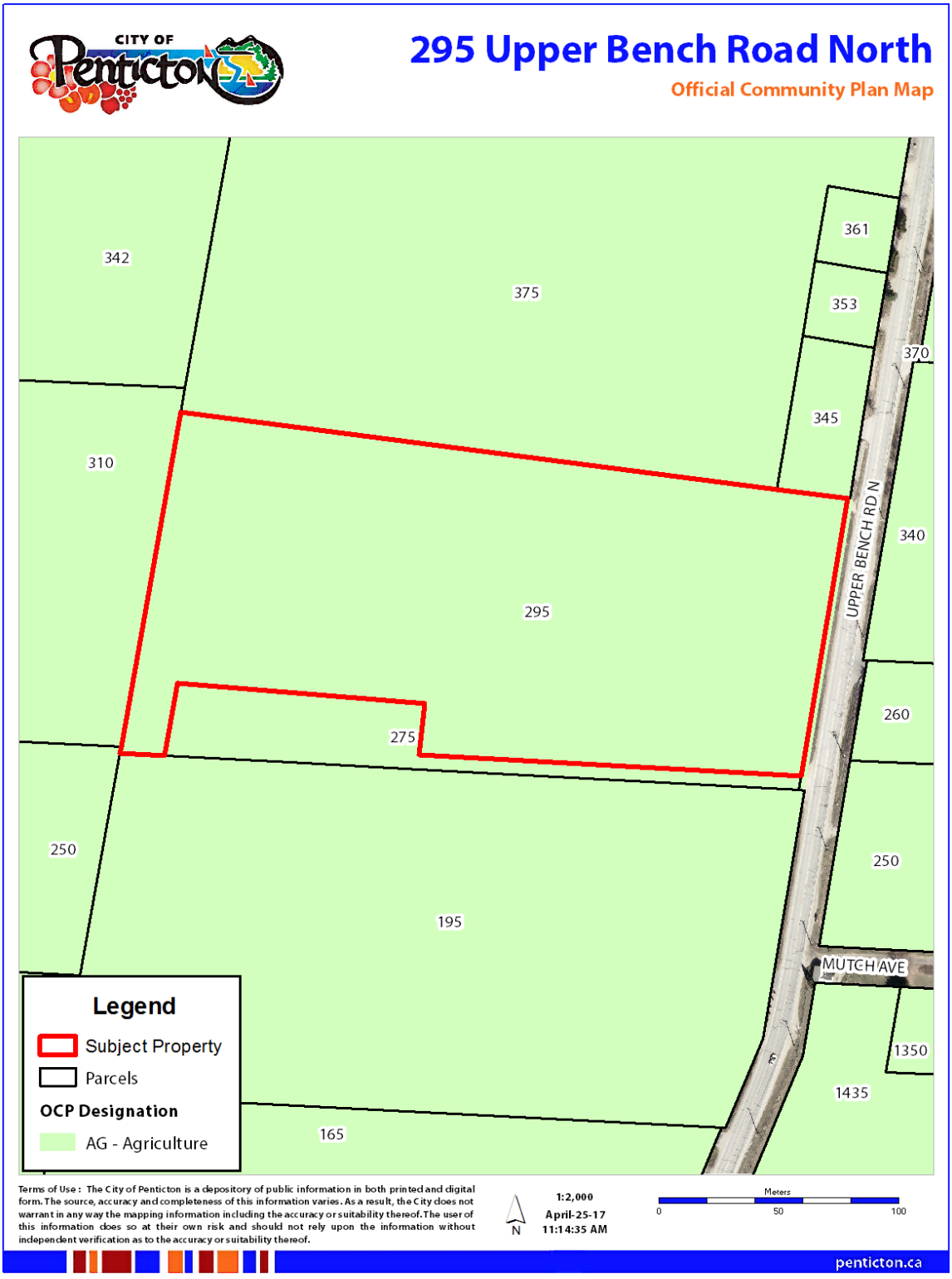
Approvals

DDS	CAO
AH	PW

Attachment A - Subject Property Location Map

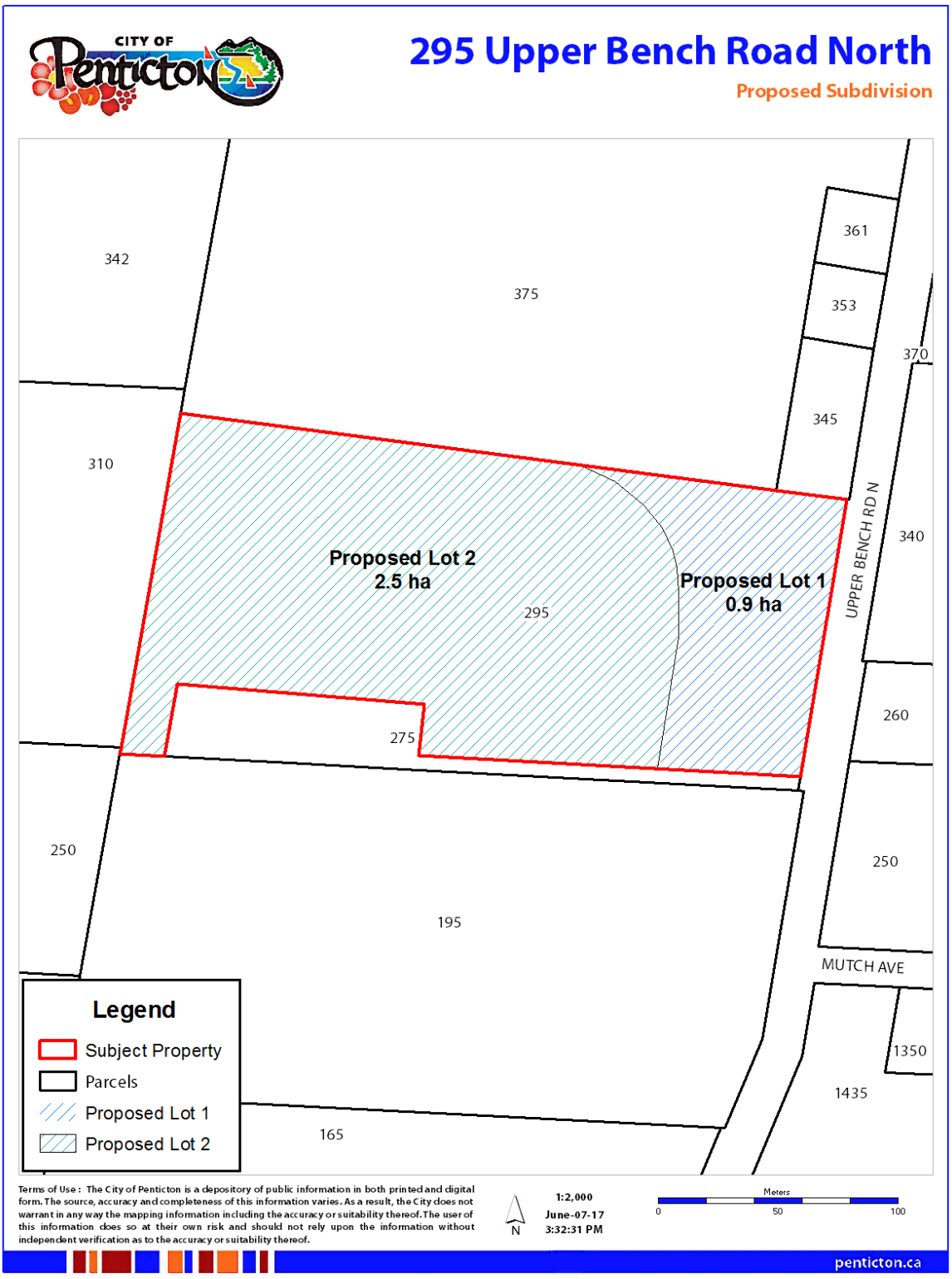


Attachment B – OCP Map

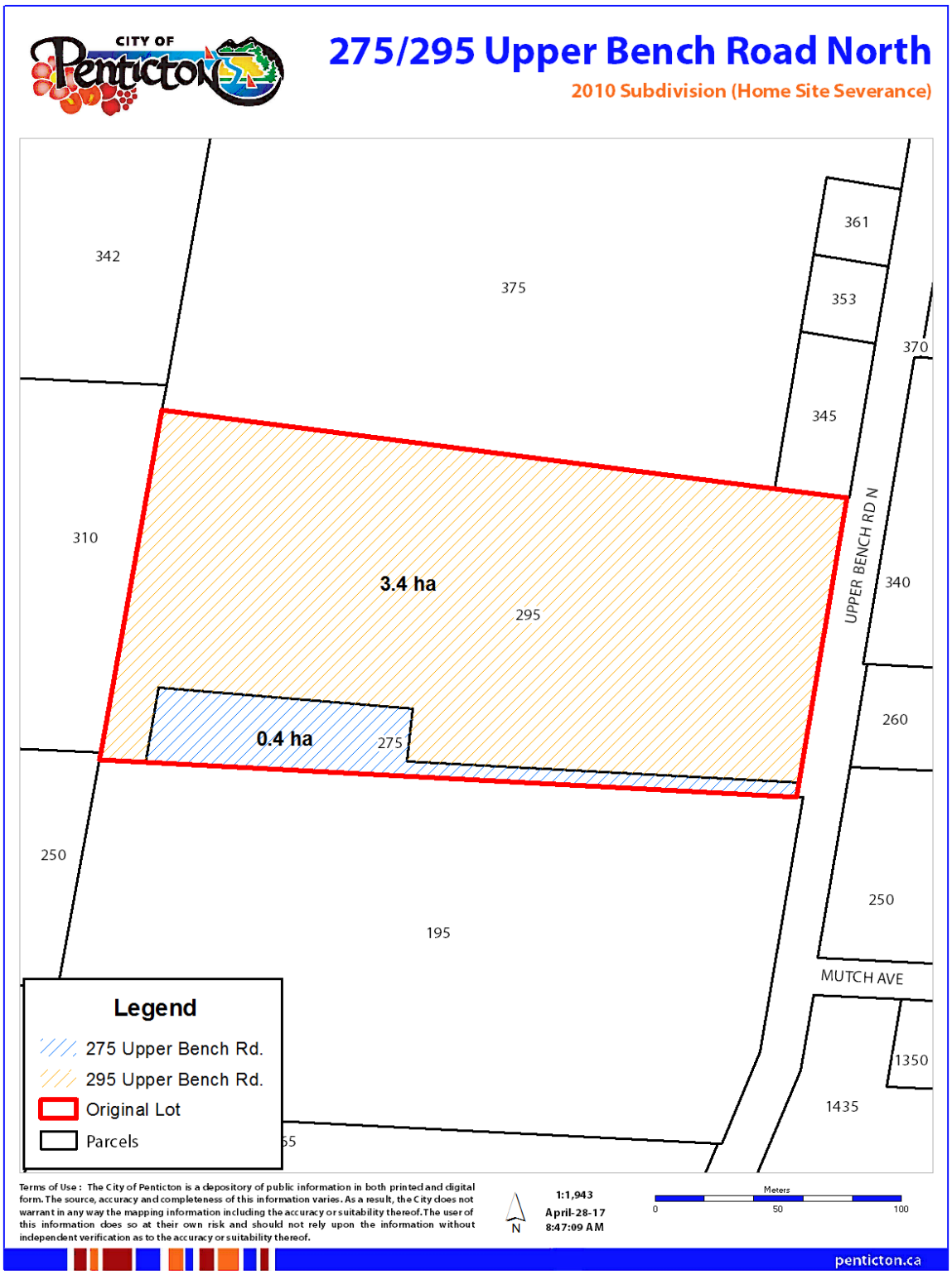


Attachment C – Zoning Map

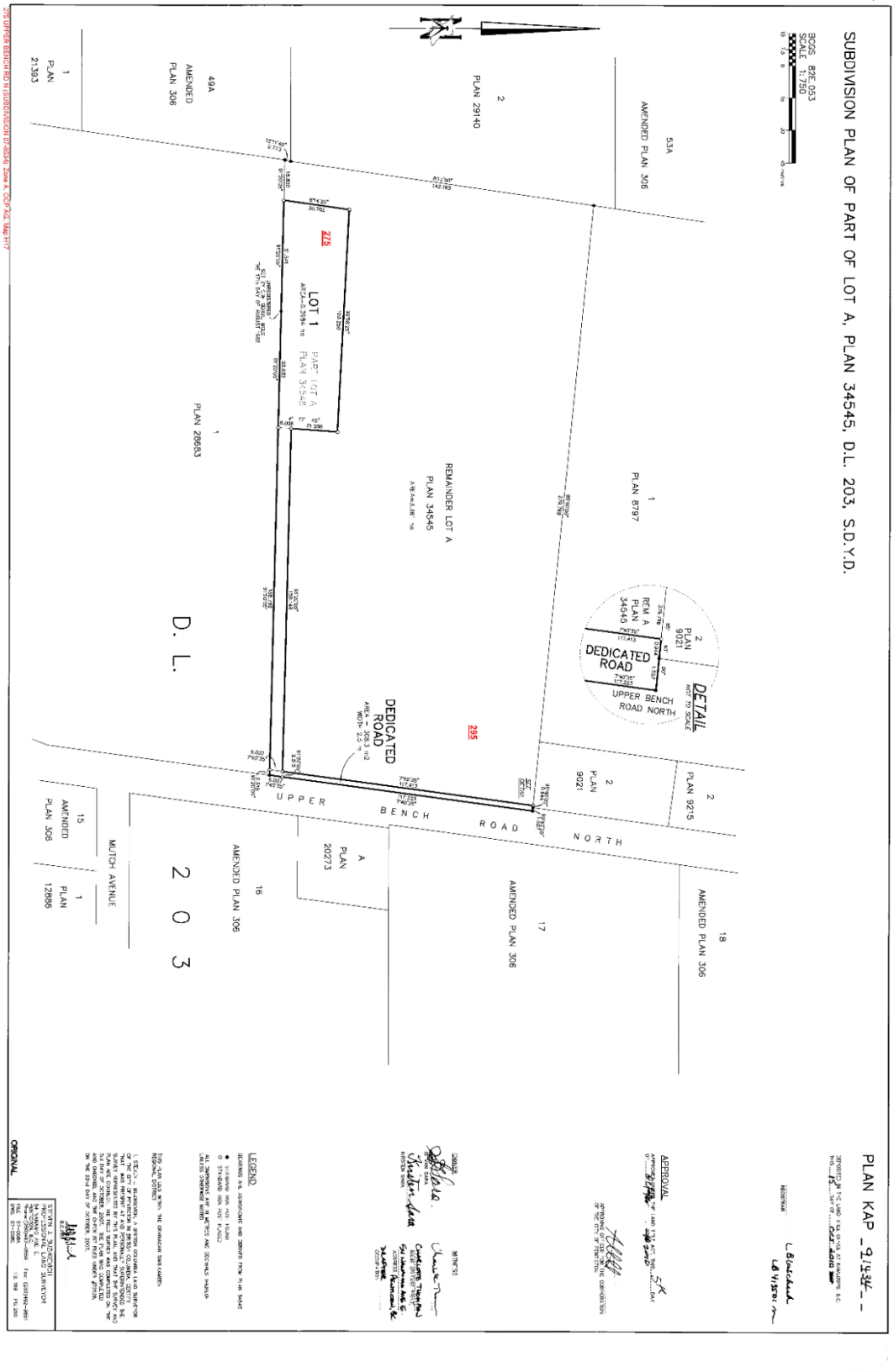
Attachment D – Proposed Subdivision



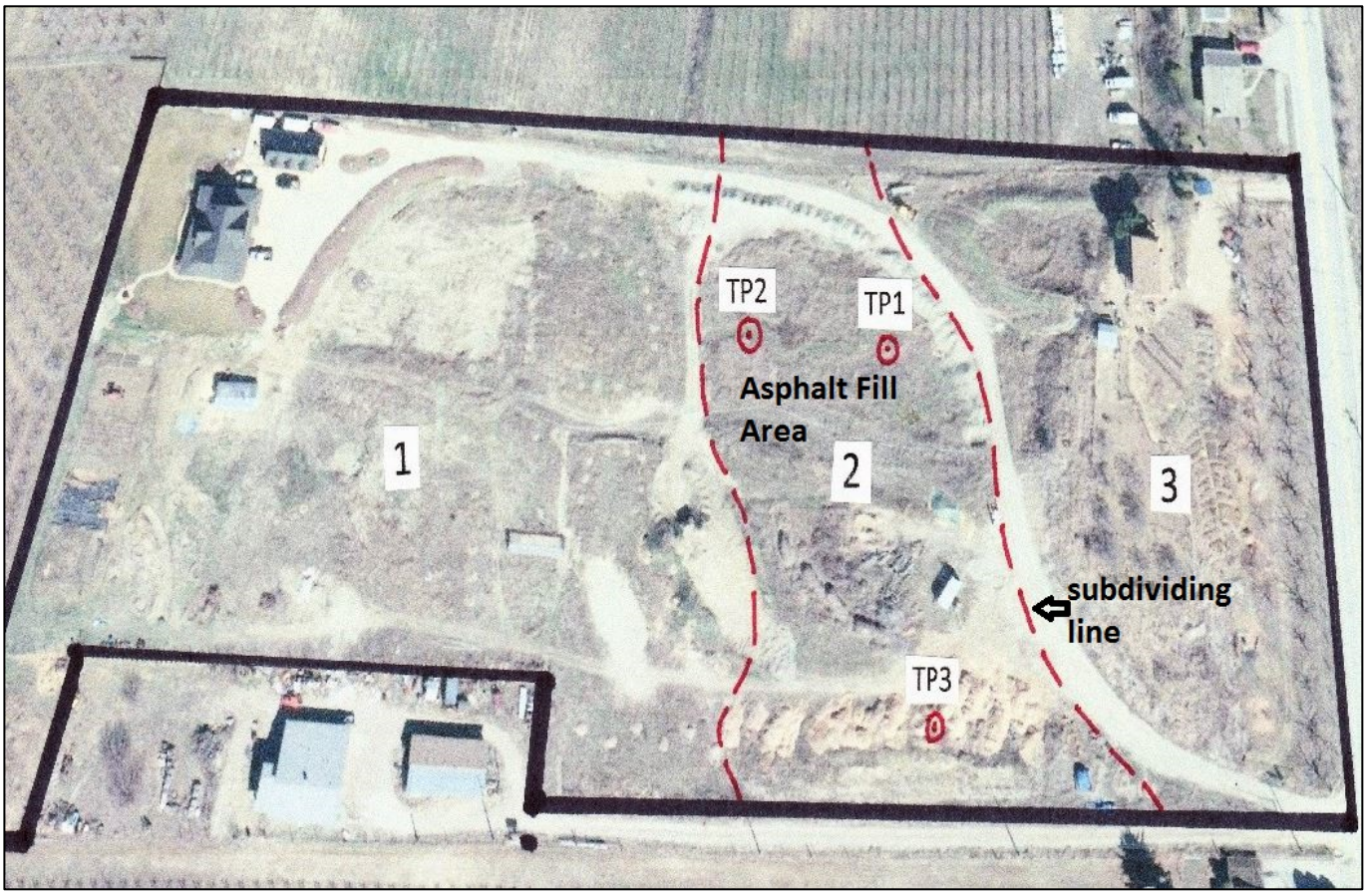
Attachment E – 2010 Home Site Severance



Attachment F – Home Site Severance Subdivision Plan KAP91434



Attachment G – Asphalt Fill Area



Attachment H – Photos of Subject Property

Looking West towards existing residence and garage

Looking South from the north-center portion of property

Fenced-in area

Picture showing the current state of the land (asphalt fill in middle 2 acres)

Existing House on North West corner of property

Existing Garage

Looking East from single family dwelling

Existing farm help dwelling in NE corner of property

Trees along east portion of property

Access at South East portion of property

Access at northeast portion of property

Attachment I – ALC Application

..\APPLICATION\2017-04-25 ALC Application.pdf

Attachment J – Agrologist Report

..\REPORTS\2017-03-27 Agrologist Report (Blashill).pdf

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56052
Application Status: Under LG Review
Applicant: Ryan Foster
Agent: Ryan Foster
Local Government: City of Penticton
Local Government Date of Receipt: 04/15/2017
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Subdivision
Proposal: Subdivision of this land would:

Enable myself and my family to maintain a livelihood by continuing our work in ecological farming and stewardship.

Allow us to continue our work in organizing to address rural and urban food security issues. In the last 7 years I have given numerous talks to hundreds of people on these subjects on behalf of our non-profit. We've implemented community food forests and gardens on public lands, including elementary schools. Our farm hosts workshops and learning sessions on subjects related to food security, unconventional agriculture, economic viability in stewardship, and others. We have begun work on a Food Forestry Academy, which would be both online and based partly on our farm. Our goal has always been to continue and escalate this work which has consumed the last 7 years.
If we are not successful in gaining an allowance for this subdivision it is highly likely our geographic and economic circumstance will not allow us to continue our work in anything like the same capacity.

Enable my family to raise our children in the right kind of environment, as well as have other young people visit to learn about sustainable farm practices.

Agent Information

Agent: Ryan Foster
Mailing Address:
295 Upper Bench Rd N
Penticton, BC
V2A 8T2
Canada
Primary Phone: (250) 490-7335
Mobile Phone: (250) 487-9325
Email: ryan@foodforesters.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 002-938-286
Legal Description: Lot a, District Lot 203, Similkameen Division of Yale District, Plan 34545
Parcel Area: 3.4 ha
Civic Address: 295 Upper Bench Road N.
Date of Purchase: 05/14/2011
Farm Classification: Yes
Owners

1. **Name:** Ryan Foster
   Address:
   295 Upper Bench Rd N
   Penticton, BC
   V2A 8T2
   Canada
   Phone: (250) 490-7335
   Cell: (250) 487-9325
   Email: ryan@foodforesters.ca

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
Approximately half an acre is in organic cherries (old fashioned canopy trees). These trees were the only ones present before the land was purchased by us. We chose to transition these to organic via PACS. The rest of the land is mixed perennial agriculture. We have chosen to employ less conventional techniques, namely Food Forestry and Permaculture. In many ways it has been an experimental farm, and we have learned great deal in terms of do's and don'ts.

Our crops include chestnut hybrids, filbert hybrids, walnuts, mulberry hybrids, blackberries, autumnberries (eleagnus), sea-buckthorn, persimmon, paw paw (asimina triloba), and select other species in lower quantity, such as medlar, unusual nut species, hardy apple cultivars, hops cultivars, medicinal species, hardy kiwi, and others.
Many of these crops, such as the paw paws, blackberries, and seabuckthorn, are beginning to achieve mature yields. Filberts will be there within a couple years. Other crops will take more time. The wide variety of difficult to acquire genetic material has been collected over the course of the last six years, with the intention of eventually diversifying the land use as a specialty nursery (genetic repository and propagation center).

Currently the farm makes money off cherry sales and egg sales (close to 100 laying chickens are raised here). Next in line to build up farm economy is seabuckthorn and mulberry sales, followed by the slower to mature species. I should note that of all mentioned, the 3 primary revenue producing crops will be sea buckthorn, filberts, and mulberries.

Food forestry and permaculture were employed as design methodologies to create the most ecologically sound, resilient, diverse, and aesthetically pleasing agricultural environment possible. This suited our original purpose in becoming farmers. Please visit the website of an organization I founded, Food Foresters of Canada, to learn more about these practices [Foodforesters.ca]. Everything we do at the farm is guided by principles of responsible agricultural/ecological management.

Relating to soil management - When we first began work we had a professional assessment done of the soil [attached]. Readings showed alkalinity of 8.5. I have worked diligently since that time to reduce or remediate this number in a variety of ways, including the incorporation of organic sulphur (limited success), and the steady build up of humus using vast quantities of wood chips distributed liberally all over the entire 8.3 acres of land. The result of the soil conditions depicted in the comprehensive soil analysis attached has been to narrow our range of available options in terms of crops. This was quite a

learning curve.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
Work has been steady over the years to remediate unfavorable soil conditions. Treatments of organic sulphur, nitrogen fixing cover crops, manures, composts, rock dusts, and vast quantities of wood mulch, have met with mixed success.

Sulphur and wood mulch combined with chicken manures has been the most successful of these, and our strongest focus. With these applications we have achieved gradual alkalinity reductions and better growing results. Plant species which are tolerant of our conditions, as well those which fix nitrogen, have been very helpful also.

Approximately 2 acres of the land, as we discovered after purchasing, is concrete and asphalt fill, uncovered by topsoil. As it is, it is practically unusable for agriculture. I have put in many hours in a large machine digging trench in the fill, fillings those trenches with decomposable matter (hugelkultur), as a means of rendering the fill area useable for certain crops. Continued application of this method is not feasible, since disposal costs of concrete and asphalt are too high.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
2 homes are lived in residences.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: Misconduct Winery Vineyard

East

Land Use Type: Other
Specify Activity: Upper Bench Rd

South

Land Use Type: Agricultural/Farm
Specify Activity: Vineyard

West

Land Use Type: Agricultural/Farm
Specify Activity: Organic Cidery Orchard

Proposal

1. Enter the total number of lots proposed for your property.
0.9 ha
2.5 ha

2. What is the purpose of the proposal?
Subdivision of this land would:

Enable myself and my family to maintain a livelihood by continuing our work in ecological farming and stewardship.

Allow us to continue our work in organizing to address rural and urban food security issues. In the last 7 years I have given numerous talks to hundreds of people on these subjects on behalf of our non-profit. We've implemented community food forests and gardens on public lands, including elementary schools. Our farm hosts workshops and learning sessions on subjects related to food security, unconventional agriculture, economic viability in stewardship, and others. We have begun work on a Food Forestry Academy, which would be both online and based partly on our farm. Our goal has always been to continue and escalate this work which has consumed the last 7 years.
If we are not successful in gaining an allowance for this subdivision it is highly likely our geographic and economic circumstance will not allow us to continue our work in anything like the same capacity.

Enable my family to raise our children in the right kind of environment, as well as have other young people visit to learn about sustainable farm practices.

3. Why do you believe this parcel is suitable for subdivision?
The lot has natural barriers which divide the two proposed lots. These include steep elevation changes (north end) and a driveway.

There are two entirely separate driveways already in place, one to each proposed lot.

Lot 1 would fit into the adjacent housing scheme, wherein the sequence of northerly neighbours each have small lots.

The property has agricultural challenges which make it a prime candidate for less conventional, perhaps more holistic growing strategies which we employ. These challenges include soil alkalinities as high as 8.6 or higher; severe magnesium/calcium imbalances; excess aluminum concentrations; mineral deficits; patch-mixed soil types; and approximately 2.5 acres of hardpan concrete and asphalt fill which is practically unuseable (unknown upon purchase). I have been working over the years to remediate all these issues, bring the soil back to life, and am seeing success.

There are existing structures already on both lots which can serve as residences. The lot 2 house is 3 bedroom. The lot 1 structure is legally a farm help building. As myself and my wife have technically been the farm help, we have put a great deal of money ($100,000) into making this building quite livable compared to its former state.

We believe the proposed subdivision is a great candidate for the creation of a more affordable/accessible farm lot for the entry level farmer.

The proposal leaves room for viable agricultural practice on both properties, and would not diminish agricultural viability on either one, since no earthworks or additional construction projects would be necessary to achieve the division.

4. Does the proposal support agriculture in the short or long term? Please explain.
The proposal supports agriculture in the short term, since most of the work we have undertaken so far need not be undone by a new buyer (a new buyer who may or may not practice agriculture). Much of the

culture already growing in Lot 2 can either be transplanted to Lot 1, or allowed to remain if the next buyer of Lot 2 forms an agreement with me in terms of land maintenance. If we are forced to move it is very likely our work over the last 7 years will be undone, an event which would set back agriculture in the area.

Our plans are such that as our farm matures, we develop more capacity to support agriculture and its practitioners in the region. We do this through our organizational capacities as well as our direct productivity. In our work we do not discriminate against conventional agriculture and the people practicing it, since we understand the challenges involved in economic viability; but we do like to talk about alternative ways of doing things which are compatible with the bottom line.

In the long term agriculture is benefited. This is partly true due to the tangible results on our farm, productivity and such, as well as our open door policy to the public who wish to come and learn about agriculture and our practices. Our proposed lot is right next to the main road, granting us a high degree of visibility and accessibility. This gives us a great advantage in promoting what we do, in terms of both private enterprise and public advocacy.

We are capable of demonstrating how remediation efforts can be successful on damaged soil, and we have the drive and the vehicle to provide education to that effect.

We are asking that the City of Penticton and the Agricultural Land Commission please take this into account as a benefit to agriculture. We, as young farmers involved in the community, are a benefit to agriculture.

The land itself, as it is, divided in two parcels, will not detract from agriculture. The agricultural development it is currently undergoing, as a part of our long term project to create a regenerative agriculture institute, will be of great benefit to agriculture and agricultural awareness for years to come.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.
No

Applicant Attachments

- Agent Agreement - Ryan Foster
- Professional Report - Agrologist's Report
- Professional Report - Agrologist's Report - Appendix A
- Site Photo - SubdivisionProposalMap
- Other correspondence or file information - AgriculturalAdvocacySample1
- Proposal Sketch - 56052
- Professional Report - Soil Assessment 2011
- Professional Report - Soil Assessment 2013
- Certificate of Title - 002-938-286

ALC Attachments

None.

Decisions

None.

295 UPPER BENCH ROAD N

PENTICTON BC

AGROLOGIST'S REPORT

295 UPPER BENCH ROAD N

PENTICTON BC

AGROLOGIST'S REPORT

By: **Wayne A. Blashill, PAg.**
11519 Quinpool Road.
Summerland, BC. V0H1Z5.
(250) 494 5323
e-mail: wayne_blashill@telus.net
March 27, 2017.

Signature: Wayne Blashill, PAg

INTRODUCTION

This Agrologist's Report has been compiled to provide agricultural capability and arability for a property at 295 Upper Bench Road N, Penticton, BC. The acreage is 8.3-acres in size. This report will be used to form part of an ALC Application to Subdivide. The land is currently in the ALR.

The legal address of the property and owner contact information is:

Mr. and Mrs. Foster
295 Upper Bench Road N
Penticton. BC. V2A 8T2

METHODS

The site was inspected on March 18, 2017. There were 3 soil test pit locations excavated by machine. The soil pits were placed in a 2-acre central area that was a previous gully that had been filled with contaminated material. The BC Ministry of Forests FS882 field form was used to record the data. The locations were numbered in sequence as test pit one (TP1). The data was collected over a time-period of 2.5 hours.

The 2-acre filled gully was the only area surveyed. The reason was to determine the extent of the fill and the kinds of contaminants present. The remainder of the acreage (6.3-acres) is already proven high quality arable land and did not require any soil pits.

The soils were described to determine the agricultural capability, depth and type of contaminants present. Soil color, % coarse fragments and texture are among the factors observed. Site factors such as slope, aspect, drainage, landform and surface shape are also recorded. The soil pits were excavated to about 1 m depth and a photograph taken.

RESULTS

It was determined from field inspection that the 2-acre area is composed of fill material. The fill has sediment that was excavated elsewhere and deposited at the site. The fill also contains numerous slabs, chunks and pieces of asphalt.

The soil polygon labels, boundaries (red dash) and test pit locations are shown on the ortho-image in Figure 1. The original high resolution ortho-image for Figure 1 can be inspected on Google Earth.

The acreage is an operating farm with organic cherries, assorted fruit and nut trees and chickens. Primarily on the 2-acre portion.

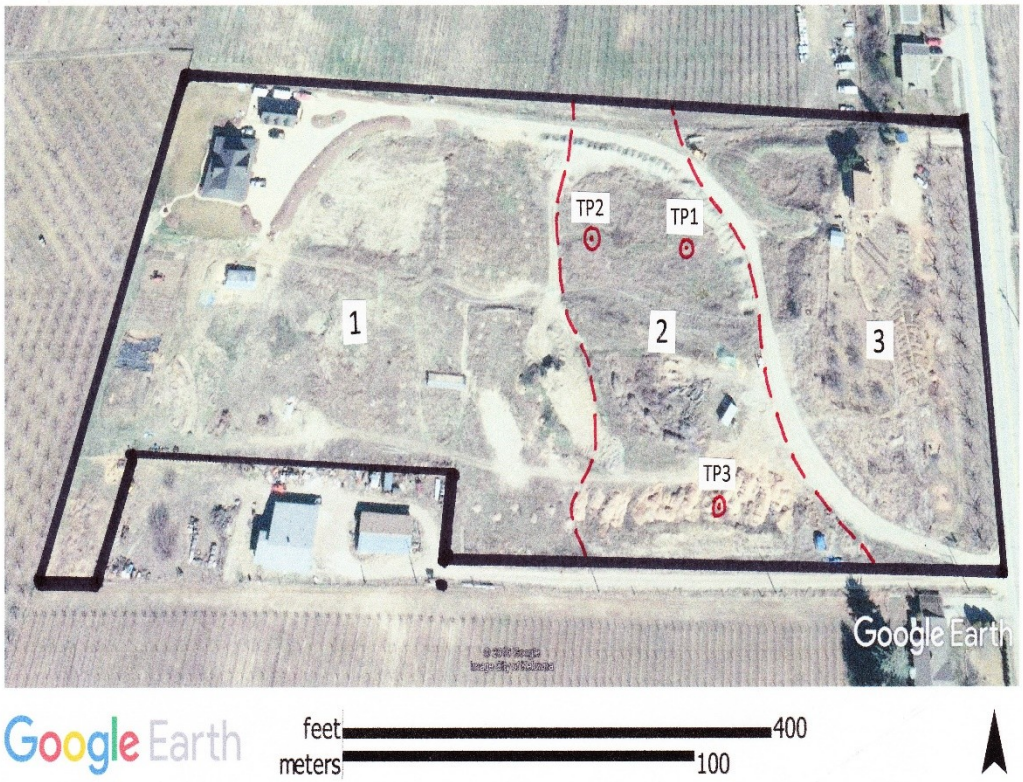


Figure 1. The soil polygon labels, boundaries (red dash) and the soil test pit locations (TP).

Soils

The following soils descriptions are from the 3 test pits. Soil pit pictures are in Appendix A. The horizons and soil texture definitions can be found in NRC (1998). Soil colors are determined using a Munsell Color Chart (Macbeth, 1992). Note that some of the coarse fragments were asphalt.

Table 1. Soil description for TP1 on contaminated fill.

HORIZON	DEPTH	COLOUR	TEXTURE	TOTAL	COARSE	FRAGMENT	CONTENT
	(cm)			Gravel	Cobbles	Stones	Total
Lw	16-0			(%)	(%)	(%)	(%)
Ck1	0-22	10YR4/2	clay loam	20	10	20	50
Ck2	22-49	2.5Y4/2	silty clay	20	10	20	50
C	49-75	2.5Y4/3	sand	20	10	20	50

Table 2. Soil description for TP2 on contaminated fill.

HORIZON	DEPTH	COLOUR	TEXTURE	TOTAL	COARSE	FRAGMENT	CONTENT
	(cm)			Gravel	Cobbles	Stones	Total
Lw	9-0			(%)	(%)	(%)	(%)
Ck1	0-33	10YR4/3	sandy loam	20	5	20	45
Ck2	33-71	10YR4/3	sandy loam	20	5	20	45
Ck3	71-92	10YR3/3	sand	20	5	20	45

Table 3. Soil description for TP3 on contaminated fill.

HORIZON	DEPTH	COLOUR	TEXTURE	TOTAL	COARSE	FRAGMENT	CONTENT
	(cm)			Gravel	Cobbles	Stones	Total
Lw	12-0			(%)	(%)	(%)	(%)
Ck1	0-18	2.5Y4/3	sand	20	10	25	55
Ck2	18-47	2.5Y3/3	sandy loam	20	10	25	55
Ck3	47-93	2.5Y3/2	sandy loam	20	10	25	55

Agricultural Capability

The property was mapped into 3 landforms of similar characteristics. Table 4 has the agricultural capability rating for each soil polygon in Figure 1. The rating was derived from each soil pit and the observation notes in that polygon. Table 5 has the definitions for the capability sub-classes (Kenk, 1983).

Table 4. Agricultural capability classes for each polygon.

Polygon #	Agricultural Capability	Landform	Acres
1	Arable. Not Assessed.	Proven high quality arable land.	4.3
2	6^{F}_{P}	Gully filled with sediment and asphalt contaminants.	2.0

3	Arable. Not Assessed.	Proven high quality arable land with organic certification.	2.0
		Total	8.3

Table 5. Agricultural capability class & definitions for Table 4.

Class	Subclass	Limitation	Definition
6	F	Fertility	Soils in which the very poor fertility status is unsuited for agricultural crops and is impractical to improve with feasible management practices.
5	P	Stoniness	Sufficient coarse fragments (>2.5 cm dia.) are present to prevent sustained cultivation until considerable picking has been done. Total coarse fragment content is 41 to 60%.

DISCUSSION

The fill material in polygon #2 was determined to be composed of slabs, chunks and pieces of road asphalt. Polygon #2 has an agricultural capability rating of $6^{F}{}_{P}$ making it non-arable because of the asphalt present. There were also moderate concentrations of carbonates in the soil. The soil showed moderate to weak effervescence with 10% HCl.

Polygons #1and #3 were not surveyed, since they are already proven high quality arable land.

Risk

It is not recommended that food crops be grown on soils containing construction waste and asphalt. The risk is that crop roots extending into this material may uptake elements and compounds and concentrate them in the edible tissues of the plant. Concrete and re-bar probably would have minimal effect on human health. It is composed mostly of gravel, sand, clay, lime and iron.

However, road asphalt is of more concern for several reasons. The bitumen binder in asphalt contains petroleum hydrocarbons. They are associated with benzo-pyrene and other polycyclic aromatic hydrocarbons which have been linked to cancer. Road asphalt also contains pollutants acquired during use as roadways. Particles from tire wear, oil drips, gasoline leaks, exhaust, antifreeze, de-icing products etc. become embedded in the surface. Copper, cadmium, zinc and other metals all can be found in road asphalt. High concentrations of these elements in food can pose a risk to human health.

There is little research of food crops being grown on construction & asphalt waste. England is conducting trials with grasses & willows being grown on old landfill sites (FCC, 2013). The vegetation is dried and burned for electricity, not consumed as food. It is their hope that eventually the landfill can be returned to agricultural production.

Impact Assessment

The subdivide on the subject property would have negligible impact on the adjacent properties. There will be no additional people living at the acreage, since the 2-acre

organic part already has a residence. There will be no additional vehicle traffic, since both farm residences are already occupied. Thus, properties to the north, south and east will have no impact.

The farm to the west shares a fence-line with the subject property. There will be no impact across the fence-line due to the proposed subdivide.

Sensitive Sites

There are no sensitive sites at the property.

Family Farm

The owners wish to subdivide the acreage into 2 lots. The intent is to allow their child to inherit a portion of the farm and allow it to remain in the family. This would be the 2-acre organic certified part. The remainder would be used by the owners to eventually finance their retirement.

The proposed subdivide would keep the fill area within the larger acreage (1st lot). The 2-acre organic certified part would be the 2nd lot. Keeping the fill area with the 1st lot would allow the organic area to be legally detached from the contaminated soils. There is a road and a slope embankment providing a pre-existing and natural buffer separating the organic parcel from the fill.

CONCLUSION

It is the Agrologist's opinion that the 2-acre polygon #2 is not appropriate for agricultural production. The asphalt concentration poses a risk for contaminant uptake into crops and livestock. It is not suitable for safe high quality food production.

It is the Agrologist's opinion, that if the acreage is subdivided, the best place for the boundary would be the one between polygon #2 and #3. This would isolate the organic part of the farm from the fill.

REFERENCES

FCC Environment. 2013. "FCC harvests first biomass crop on landfill sites". Reported by <edie.net> news service in May 2013.

Kenk, E. 1983. Land Capability Classification for Agriculture in BC. MoE Manual 1. Ministry of Environment. Victoria.

Macbeth. 1992. Munsell Color Charts. Kollmorgen Instruments Corp. Box #230. Newburgh. New York. (Local supplier: Deakin Equipment Ltd. Vancouver).

NRC. 1998. *The Canadian System of Soil Classification*. Agriculture Canada. Ottawa.

Council Report

penticton.ca

Date: June 20, 2017 File No: 5360
To: Peter Weeber, Chief Administrative Officer
From: Len Robson, Public Works Manager
Subject: **2018 to 2025 - Collection of Garbage, Recycling, Compostable Materials and Large Items – Contract Award**

Staff Recommendation

THAT Council authorizes staff to enter into negotiations up to an upset value of $1,098,305 with Waste Connections of Canada based on their proposal for the provision of the Collection of Garbage, Recycling, Compostable Materials and Large Items for the City of Penticton for the term of seven years commencing July 1, 2018;

AND THAT the Mayor and Corporate Officer are directed to execute the negotiated contract on behalf of the City of Penticton.

Strategic priority objective

The award of a 7 year contract for the collection of solid waste and recycle material supports sustainability and livability, 2 of the Strategic Pillars of the City of Penticton.

Background

The current "Waste and Recycling Collection Contract" with Waste Connections of Canada (formerly BFI Canada Inc.) expires June 30, 2018.

The City of Penticton collaborated with the Regional District of the Okanagan Similkameen (RDOS), Summerland, Oliver, Osoyoos, and Keremeos on a Request for Proposals for the Collection of Garbage, Recycling, Compostable Materials and Large Items. The Request for Proposals (RFP) closed on May 11, 2017.

The following 4 service providers submitted proposals for the work:

- Waste Connections of Canada
- Waste Management of Canada
- Appleton Waste Services Inc
- Emterra Environmental

Although the RFP was a cooperative effort, each local government or regional area will determine the best value for their respective area and will negotiate an independent contract with the highest ranked service provider.

The new contract does not contemplate any core service level changes; however, there are provisions to negotiate for a future organic waste collection and additional yard waste collections if requested.

The proposals were evaluated on pre-established criteria including:

Proponent (20%):

- Qualifications of firm (5%)
- Experience of firm (5%)
- Past Performance / References (5%)
- Resources (5%)

Proposal (50%)

- Scope Recognition (5%)
- Methodology of Service Provision (20%)
- Environmental Performance (5%)
- Scheduling (5%)
- Level of Effort (5%)
- Clarity of Proposal (10%)

Price (30%)

- Overall Fees (Lowest cost Proposal / Proposal being evaluated X 30%)

The scores of the evaluation are used to determine the highest ranked proponent and overall best value for the City of Penticton.

Financial implication

The solid waste and recycle collection contract rates did not increase for 2017 and will not increase for the remainder of the contract in 2018. The new contract will commence on July 1, 2018 and will be subject to the new rates and annual increases or decreases based on the change in BC Transportation CPI.

The overall fees submitted for the core residential and multi-family services results in an annual increase ranging from 10% to 21% depending on the following 2 factors:

1. If all areas choose Waste Connections of Canada as their service provider the rates for the City of Penticton decrease.
2. If the City of Penticton chooses to allow the contractor to provide 3 new trucks for the primary service and 1 of their existing trucks as a spare, an annual credit of $47,864 applies.

The 2018 Annual Operating Budget and the Fees and Charges for Solid Waste and Recycle Collection Services will be adjusted to accommodate the contractual fee increases as well as all other associated costs of providing the services.

Core Services includes residential curbside collection of garbage, recycling, yard waste, bulky items and multi-family recycle collection.

Analysis

All proposals were analyzed by two staff members in accordance with the predetermined criteria as specified in the Request for Proposals. The summarized results are shown in Table 1 below.

Table 1. Scoring of Proposals submitted (out of 100)

Appleton Waste Services Inc	Emterra Environmental	Waste Connections of Canada	Waste Management of Canada
71	85	89	71

The estimated costs for the core services of the Solid Waste and Recyclable Materials Collection program based on the current customer count are provided in Table 2.

Annual Cost	Appleton Waste Services Inc	Emterra Environmental	Waste Connections of Canada	Waste Management of Canada
Penticton Only	$992,895	$1,404,401	$1,098,305	$1,884,691
Penticton & All RDOS Areas	$992,895	$1,329,420	$1,047,160**	N/A

Note the annual cost is based the Core Services for 9,650 residential customers, 261 multi-family weekly recycle customers, and 6,594 multi-family bi-weekly recycle customers. Fees for cart maintenance, cart change outs, additional yard waste and tag a bag fees were not included in this calculation.

*** Waste Connections of Canada submitted a $47,864 per year ($335,048 over the term of the 7 year contract) fee reduction proposal whereby they would purchase 3 new trucks required to perform the bulk of the service and retain one of their existing retrofitted trucks for the overflow work and breakdown coverage. If the City negotiates this offer their annual fee would be $999,296.*

Evaluations of the proposals based on the predetermined criteria indicated that Waste Connections of Canada's proposal provided best overall value to the City of Penticton.

Waste Connections of Canada (formerly BFI Canada Inc.) is the current service provider for Penticton and area. They have provided excellent service for the duration of the existing contract, were flexible and cooperative in the City's transition to Recycle BC Program (formerly MMBC) and have been a key part of the implementation of Penticton's Cart Program.

Alternate recommendations

THAT Council provide direction and refer the issue back to staff.

Attachments

N/A

Respectfully submitted,

Len Robson, AScT
Public Works Manager

General Manager of Infrastructure	CAO
	PW

Approvals

Council Report

penticton.ca

Date: June 20, 2017 File No:
To: Peter Weeber, Chief Administrative Officer
From: Tyler Figgitt, Design Supervisor

Subject: **KVR Trail Retaining Wall Replacement, Budget Amendment**

Staff Recommendation

THAT Council direct staff to implement the replacement of the KVR Trail Retaining Wall located north of Carder road extending North to the Trestle Bridge;

AND THAT Council approves a budget amendment of $300,000 from the City's Asset Emergency Reserve to fund the capital improvements.

Strategic priority objective

Sustainable - Invest in the City's facilities to extend the life our assets.

Livable – Provide infrastructure that promotes active modes of transportation.

Background

The KVR Trail was built in 2001 and is a well-used multiuse trail within the City. It is also part of the Trans Canada Trail network. The section of trail from Carder Road to McCollugh Trestle Bridge required the construction of a large retaining wall in order to create the flat trail surface between two orchards at the time of construction in 2001. The existing Allen Block retaining wall ranges from approximately 0.6m high to 3.0m high.

In the spring of 2016 the Allen Block retaining wall started showing signs of movement and possible failure. The wall was monitored for signs of continued movement. In April of 2017 sections of the wall moved during spring melting due to groundwater buildup behind the wall. The KVR trail surface was also damaged from mud and surface water runoff from melting snow in this area. The path was partially closed off to allow for the safe movement of its users while it was assessed by a structural engineer to determine if repair or replacement of the wall was needed. The structural engineer determined that the wall needed to be replaced as the restraining and drainage systems behind the wall did not appear to be functioning correctly which has allowed the wall to move in sections.

The structural engineer has designed a replacement gravity wall which requires no structural reinforcement behind the wall. There are also provisions to address the run off from snow melt from both above and below the pathway to prevent damage from happening to the retaining wall and pathway in the future.

Figure 1 – Site Location, East of Carder Road by Trestle Bridge

Figure 2. Failing Wall

Figure 3. Failing Wall

Figure 3. Failing Wall

Figure 4. Example of Proposed Replacement Wall

The section of KVR Trail is also planned to be used for the ITU Multisport Races in August. Currently the pathway is narrowed to allow users of the trail to continue to navigate it while keeping a safe distance away from the wall.

The project is out for tender and closes on June 27th, 2017. City Staff will award to the lowest successful tenderer should the tendered prices be submitted within the submitted budget. The estimated completion date for this project would be August 5th, 2017.

Financial implication

The estimated cost to complete the retaining wall replacement including consulting fees, permits, contingencies and implementation of the work is $300,000.00.

A budget amendment is required to fund this capital upgrade. Funds are available from the Asset Emergency Reserve.

Analysis

The KVR Trail Retaining Wall is in need of replacement due to failure of the restraining and drainage systems behind the retaining wall. The pathway is currently narrowed to provide safe passage through the effected sections. The City needs to replace the wall in order to restore full use of the KVR Trail for the public who frequently use the trail and for the ITU Multisport Event in August. The project is currently out for tender and will be awarded June 28th, 2017 pending council approval of the proposed budget. Project completion is estimated to be August 5th, 2017.

Alternate recommendations

THAT Council direct staff to leave the KVR Trail Retaining Wall in its current state for 2017 and budget for replacement as part of the 2018 budget.

Attachments

None.

Respectfully submitted,

Tyler Figgitt
Design Supervisor

Approvals

General Manager of Infrastructure	Chief Financial Officer	Chief Administrative Officer
	JWB	PW

Council Report

penticton.ca

Date: June 20, 2017 File No:
To: Peter Weeber, Chief Administrative Officer
From: Bregje Kozak, Manager of Facilities

Subject: **Gyro Bandshell, Protection of Asset**

Staff Recommendation

THAT Council direct staff to install a modu-lock fence on the Gyro bandshell stage to deter vandalism and help protect this valuable City asset.

Strategic priority objective

Livable/Sustainable - Invest in the City's facilities to extend the life our assets, protect public safety, improve operational efficiencies and service delivery.

Background

Gyro Bandshell is one of the City's well known facilities, located in our downtown Gyro Park at Main Street and Lakeshore Drive. It is a well-used event and leisure recreation park and the bandshell stage is home to many activities and booked events, particularly during the Spring/Summer season. Gyro Park and the bandshell are available to be booked for festivals and other events, through the Recreation Department.

Over the past few years, the bandshell stage has been subject to various types of vandalism and activities that are inconsistent with its intended use as a community stage. As a result, Bylaw enforcement, RCMP, Facilities staff and contracted security have experienced challenges in ensuring a clean and safe facility for the general public and booked events. Collectively, they have spent inordinate amounts of time trying to manage nuisance activities, making repairs and keeping the stage free of clean and free of debris and hazardous materials. In Summer of 2016, Facilities maintenance staff alone spent up to 8 hours per week trying to keep the bandshell in an acceptable condition and in many cases had to be called out on stand-by to deal with last minute cleaning requirements prior to weekend event bookings.

Bylaw enforcement has been attempting to minimize the unwanted activity on stage and have called on the RCMP to assist, but since there is no real crime being committed, it is difficult to enforce dutiful care, respect and protection of the facility. RCMP have attended to numerous calls in the park and the activities occurring continue to be a concern for them. Just recently the RCMP attended to a call from a nearby daycare that uses the park for their outdoor activities, as they expressed concern about the activities occurring and condition of the bandshell area. Further, Penticton Security has assisted with patrols in late evening hours and have also indicated that they have considerable challenges dealing with unwanted behaviors and activities on the bandshell.

Bylaw has received many complaints about the condition of the bandshell over the past few years from surrounding residents and general public. The complaints increase over the summer months when it is busy, and the nature of complaints are primarily related to noise and nuisance coming from individuals and groups that use the Gyro stage for gatherings and other behaviours that are not consistent with its intended use. The complainants are asking that the City address the issue so other members of the public can feel comfortable and safe to enjoy this City venue.

In order to help improve public safety, community enjoyment of the park and minimize vandalism and cleaning time, Facilities staff are recommending installing a modu-lock fence across the front of the stage to prevent access to the stage area and protect it from trespassing and undesirable activities. The fence is installed in modules and would be set up when there are no booked activities in the park or bandshell, and easily removed to accommodate booked events. Bylaw enforcement and RCMP are supportive of this solution. Photos of the proposed fence are shown below:

Financial implication

There are no financial implications as the modu-lock fence material was already in stock at City Yards and set up and take down would be accommodated from within the existing Facilities operational budget. The time required to setup and take down the fence is only about a half hour, much less than the operational time currently spent in cleaning and maintaining a safe environment on the bandshell stage.

Analysis

The Gyro Park Bandshell stage is an important venue in our community and is integral for bookings of festivals and events at Gyro Park. The community expects clean, safe parks that can be enjoyed by all. Protecting the City's asset from vandalism and unwanted behavior is being recommended in response to public requests as well as minimizing time and effort in managing cleanliness and safety of the bandshell stage.

Alternate recommendations

That Council direct staff to continue current operations and maintenance at the Gyro bandshell without use of the fence.

OR

That Coundil provide staff with alternate direction.

Attachments

No attachments.

Respectfully submitted,

Bregje Kozak,
Manager of Facilities

Approvals

General Manager of Infrastructure	Chief Administrative Officer
	PW

Council Report

penticton.ca

Date: June 20, 2017 File No: 4020
To: Peter Weeber, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor

Subject: **Smoking in a public municipal open space**

Staff Recommendation

THAT Council receives this report for information.

THAT Council endorses the proposed Bylaw Services Department schedule for public awareness campaign of the Smoking Bylaw.

June 20th - July 4th	Drafting/preparation and delivery of education material	Bylaw Services and Communications
July 4th-July 18th	Warning ticket period at Parks and Beaches	Bylaw Enforcement Officers
July 18th onward	Warning and/or Ticketing period at Parks and Beaches	Bylaw Enforcement Officers

Strategic priority objective

Exposure to second-hand smoke in public places remains a public health concern. A decade prior, in 2006, there were six communities in British Columbia that recognized the need for stricter policies to reduce second-hand smoke. Today, seventy-one (71) BC communities, including Penticton, have outdoor policies/bylaws in place that are more restrictive than BC's Tobacco and Vapour Control Act. Ensuring the city is safe, healthy and welcoming; the Bylaw Services Department strives for a livable community through the education and enforcement of the Smoking Bylaw.

Background

In April, 2013 amendments to the Smoking Bylaw 87-15 were made to include a definition of "Public Municipal Open Space"- a park, playing field, tennis court, playground lawn bowling green, walkway, path, trail, beach, dock, marina or other outdoor public space which is owned, controlled or operated by the City for the use of pleasure of the public and which is shown in Schedule "A" attached to and forming part of this bylaw.

The following areas have been designated by Council as "No Smoking Areas" (Schedule "A")

Added information about any visual 'No Smoking' signs beside each location

- Skaha Beach- Signs at each entrance and on beach
- Skaha Lake Walkway- Signs at points of entry
- Sudbury Beach if leased- currently leased-signs at parking lot entry, none at beach
- Airport Beach if leased- not currently leased
- Okanagan Beach-One sign at entrance by Power Street
- Okanagan Lake Park Beach- Signs by washrooms, no signs at either entrance or on beach
- Marina Way Beach- signs at parking lot, one sign on north end of beach
- Dog Beach (Lakeside Road)- No signage
- Behind S.S. Sicamous- No signage
- Behind Penticton Yacht Club- Lot closed (temporarily)
- Three Mile Boating Beach Area- No signage
- Rotary Park Beach (north side of park)-signage at entrance by Peach, one sign by loading zone by pump house
- Kiwanis Walking Pier Area- Closed temporarily, no signage
- West Okanagan Lake Walkway from Winnipeg St to the S.S. Sicamous-one sign at Power Street entrance, one sign at Riverside Drive entrance

On April 16th, 2013 the City of Penticton submitted the Smoking Amendment Bylaw No. 2013-5047 for deposit with the Ministry of Health. The bylaw had been received and adopted on April 22nd, 2013 by the Ministry of Health. (Attachment A). There was little public awareness in 2013 related to the changes to the Bylaw, although most of the designated 'No Smoking' areas had signs installed (Attachment B). Public education of municipal bylaws is imperative for citizens so they are made aware of any changes or amendments to bylaws.

In January, 2017 Bylaw Services Supervisor participated in an interview for research with Propel Centre for Population Health Impact, University of Waterloo (Attachment C). The Centre was founded by the Canadian Cancer Society and the University of Waterloo. The study assessed the methods used to promote, implement and enforce municipal bylaws. Public response to the bylaw was also investigated. As a result of the interviews of 24 British Columbia municipalities a 32 page assessment report was provided. Some of the highlights included:

- Almost half of municipalities interviewed conducted public consultations (public meetings, open council meetings, social media, open houses, etc.)
- Most municipalities reported using promotional materials (pamphlets, brochures, posters) to communicate the new bylaw, the majority of which were produced in-house and incurred little cost.
- Almost all municipalities (96%) indicated that no additional bylaw enforcement officers were hired as a result of the Smoking Bylaw implementation.
- Some municipalities use summer students to patrol the beaches and ask people to "butt out", others use appointed Park officers (rangers, ambassadors, etc) to enforce the bylaw.
- More than half of the municipalities (57%) reported that the municipality's enforcement approach is entirely complaint driven.

- Across the province, two thirds of municipalities (67%) reported they had not issued tickets for outdoor smoking infractions (some used warnings instead).
- Of the 24 municipalities that participated (88%) indicated that the bylaw had a positive impact on the community for various reasons (well received/embraced).
- Majority of municipalities (71%) had received complaints from the public for smoking in areas prohibited by the bylaw.

Financial implication

The cost of the public awareness campaign and subsequent enforcement will come from existing Bylaw Services budget allocation (relief staff).

Analysis

Since the amendments to the Smoking Bylaw in 2013, Bylaw Services officers have mostly educated the public with the locations determined to be "No Smoking". The educative approach has involved verbal warning interactions in public municipal open spaces when seen by an officer in the field (primarily complaint based), which is aligned with smaller-mid-sized BC municipalities. Each summer, the department has staffed a summer student and relief officer to assist with public education of the 'No Smoking' locations.

When giving a verbal warning, Section 6 (a) is identified-Smoking in a public municipal open space is an offence holding $100 Bylaw Offence Notice. There has been relatively low numbers of calls for service from the public in reporting persons smoking in City of Penticton parks and beaches (approximate numbers 2015=6, 2016=10, 2017=8 YTD, which could be a result of lack of public awareness). It was identified by the First Coyote Hills Girl Guides at the May 23rd, 2017 Council meeting that it is an issue which the city should be dealing with more effectively.

The Girl Guides held a cleanup activity and found 658 cigarette butts around the Skaha Park beaches. Enforcing this Bylaw has been challenging since typically the smoker is not seen by the time the Bylaw Officer attends the location. Officers will be as proactive as possible with current resources to ensure the public is aware of the Bylaw. The City wants to keep the parks and beaches clean, and after a period of public awareness (website, newsprint, infographics, social media), there will be tickets issued for the violation as per the proposed schedule.

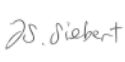
Attachments

Attachment A – Letter of receipt from Ministry of Health

Attachment B – Photos of current signed areas

Attachment C – Participant Letter

Respectfully submitted,



Tina Siebert, Bylaw Services Supervisor

Approvals

Director	Chief Administrative Officer
AH	PW

Attachment A-Letter of receipt from Ministry of Health

BRITISH COLUMBIA
The Best Place on Earth

97252

May 14, 2013

Dana Schmidt, Corporate Officer
Corporate Administration
171 Main Street
Penticton, BC
V2A 8L3

Dear Ms. Schmidt,

Thank you for submitting the City of Penticton's **Smoking Amendment Bylaw NO. 2013-5047** for deposit with the Ministry of Health. This letter confirms the bylaw has been received and deposited on April 22nd, 2013.

As per the Public Health Bylaws Regulation, please ensure consultation with the local health authority has taken place prior to passing the bylaw.

If you have any further question please contact me at the information below.

Sincerely,

Keri Laughlin
Environmental Health Policy Analyst
Health Protection Branch, Population and Public Health
Ministry of Health

Attachment B- Photos of current signed areas

Attachment C-Participant Letter

PROPEL
CENTRE FOR POPULATION HEALTH IMPACT™

University of Waterloo
200 University Ave. W.
Waterloo, ON
N2L 3G1

TEL 519 888 4520
FAX 519 746 8171
propel@uwaterloo.ca
uwaterloo.ca/propel

Dear Potential Participant,

This letter invites you to participate in a brief interview regarding the implementation of the smoke-free/vape-free outdoor spaces bylaw that was passed in your municipality.

There are more than 60 municipalities in British Columbia that are covered by outdoor smoke-free ordinances regulating smoking in patios, parks, beaches, doorways or other environments not regulated by BC's Tobacco Control Act. However, there are still about 100 area municipalities that do not currently have any ordinances or bylaws to protect individuals from second-hand smoke exposure in outdoor environments. Several communities (Vancouver, Harrison Hot Springs, Williams Lake, Kelowna, Chilliwack, Lumby, Maple Ridge and Summerland) have also banned e-cigarettes in outdoor public places where smoking is prohibited.

Researchers: Ryan David Kennedy, PhD; Ornell Douglas, MPH

Purpose: The Canadian Cancer Society of British Columbia and Yukon (CCS BCY) recognizes that it would be beneficial to understand how outdoor smoke- and vape-free ordinances have impacted bylaw resources. A primary barrier to advancing further outdoor regulation is quantifying how these policies/ordinances/laws affect municipal capacity, specifically enforcement staff and legal staff. Therefore, CCS BCY has partnered with the Propel Centre for Population Health Impact at the University of Waterloo in order to conduct a 20-minute telephone interview of Municipal and Regional District Staff (i.e. Director of Corporate Administration, Manager of Social Planning; and By-law Enforcement Staff) in municipalities and districts with comprehensive outdoor smoke-free policies. This will assist us to better understand how the bylaw was promoted; the associated capital costs behind bylaw promotion and implementation including staffing, enforcement; and what the public response has been regarding bylaw implementation including positive or negative feedback to the municipality.

Confidentiality and Risk: This study poses no known or anticipated risk to participants. The researchers will keep all of the information you provide completely confidential such that your name and contact information will be kept separate from your responses. Your name will not appear in any thesis or report resulting from this study, however, with your permission anonymous quotations may be used.

Whether you choose to participate or not will not impact yours or your organization's relationship with the Canadian Cancer Society, as they will not be informed if you participate or not.

Participation and Withdrawal: Participation in this research is voluntary You may withdraw from the interview at any time by informing the researcher of this decision. You may choose not to answer or skip any question that you do not want to answer. Once the interview has been completed, you may withdraw your interview responses if you so choose. It is not possible to withdraw your responses once

papers and publications have been submitted to publishers. All data will be destroyed according to University of Waterloo policy. You do not waive any of your legal rights or release the investigator(s) or involved institution(s) from their legal and professional responsibilities by participating.

Benefits of the Study: Participants may benefit from understanding how their experience with the implementation of smoke- and vape- free outdoor spaces bylaw compares to that of other municipalities around the province. There is potential for study outcomes to demonstrate that stronger bylaws are plausible and feasible, thereby protecting a greater number of BC citizens from second-hand smoke and vape exposure in more outdoor public places.

Security and Data: Data will be kept for 7 years in locked filing cabinets and on password protected computers at the University of Waterloo. Interview responses and contact information will be stored separately. In reports and publications, all data will be discussed in group form.

Study Results: Data may be used for publications or research reports. With your permission, we may want to include quotations from this interview for any publications that may come from this research, with the understanding that the quotations will be anonymous.

If you would like a copy of the research report emailed to you, please provide your contact information (name, email, phone).

Contact Information:

If you have any questions about this study, please contact Ryan David Kennedy at rdkennedy@jhu.edu.

This project was reviewed by and received ethics clearance through a University of Waterloo Research Ethics Committee. If you have any questions about your rights as a research participant or the conduct of this study, you may contact Maureen Nummelin, Chief Ethics Officer, University of Waterloo, at 1-519- 888-4567 x. 36005 or Maureen.nummelin@uwaterloo.ca.

Sincerely,

Lindsay Stehouwer
Research Assistant,
Propel Centre for Population Health Impact
University of Waterloo
lrstehouwer@uwaterloo.ca
519-888-4567 x 32812

Megan Klitch (250-645-2369)
Co-Project Manager,
Canadian Cancer Society, BC and Yukon

Jerilynn Maki (250-762-6381)
Co-Project Manager,
Canadian Cancer Society, BC and Yukon

Dr. Ryan David Kennedy
Scientist,
Propel Centre for Population Health Impact
University of Waterloo
rdkennedy@jhu.edu

Council Report

penticton.ca

Date: June 20, 2017 File No: Civic - Council
To: Peter Weeber, Chief Administration Officer
From: Ken Kunka, Building and Permitting Manager

Subject: **Section 57 Notice on Title & Injunctive Action – Failure to complete building permit 850 Westminster Ave E, Penticton**

Staff Recommendation

THAT the owner(s) of 850 Westminster Ave E be notified that Council will consider passing a resolution to place a Notice on Title under Section 57 of the *Community Charter* on Lot 1, Plan KAP 16972 located at 850 Westminster Ave E, stating the following:

> "Failure to complete building permit (expired), *which is a violation of City of Penticton Building Bylaw 94-45 and failure to complete exterior and interior life safety items, which is a violation of the BC Building Code 2012*
>
> *Further information may be inspected at City Hall";*

AND THAT further injunctive action be commenced by staff within 60 days of Section 57 Notice on Title being registered if outstanding exterior and life safety deficiencies are not completed;

AND FURTHER THAT the owner be notified of the proposed Notice on Title report and be given an opportunity to complete the permit or speak to the matter at the **August 15, 2017** Council meeting.

Implications of recommendation

- Organizational: 4 hours of staff time to prepare the documents
- Financial: $500.00 to prepare and register the Notice on Title.
- Communication: Notify the owner and offer an opportunity to appear before Council.

Background

On July 16, 2016, staff issued supplemental permit extension to owner(s), Christian Ouellet and Slyvie Tanguay, of 850 Westminster Ave E (Attachment A – site plan) to complete necessary works to close expired building permit BP007843 for a Single Family addition. The permit will expire at the end of July, 2017 and works are still not completed. The project has extended for over 11 years and has absorbed numerous hours of staff time to resolve. This project has remained a visual nuisance to the neighbours and works are now required for remedial repairs of the exposed elements of the building.

An overview of the history of events have been provided:

Date	Event	Action
November, 2005	Application for house addition.	Permit #1102-05 released. Works commenced.
November 19, 2007	Permit expiry follow up.	Amendments to original renovation permit. To include major renovation to Single Family dwelling. Permit extended requiring structural review.
December 20, 2007	Structural reassessment completed by Registered Engineer outlining remedial repairs for works not completed as per permit drawings.	Revised drawings reviewed
Feb/March 2008	Review of revised drawings for changes to projects and structural repairs.	Repairs commenced.
Sept 9, 2009	Supplementary Permit issued to complete project.	PR9183-0000 – 12 months. $34.50
Aug 17, 2011	Request by Owner to extend permit	Reviewed with owner and extended to May 2012. PR2011-717 $130.00. Section 57 Notice warning.
May 22, 2012	Follow up by staff to owner for completion.	Site assessment completed June 20/12. Substantial works still to complete. To clean up exterior by July.
Feb, 2014	Follow up by staff. Works still not completed.	Owner financially unable to proceed. Will clean up property.
Nov, 2015	Follow up by staff. No works completed	Owner unable to proceed.
May/June, 2016	Discussions with owner to re-engage permit process and complete project.	
July 08, 2016	Application received to extend permit.	Staff to arrange site inspection.
July 13, 2016	Site inspection completed. Water damage noted to front deck of addition. To release new permit with conditions.	Staff to release new permit with conditions.
July 14, 2016	New Permit issued to complete exterior and interior work – Attachment C.	Exterior to cover by September 30 Project to complete in 12mnths No inspections arranged by owner.
June 8, 2017	Permit file & Site condition review.	Some exterior work completed. No inspections called for. Reminder notice regarding expiry of permit.
June 20, 2017	Council Introduction	

Works required for completion of project

The following items will be required to be completed in order to close building permit PR2010-018:

- Finish exterior. Repairs required for deteriorated portions of addition (decks). Structural engineer may be required.
- Repair vapour & air barriers (interior) details.
- Confirm Plumbing and Electrical install rough-ins
- Finish drywall (GWB) and install life safety devices (guards, handrails, smoke alarms, etc.)
- Provide third party verifications (such as Electrical permit completion),
- Completion/Occupancy inspection

Section 57 Notice on Title & Further Injunctive Action

A Notice on Title serves as notice to anyone searching the title of the property in question may be in breach of local government building bylaws or provincial codes. Once registered, the notice will serve to advise anyone with interest in the property of regulations contravened; provide disclosure to future owners; and protect taxpayers from potential claims with regard to the contravention.

In addition to the Section 57, Notice on Title, Council may impose injunctive action (Section 274 of Community Charter) or remedial action (Section 72 of Community Charter) requirements in relation to hazardous conditions. This action may require the owner to complete the deficiency to bring it up to the bylaw standard. The resolution imposing an injunctive or remedial action would specify a time frame in which the action must be completed.

Analysis

Staff have shown a considerable amount of leniency at the request of the owner's financial restrictions, however continuing to leave the project incomplete could pose a safety risk to the occupants, absorb City resources and expose the City to liability.

If Council supports placing of Section 57, staff will provide **60 days** for the owner to substantially complete the minimum exterior and building safety components to close off the permit file. A separate interior finish permit may be considered to allow for the owner to complete the project at a later date. Staff will also notify the owners of their ability to speak on their behalf to Council prior to final consideration of the notice on title.

Staff also request that a 60 day injunctive action, from time of Section 57 registration, be supported to ensure the owner takes action to substantially complete the permit.

The pros of placing a notice on title are:

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

The cons of placing a notice on title are:

- It may affect the re-sale or future financing of the property;
- Staff must continue pursuing the owners to comply and achieving compliance is unlikely.

Alternate recommendations

1. That Council support Section 57 Notice on Title but not support 60 day injunctive action.

2. That Council denies support of the Section 57 Notice on Title and have staff continue to work with owner to find resolution.

References & Authority

- Community Charter Section 57
- Community Charter – Section 274 – Action by a Municipality
- Building Bylaw 94-45

- British Columbia Building Code 2012

Attachments

Attachment A – Site Map
Attachment B – Progress Photos - Exterior of Building
Attachment C – 2016 Extended Permit Condition Letter

Respectfully submitted,

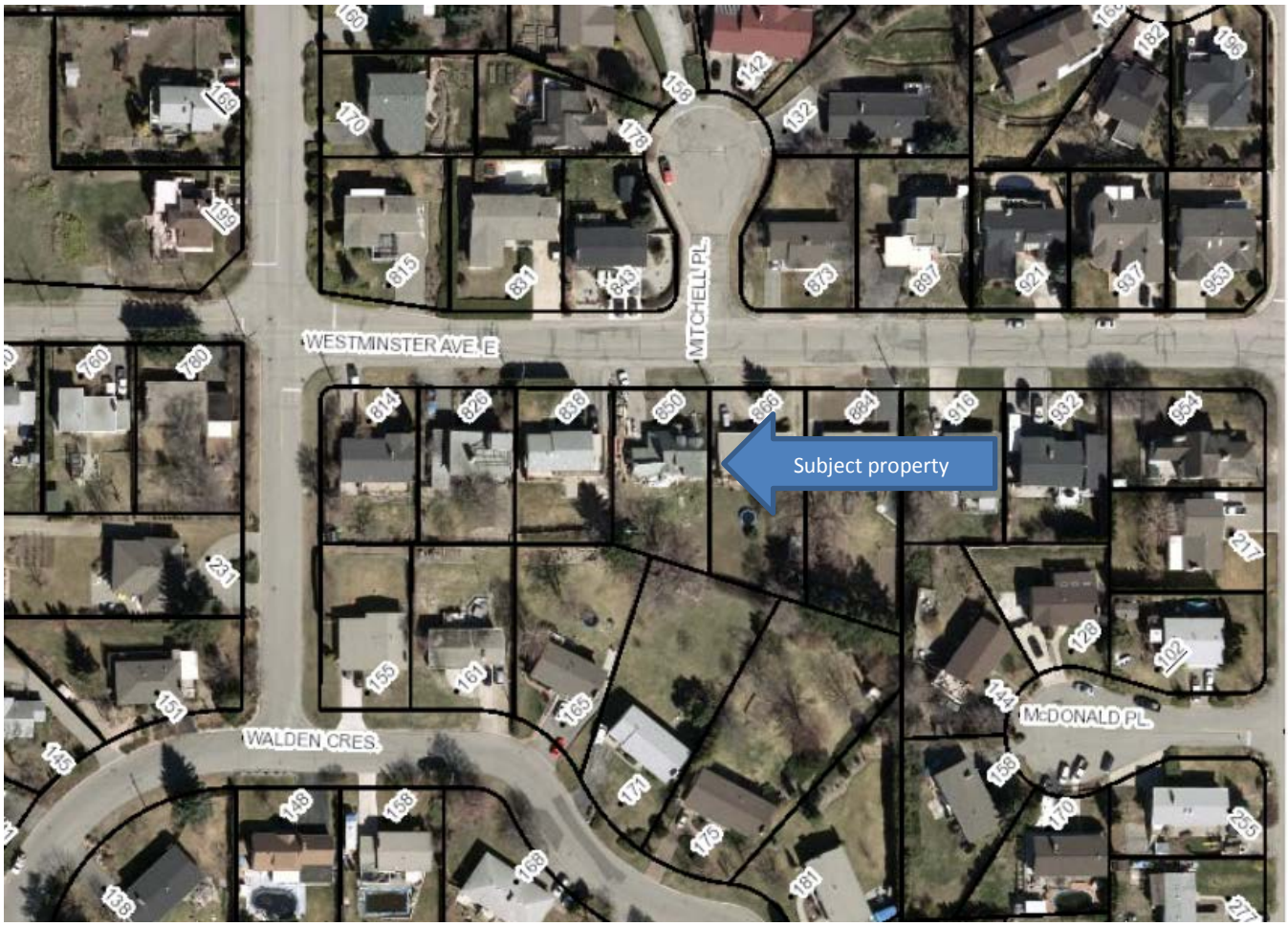
Ken Kunka AScT, RBO
Building and Permitting Manager

Approvals

Director	CAO
AK	PW

Attachment A

Site Map



Attachment B
Project Progress Photos

November 2015

June 2016

June 8, 2017 - Front (North East) – unfinished exterior

Attachment C
2016 Completion Permit Condition Letter

City of Penticton – Development Services
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | 250 490 2501

BUILDING PERMIT CONDITION LETTER
SFD PERMIT #BP007843

14 July 2016

OUELLET, CHRISTIAN J : TANGUAY, SLYVIE M
850 WESTMINSTER AVE E
PENTICTON BC V2A 1J4

PROJECT DESCRIPTION:	**Single Family Dwelling Completion of work for exterior & interior(top floor) ext, siding & soffit and flat roof.**
PROJECT ADDRESS:	850 WESTMINSTER AVE E LT 1 PL KAP16972 DL 188 SDYD
OWNER:	OUELLET, CHRISTIAN J : TANGUAY, SLYVIE M
AGENT:	N/A
CONTRACTOR:	N/A
OCCUPANCY:	C - Residential Occ

In support of the application for building permit, that the plans and aspects of the plans comply with the 2012 edition of the British Columbia Building Code and other applicable enactments respecting safety.

Plans submitted for the proposed construction have been reviewed and the following permit conditions apply.

General Conditions:

1. All new construction to conform to the 2012 BC Building & Plumbing Codes.
   a. Review plumbing rough-ins.
   b. Review smoke alarm and carbon monoxide requirements.
   c. Review deck surfacing and guards.
   d. Review Ventilation and Heating – separate permit may be required.
   e. Review window/doors for air barrier and exterior flashings installation.
2. Conformance to all notes on reviewed drawings.
3. Exterior to be substantially completed by September 30, 2016
4. Permit placard to be posted in a visible location and permit package to remain on site at all times.
5. The owner/contractor to review and comply with Part 8, Safety at Construction Sites prior to starting project.
6. Note the RDOS landfill requirements. See information provided in permit package.
7. All contractors working on site require a valid City of Penticton Business License prior to starting project.
8. It is the owner/contractor's responsibility to confirm locations of existing services prior to starting project. Contact BC One Call 1-800-474-6886 prior to excavation.
9. The Building Permit is valid for **12 months** from issuance, and the first required inspection shall occur within **6 months** from issuance. If construction will continue past this date, it is the owner/agent responsibility to notify the Chief Inspector and request an extension.

Owner/Agent Initial

Additional Submissions Required:

1. Sub-contractor list prior to completion inspection.
2. Electrical declaration of compliance and inspection, Gas notification of completion.

The owner or agent, contractor shall be jointly responsible for calling for inspections. Inspections must be booked through the 24 hour inspection line (250) 490 2511, prior to 08:00am of the morning requested.

Required Inspections:

1. **Site Inspection –** to review existing conditions and new code requirements prior to further work.
2. **Rough-in Plumbing** – DWV and water lines complete and under test
3. **Framing** – prior to insulation or covering
4. **Insulation and Fire stopping** - prior to covering
5. **Completion Inspection (Final)** – when works are completed

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.

The granting of a permit, the acceptance of drawings and specifications or inspections made by this office shall not in any way relieve the owner/agent of the building or property from full responsibility for ensuring that the design, construction and occupancy of the property, building or any part thereof, is in accordance with the terms of the permit, municipal bylaws and the B.C. Building Code or any other enactment respecting safety.

IF FURTHER INFORMATION IS REQUIRED PLEASE DO NOT HESITATE TO CONTACT THE UNDERSIGNED AT 250-490-2506.

Yours truly,

THE CORPORATION OF THE CITY OF PENTICTON

MAX HOEDEMAN
Building Official
Building Department

Owner/Agent
Authorization and acceptance of terms and conditions of this permit.

Council Report

penticton.ca

Date: June 20, 2017 File No:
To: Peter Weeber, Chief Administrative Officer
From: Angela Campbell, Controller
Subject: **Statement of Financial Information**

Staff Recommendation

THAT Council receives the Statement of Financial Information for the fiscal year ending December 31, 2016.

Background

Pursuant to requirements set out in the *Financial Information Act*, the City must prepare a statement of financial information in accordance with generally accepted accounting principles for each fiscal year that includes the following:

(a) a schedule showing

(i) in respect of each employee earning more than a prescribed amount, the total remuneration paid to the employee and total amount paid to or for the employee's expenses or for the employees benefit, and

(ii) a consolidated total of all remuneration paid to all other employees;

(b) a schedule showing

(i) the total amount paid to each vendor or supplier of goods or services during the fiscal year that is greater than a prescribed amount, and

(ii) a consolidated total of all other payments made to suppliers of goods or services during that fiscal year.

The Statement of Financial Information requirements ensures there are consistent and minimum levels of disclosure of financial information and provides information augmenting that which is provided in the audited financial statements alone. Within 6 months after the end of each fiscal year of the City, it must prepare and file with the Ministry of Community, Sport, and Cultural Development a Statement of Financial Information. For the fiscal year ended December 31, 2016 the filing deadline is June 30, 2017.

Analysis

The schedule below summarizes the changes by employee group for employee remuneration and expenses:

Compensation over $75,000						
	Number of Employees			**Total Remuneration and Expenses**		
	2016	**2015**	**Change**	**2016**	**2015**	**Change**
Management	40	36	4	4,176,683.40	3,627,965.18	548,718.22
CUPE	14	8	6	1,091,791.30	635,147.06	456,644.24
IAFF	33	31	2	3,341,347.42	4,064,077.41	- 722,729.99
IBEW	10	11	-1	1,036,652.04	1,170,595.07	- 133,943.03
	97	86	11	9,646,474.16	9,497,784.72	148,689.44

There are 11 additional employees paid at levels above the $75,000 threshold. The increase in management positions relates to reclassification of a position, cost of living increase, new positions in 2016 and prior year vacancy. Positions falling above the threshold for employees in CUPE and IBEW vary depending on levels of overtime required. As a result of the 2015 Fire Collective Agreement settlement, there is an increase in the number of members that now fall above the threshold.

Attachment A – Statement of Financial Information (SOFI)

Attachment B – Schedule of Mayor & Council Expenses

Respectfully submitted,

Angela Campbell
Controller

Approvals

CFO	CAO
JWCB	PW

penticton.ca

City of Penticton
Statement of Financial Information Approval
For the year ended December 31, 2016

Statement of Financial Information Approval

The undersigned, as authorized by the Financial Information Regulation, Schedule 1, subsection 9(2), approves all the statements and schedules included in this Statement of Financial Information, produced under the *Financial Information Act*.

Jim W. Bauer, CPA, CGA
Chief Financial Officer, City of Penticton

June 13, 2017
Date

penticton.ca

City of Penticton
Schedule of Guarantee and Indemnity Agreements
For the year ended December 31, 2016

Schedule of Guarantee and Indemnity Agreements

There were no guarantees or indemnities under the Guarantees and Indemnity Regulation for the year ending December 31, 2016.

Jim W. Bauer, CPA, CMA
Chief Financial Officer, City of Penticton

June 13, 2017
Date

City of Penticton
2016 Council remuneration
for the year ended December 31, 2016

Name	Position	Salary	Expenses	Total
Jakubeit, Andrew	Mayor	65,067	3,956	69,023
Konanz, Helena	Councillor	23,910	2,744	26,654
Martin, Andre	Councillor	22,643	1,440	24,083
Picton, Maxwell	Councillor	22,507	3,121	25,629
Sayeed, Tarik	Councillor	22,627	2,687	25,314
Sentes, Judy	Councillor	23,658	3,455	27,113
Watt, Campbell	Councillor	22,523	2,309	24,832
		$ 202,935	$ 19,712	$ 222,647

City of Penticton
Schedule of employee remuneration and expense over $75,000
for the year ended December 31, 2016

Name	Position (*)	Salary	Expenses	Total
Achsen, Jarrett	Fire Fighter	75,351.45	75.00	75,426.45
Barbour, Kenneth	Fire Inspector II	108,317.22	2,731.99	111,049.21
Bazley, Ryan	Fire Fighter	102,129.99	713.29	102,843.28
Beierle, Glen	Fire Fighter	116,258.68	621.03	116,879.71
Best, David	Foreman - Meters, Dams & Irrigation	84,044.19	1,073.59	85,117.78
Bird, Andrew	Fire Fighter	97,912.97	693.24	98,606.21
Boyd, Graham	Fire Fighter	76,179.97	350.00	76,529.97
Buck, Robert	Electric Utilityman	84,191.59	5,392.02	89,583.61
Buzzell, Heather	Chief Librarian	81,763.05	2,802.06	84,565.11
Campbell, Angela	Controller	91,901.93	6,504.40	98,406.33
Chapman, Ian	City Engineer	129,047.28	2,802.89	131,850.17
Clipperton, Deborah	Budget Analyst	87,841.81	6,817.17	94,658.98
Coates, Amber	Revenue Supervisor	78,708.46	844.51	79,552.97
Consulo, Ralph	Works Foreman	86,834.10	178.87	87,012.97
Craig, Randy	Advanced Waste Water Treatment Plant Supervisor	100,312.12	6,582.48	106,894.60
Desutter Chambers, Stephanie	Business Development Manager	89,828.89	111.63	89,940.52
Dionne, Blaine	Fire Captain	126,530.31	510.10	127,040.41
Edge, Brent	Water Treatment Plant Supervisor	99,002.63	1,637.36	100,639.99
Edge, Brian	Senior Water Treatment Plant Operator III	76,738.70	1,629.30	78,368.00
Fenske, John	Works Superintendent	91,108.53	173.87	91,282.40
Figgitt, Tyler	Design Supervisor	97,424.74	370.00	97,794.74
Filice, Shawn	Operations Manager, Electrical Utility	141,124.48	9,547.67	150,672.15
Fisher, Yves Colin	Chief Financial Officer	138,695.33	2,074.83	140,770.16
Fordyce, Glen	Fire Fighter	96,182.56	1,484.74	97,667.30
Forster, Christian	Fire Fighter	99,706.53	1,743.73	101,450.26
Fotherby, Jody	Fire Operations Assistant	86,597.42	1,150.49	87,747.91
Gaidica, Douglas	Building Inspector I	75,505.00	1,672.53	77,177.53
Garrett, Steve	Fire Fighter	108,249.84	1,347.37	109,597.21
Gibbons, Curtis	Fire Fighter	94,804.70	493.34	95,298.04
Gowe, Graham	Fire Captain	123,933.20	75.00	124,008.20
Grant, Joanna	Human Resources Coordinator	75,846.56	850.00	76,696.56
Grantham, Ben	Fire Fighter	82,003.22	461.62	82,464.84
Hall, Julian	Director of Development Services	113,969.50	1,080.91	115,050.41
Harris, Ed	Electric Utility Supervisor	100,331.62	14,183.81	114,515.43
Hindley, Wayne	Fleet Maintenance Supervisor	92,524.04	777.91	93,301.95
Hodges, Michael	Development Engineer	75,785.45	16,097.83	91,883.28
Holmes, Jared	Fire Fighter	102,668.75	1,190.67	103,859.42
Idzes, Sandra	Adminstration Manager, RCMP	101,498.36	30.00	101,528.36
Ingram, Cathy	Procurement & Inventory Services Manager	90,932.93	3,611.38	94,544.31
Johnson, Jayson	Fire Fighter	91,796.27	1,258.59	93,054.86
Johnson, Ronald	Utilities Foreman	75,796.03	155.36	75,951.39
Jorgensen, Erik	Fire Fighter	103,599.02	1,896.50	105,495.52
Kenney, Rod	Fire Fighter	89,663.39	418.34	90,081.73
Kenny, Gillian	Human Resources Manager	108,388.94	1,359.50	109,748.44
Kootnikoff, Michael	Instrumentation/Electrical Technician	75,231.42	2,984.77	78,216.19
Kozak, Bregje	Facilities Manager	105,964.23	8,116.00	114,080.23
Kunka, Kenneth	Building & Permitting Manager	97,361.61	4,171.75	101,533.36
Lantz, Patrick	Mechanic	75,056.16	50.00	75,106.16
Laven, Blake	Planning Manager	89,265.69	2,634.93	91,900.62
Lawlor, Robert	Engineering Technologist I	76,500.20	630.50	77,130.70
Lowe, Terry	Fire Fighter	84,140.48	75.00	84,215.48
Lynka, Jeffrey	Parks Supervisor	99,102.46	2,306.32	101,408.78
Mander, Geoff	Electric Utility Foreman	115,627.64	440.81	116,068.45
McKenzie, Wayne	Fire Fighter	108,551.50	510.10	109,061.60
Miller, Gregory	Electrical Utility Foreman	130,829.77	345.99	131,175.76
Moroziuk, Mitchell	General Manager of Infrastructure	175,358.60	4,157.47	179,516.07
Mullin, Lori	Recreation and Culture Manager	99,647.99	1,597.74	101,245.73
Noble, Dennis	Fire Captain	122,663.36	75.00	122,738.36
Pennington, Colleen	Economic Development Officer	99,457.51	1,482.81	100,940.32

City of Penticton
Schedule of employee remuneration and expense over $75,000
for the year ended December 31, 2016

Name	Position (*)	Salary	Expenses	Total
Polvere, David	IT Manager	104,136.42	5,366.70	109,503.12
Richards, Michael	Fire Inspector II	105,831.89	1,658.73	107,490.62
Robertson, Glenn	Safety Coordinator	77,583.09	904.33	78,487.42
Robillard, Ryan	Journeyman Lineman	77,791.60	308.32	78,099.92
Robson, Brian	Journeyman Lineman	87,571.04	453.09	88,024.13
Robson, Lennie	Public Works Manager	117,865.45	2,507.36	120,372.81
Rodger, Kenneth	RCMP LAN Administrator	76,792.38	0.00	76,792.38
Ryll, Brent	Fire Fighter	97,273.47	843.30	98,116.77
Schmidt, Christopher	Facilities Supervisor	86,529.10	141.17	86,670.27
Schmidt, Dana	Corporate Officer	92,166.72	2,406.70	94,573.42
Scott, David	Fire Fighter	82,987.31	1,586.16	84,573.47
Semenoff, Anthony	Senior Mechanic	77,997.37	607.00	78,604.37
Siebert, Christina	Bylaw Supervisor	77,547.35	3,012.45	80,559.80
Simpson, William R	Fire Fighter	110,725.09	150.00	110,875.09
Singh, Jaspreet	Electric Utility Technologist	81,514.20	10,500.09	92,014.29
Smith, Dennis	Assistant Fire Chief	127,402.57	1,061.30	128,463.87
Sorensen, Eric	Chief Administrative Officer	190,651.84	4,285.66	194,937.50
Spalding, David	Deputy Fire Chief	179,741.26	799.56	180,540.82
Stel, William	Journeyman Meterman	81,353.62	10,056.41	91,410.03
Stevens, Jason	Electrical Utility Sub-Foreman	112,811.27	630.50	113,441.77
Sutherland, Michael	Fire Fighter	99,771.07	521.91	100,292.98
Swaren, Wesley	Fire Fighter	109,727.76	75.00	109,802.76
Tanguay, Audrey	Long Range Planner	75,765.48	1,752.34	77,517.82
Taylor, Chad	Fire Fighter	101,449.06	75.00	101,524.06
Trupp, Robert	Fire Fighter	121,514.62	75.00	121,589.62
Vere, Marc	Building Inspector III	78,564.59	2,002.10	80,566.69
Vujcich, Graham	Fire Fighter	90,231.64	621.03	90,852.67
Wade, Michael	Fire Fighter	104,865.72	510.10	105,375.82
Wagner, Willard S	Maintenance Foreman	76,542.47	38.52	76,580.99
Wallace, Charles	Land Agent	96,405.38	2,804.56	99,209.94
Walliser, Amory	Electrical Utility Sub-Foreman	118,966.40	210.50	119,176.90
Wardlaw, Alistair	Senior Water Treament Plant Operator III	75,415.54	1,048.31	76,463.85
Watkinson, Larry	Fire Chief	121,901.62	5,084.72	126,986.34
Weir, Frederick	Lineman	117,646.52	316.07	117,962.59
Weisser, Colin	Journeyman Lineman	109,862.59	373.80	110,236.39
Younghusband, Kenneth	Fire Captain	121,653.17	73.84	121,727.01
Zaffino, Bruno	Engineering Technologist II	76,051.33	0.00	76,051.33
Zazzara, Kevin	Fire Fighter	98,075.79	1,311.52	99,387.31

*Position at December 31, 2016, or Final Position

Subtotal for employee remuneration & expense over $75,000	$ 9,646,474	$ 199,329	$ 9,845,803
Employee remuneration & expense, $75,000 and under	$ 11,553,793	$ 144,820	$ 11,698,613
Total	$ 21,200,267	$ 344,149	$ 21,544,416

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City of Penticton
Statement of Severance Agreements
For the year ended December 31, 2016

Statement of Severance Agreements

There were 2 severance agreement under which payment commenced between the City of Penticton and its employees during fiscal year 2016.

This agreement represents 3 months of compensation.*

*Compensation is determined based on salary.

Jim W. Bauer, CPA, CMA
Chief Financial Officer, City of Penticton

June 13, 2017
Date

City of Penticton
Schedule of suppliers of goods and services
for the year ended December 31, 2016

Suppliers who received aggregate payments exceeding $25,000	Total
2017 PENTICTON ITU MULTISPORT	40,000.00
4REFUEL CANADA LP	35,541.61
AARDE ENVIRONMENTAL LTD	25,917.98
AARDVARK PAVEMENT MARKING SERVICES	161,466.80
ABB INC	200,799.27
ACKLANDS GRAINGER	59,467.24
ADVANCED UTILITY SYSTEMS	65,426.56
ADVANTAGE ASSET TRACKING INC.	50,064.64
AECOM CANADA LTD.	71,386.83
ALADDIN-FLOORING CARPET ONE	32,007.42
ANDREW SHERET LTD	167,631.64
ANIXTER POWER SOLUTIONS CANADA INC.	45,578.82
APPLETON WASTE SERVICES INC	48,098.97
ASSOCIATED ENVIRONMENTAL CONSULTANTS	42,630.00
ASSOCIATED FIRE SAFETY	32,179.19
ASTROGRAPHIC INDUSTRIES LTD	32,492.34
B & L (1990) MACHINE SHOP	47,706.32
B.A. ROBINSON CO. LTD.	62,236.62
BAIRD MCCLELLAND INC	102,087.20
BAKER & TAYLOR	43,364.68
BARRY BEECROFT FUEL DISTRIBUTORS	29,697.46
BAUER CONSULTING INC	73,500.00
BC ASSESSMENT AUTHORITY	444,586.17
BC TRANSIT	1,210,232.00
BDO CANADA LLP	58,461.91
BELL CANADA	44,002.82
BELL MOBILITY INC.-VANCOUVER	61,944.55
BLACK & MCDONALD LIMITED	1,063,144.44
BLACK PRESS GROUP LTD	65,005.39
BOARDWALK COMMUNICATIONS LTD.	51,973.21
BOYLE & COMPANY	78,896.48
BRENNTAG CANADA INC	51,991.58
BRIAN DREW	46,257.89
CANADA POST CORPORATION-OTTAWA	152,296.28
CANSEL	41,638.14
CAPRI INSURANCE - PENTICTON	83,759.00
CAPRI INSURANCE- KELOWNA	316,724.00
CARO ANALYTICAL SERVICES	26,484.06
CASCADE RAIDER HOLDINGS LTD	34,073.26
CDW CANADA INC.	103,527.25
CENTRAL INTERIOR TRAFFIC CONTROL 2004	45,747.47
CHEVRON CANADA LTD	235,685.19
CIMA CANADA INC.	328,047.50
CITY OF PENTICTON	183,701.66
CLEAR TECH INDUSTRIES INC	60,325.19
COMBINED MECHANICAL CONTRACTORS LTD	60,041.88
CONNEXUS INDUSTRIES INC	26,253.37
COOKSON MOTORS	25,653.03
COOPER INDUSTRIES (ELECTRICAL) INC.	122,156.45

City of Penticton
Schedule of suppliers of goods and services
for the year ended December 31, 2016

Suppliers who received aggregate payments exceeding $25,000	Total
CORIX CONTROL SOLUTIONS LP	114,858.15
CORPORATE EXPRESS	40,872.69
CUETS FINANCIAL	48,756.78
CUPE LOCAL 608	215,304.18
DE LAGE LANDEN FINANCIAL SERVICES CANADA INC	49,241.92
DETTLING ELECTRICAL CONTRACTING LTD	27,781.95
DOWNTOWN PENTICTON ASSOCIATION	270,912.76
E B HORSMAN AND SON	137,134.59
ECONOLITE CANADA INC	53,346.14
EECOL ELECTRIC CORP.	232,638.19
ELECTRIC MOTOR & PUMP SERVICE LTD.	51,679.03
ELECTROMEGA LTD.	150,040.80
ESRI CANADA	86,618.23
EVERGREEN BUILDING MAINTENANCE INC.	228,452.47
FARRIS,VAUGHAN,WILLS & MURPHY LLP	25,639.68
FASTENAL CANADA LTD.	28,148.54
FORTIS BC	190,878.40
FORTISBC- ELECTRICITY	30,418,120.01
FORTISBC- NATURAL GAS	163,762.57
FP TELESET DEPT	31,500.00
FRED SURRIDGE LTD	70,029.51
GARDEN WORKS	32,897.09
GF INC.	25,898.60
GLACIER HEIGHTS REFRIGERATION LTD	29,538.75
GLOBAL SPECTRUM FACILITY MANAGEMENT	1,067,968.75
GREYBACK CONSTRUCTION LTD.	358,509.79
GRIZZLY EXCAVATING LTD.	5,830,417.48
GUILLEVIN INTERNATIONAL COMPANY	25,560.94
H & J FLOOR COVERINGS LTD DBA UNITED FLOORS	43,737.09
H M EXCAVATING LTD	68,859.65
HARTERRA SPATIAL SOLUTIONS LTD	389,578.70
HOFF SECURITIES LTD	88,582.70
HOT TOMALI COMMUNICATIONS INC	42,633.60
HUB FIRE ENGINES AND EQUIPMENT LTD	197,149.29
IAFF LOCAL 1399	99,869.29
IMS INFRASTRUCTURE MANAGEMENT SERVICES	54,790.05
INNOV8 DIGITAL SOLUTIONS INC.	33,370.62
INTERIOR ROOFING (2011) LTD.	38,771.25
INTERPROVINCIAL TRAFFIC SERVICES LTD.	63,110.95
IPL INC.	1,592,080.96
ISS WONDERWARE CANADA ULC	28,600.95
ITRON CANADA INC.	105,116.80
JAFA INDUSTRIES LTD	53,726.19
JOHN & MICHELLE LEE	33,328.37
KELOWNA ROOFING (1984) LTD.	39,270.00
KELOWNA YAMAHA AND MARINE	46,409.94
KEMIRA WATER SOLUTIONS CANADA, INC.	32,268.92
KNIGHT PIESOLD LTD	83,276.77
L & J DIAMOND MAINTENANCE	64,884.12

City of Penticton
Schedule of suppliers of goods and services
for the year ended December 31, 2016

Suppliers who received aggregate payments exceeding $25,000	Total
LAFARGE ASPHALT TECHNOLOGIES	66,114.66
LESTER LEZARD	57,000.00
LINESTAR UTILITY SUPPLY INC	49,430.61
LONG VIEW	60,665.86
MARK 1 DEVELOPMENTS (2014) INC	49,817.77
MDB INSIGHT INC	42,943.26
MEARLS MACHINE WORKS LTD	83,987.50
METRO MOTORS LTD.	60,102.56
MICROSOFT CORPORATION	80,889.91
MINISTER OF FINANCE	7,962,185.72
MINISTER OF FINANCE- WTR REVENUE UNIT	31,587.57
MORNEAU SHEPELL LTD	1,405,506.04
MOULD ENGINEERING	166,664.88
MUD BAY DRILLING CO. LTD.	54,301.46
MUNICIPAL INSURANCE ASSN OF BC	122,699.34
MURRAY AUTOGROUP PENTICTON LTD.	146,991.19
NAPA AUTO PARTS	35,506.71
NATIONAL BANK FINANCIAL	44,000.00
NEDCO - DIV OF REXEL CANADA ELECTRICAL INC.	202,657.26
NORM OST CONTRACTING LTD	114,995.93
NOR-MAR INDUSTRIES LTD.	46,438.34
NOVA POLE INTERNATIONAL INC	44,529.03
OK BUILDERS SUPPLIES LTD	90,249.05
OKANAGAN SIMILKAMEEN REGIONAL HOSPITAL DISTRICT	2,407,484.56
OMEGA COMMUNICATIONS LTD	40,273.21
PENTICTON & DISTRICT SOCIETY FOR	50,054.83
PENTICTON HOSPITALITY ASSOCIATION	568,807.25
PENTICTON INDIAN BAND	75,687.83
PENTICTON STAGE TECH INC	28,012.43
PENTICTON TOYOTA	27,815.49
PETERS BROS CONSTRUCTION LTD	245,076.94
POWER SOURCE INSTRUMENTS INC.	27,893.25
POWERTREND ELECTRIC LTD.	26,356.47
PRAIRIECOAST EQUIPMENT INC.	57,698.37
PRINT FACTORY	46,213.78
PROGRESSIVE WASTE SOLUTIONS INC	1,046,436.97
RAYMOND CHABOT GRANT THORNTON	40,683.24
RECEIVER GENERAL FOR CANADA-RCMP	6,780,854.39
RECEIVER GENERAL OF CANADA	5,961,951.38
REGIONAL DISTRICT OKANAGAN SIMILKAMEEN	10,229,084.76
RETHINK COMMUNICATIONS INC	62,652.24
ROCKY MOUNTAIN PHOENIX	36,575.87
ROLLINS MACHINERY LIMITED	133,050.88
ROSE GINGRAS	88,682.76
S. COLLIER ENTERPRISES	163,334.85
SEAL TEC INDUSTRIES LTD	45,832.50
SELECT PAINTING AND DECORATING LTD.	44,288.04
SHERWOOD TROPHIES & SIGNS LTD.	26,057.72
SIERRA PLANNING AND MANAGEMENT	25,501.41

City of Penticton
Schedule of suppliers of goods and services
for the year ended December 31, 2016

Suppliers who received aggregate payments exceeding $25,000	Total
SIRSIDYNIX	25,993.02
SKAHA FORD INC	140,319.46
SMITH CAMERON PROCESS SOLUTIONS	70,836.87
SOURCE OFFICE FURNITURE & SYSTEMS LTD.	64,083.04
STEWART MCDANNOLD STUART	77,205.08
SUCK IT UP ENVIRONMENTAL LTD	76,245.76
SUMMIT VALVE AND CONTROLS INC.(BC)	46,200.00
TELUS- VANCOUVER	65,737.01
TEMPEST DEVELOPMENT GROUP	94,932.20
TERRACOM SYSTEMS LTD.	92,995.98
TERRY PELLATT	320,530.53
TETRA TECH CANADA INC.	50,662.50
TEXCAN	44,104.42
TOURISM PENTICTON SOCIETY	385,166.56
TRIO MARINE GROUP INC.	41,627.50
TRYDOR INDUSTRIES (CANADA) LTD	51,925.41
TUNNEL VISION INSPECTIONS	36,184.56
UNIT 4 BUSINESS SOFTWARE CORPORATION	145,415.94
UNITED LIBRARY SERVICES	69,421.40
URBAN SYSTEMS LTD	283,831.88
URBANICS CONSULTANTS LTD.	32,550.00
WATERHOUSE ENVIRONMENTAL SERVICES CORPORATION	100,162.86
WESCLEAN EQUIPMENT & CLEANING SUPPLIES LTD.	34,931.40
WESTHILLS AGGREGATES LTD.	76,021.83
WESTWOOD INDUSTRIAL ELECTRIC LTD.	120,122.52
WILDSTONE CONSTRUCTION & ENGINEERING	174,813.23
WISHBONE INDUSTRIES LTD.	31,320.80
WOLSELEY CANADA INC	90,458.13
WORKER´S COMPENSATION BOARD OF BC	341,914.18
Total paid to suppliers of goods & services over $25,000	**92,189,156.10**
Total paid to suppliers who received aggregate payments of $25,000 or less	**4,689,579.24**
Total grants exceeding $25,000	233,148.34
Total contributions exceeding $25,000	170,541.92
Total of grants and contributions exceeding $25,000	**403,690.26**
Total	**97,282,425.60**

City of Penticton
2016 Summary of Mayor & Council Expenses
for the year ended December 31, 2016

Jakubeit, Andrew

Description	Amount
In-town networking	$ 622
Other	137
Conferences	3,198
Total	**$ 3,956**

Konanz, Helena

Description	**Amount**
In-town networking	$ 61
Other	-
Conferences	2,684
Total	**$ 2,744**

Martin, Andre

Description	**Amount**
In-town networking	$ 39
Other	-
Conferences	1,401
Total	**$ 1,440**

Picton, Maxwell

Description	**Amount**
In-town networking	$ 175
Other	-
Conferences	2,946
Total	**$ 3,121**

Sayeed, Tarik

Description	**Amount**
In-town networking	$ 56
Other	-
Conferences	2,632
Total	**$ 2,687**

Sentes, Judy

Description	**Amount**
In-town networking	$ 109
Other	-
Conferences	3,345
Total	**$ 3,455**

Watt, Campbell

Description	**Amount**
In-town networking	$ 159
Other	-
Conferences	2,149
Total	**$ 2,309**

Council Report

penticton.ca

Date: June 20, 2017 File Nos: RZ PL7796 & DVP PL2016-7797
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: **218 Norton Street**

Subject: **Zoning Amendment Bylaw No. 2017-40**
Development Variance Permit DVP PL2016-7797

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-40," a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, Plan 3115, located at 218 Norton Street from RM3 (Medium Density Multiple Housing) to RD2 (Duplex Housing: Lane) be given first reading and forwarded to the July 4, 2017 Public Hearing;

AND THAT, in accordance with section 507 of the Local Government Act, Council require the developer to construct the full width of Townley Street to a local residential street standard including the provisions for storm water management;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7797" on Lot 2, District Lot 202, Similkameen Division Yale District, Plan 3115, located at 218 Norton Street, a permit to vary the maximum lot coverage from 40% to 45%; to decrease the minimum front yard setback from 4.5m to 3m, to increase the height of a retaining wall from 1.2m to 3.5m and increase the height of a building from 10.5m to 11.5m to construct 1 side-by side duplexes with suites, be heard at the July 4, Public Hearing;

AND THAT Council consider "DVP PL2017-7797" following the adoption of "Zoning Amendment Bylaw No. 2017-40".

Strategic Priority Objective

Approval of the zoning change and variances represents sustainable growth, utilizing the City's existing infrastructure to increase density in a sensitive way and provides additional housing.

Background

The subject property (Attachment 'A') is zoned RM3 (Medium Density Multiple Housing) and is designated by the City's Official Community Plan as MR (Medium Density). Photos of the site are incorporated as

Attachment 'D'. The site is 1,125m^2 (0.2278 acre) in area and presently features a single detached dwelling that has recently been renovated. The proposed development only affects 0.114 acres of land directly adjacent to Townley that is currently unused. The surrounding area is a mixture of single family dwellings, duplexes, townhomes and apartments. All the properties along Townley Street and the East side of Norton Street are designated Medium Density Residential (MR) in the OCP. Other recent redevelopment in the immediate area features townhouses and duplex development. The subject property is also located within the General Multiple Development Permit Area. As such, a development permit addressing form, character, and landscaping will be required if rezoning proves successful.

The lot presently features a single family dwelling facing Norton Street, but the property owner intends to subdivide the back property facing Townley street and develop a side-by-side duplex with suites (Attachment 'F'), with all of the vehicle access from Townley street. The current RM3 zone does not allow for duplex development and planned for slightly higher density development like an apartment or townhouses. A zoning amendment and variances to the zoning bylaw are required to accommodate the proposal. There is no existing rear lane hence the access and parking for each unit will be from Townley Avenue. Each main unit is estimated to have an approximate floor area of 364 m^2 (3,920 sq.ft) and each suites are estimated at 148m^2 (1600 ft^2).

Proposal

The applicant is requesting that part of the subject property be rezoned from RM3 (Medium Density Multiple Housing) to RD2 (Duplex: Lane), as identified in Zoning Bylaw 2017-08.

Additionally, the applicant is pursuing a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- Section10.6.2.3. : To vary the maximum lot coverage from 40% to 43%
- Section10.6.2.6 .: Decrease the minimum front yard from 4.5m to 3m
- Section 10.6.2.5.: Increase the maximum height from 10.5m to 11.5m
- Section 5.6.2.: Increase the maximum height of retaining walls within required yard from 1.2m to 3.5m

Project Specifications

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

Item	Requirement RM3 Zone	Requirement RD2 Zoning	Provided on Plans
Minimum Lot Size:	1400m^2	275 m^2	463m^2
Minimum Lot Width	25m	9.1m	15.5m
Maximum Lot Coverage:	50%	40%	43%(Variance Required)
Maximum Density:	1.6 FAR	0.95 FAR	0.72 FAR
Vehicle Parking:	1 per unit and 0.25 visitor parking	1 space per unit	4 spaces

Required Setbacks Front yard: Side yard): Rear yard :	3.0m 4.5m 6m	4.5m 1.5m 6.0m	3m(Variance Required) 2.1m 6m
Maximum Building Height:	24m	10.5m	11.5(Variance Required)
Other Information:	The property is in the General Multiple Development Permit Area and a development permit will be required		

Financial Implication

Approval of the subject proposal will allow for the increase in property value substantially. This increase in land value will have a positive impact on the City's tax base.

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Frontage upgrades and servicing requirements have been identified and will be included in the subdivision approval. These items have been communicated to the applicant.

Excess Service Resolution

Under current Subdivision and Development Bylaw requirements, the developer is responsible to design and construct works to the centerline of existing roads adjacent to the development. In cases where it is in the public interest, the *Local Government Act* gives authority to Council to formally require the developer to build beyond that requirement. In those cases, that developer is eligible for latecomer contributions from any land owner that later-on ties into the excess services constructed.

For this particular application, frontage upgrades will be required on Townley Street. This will include the full width of the street and curb on both sides. No sidewalk would be required. The current construction of Townley St is more comparable to a lane than a residential street; it is narrow without curb or gutter on either side. There is currently ad-hoc parking on the city boulevard. It is the intention to have the developer to upgrade Townley St to include two traffic lanes and a single parking lane, similar to the streets in Sendero Canyon. The intention is to allow the street to be improved within the narrow constraints provided by the existing slope. In addition, the intent is to allow Townley to be upgraded to provide clear traffic lanes and parking without destroying the unique feel and appearance of Townley Street.

Townley Street only has residential buildings on the West Side with the KVR trail on the East Side. It is Staff's recommendation that the developer upgrades the full width of the street as the site will receive the full benefit of the upgrade to the street. The developers cost to upgrade Townley Street to the Subdivision and Development Bylaw requirements will be approximately $7,500 including all taxes and the cost of complying with the excess services requirement will be approximately the same.

In moving forward, it is Staff vision that the City will arrange for a survey of the area and the concept design of the entire street. Then, the developers of the lots fronting onto Townley will be asked, through future Excess services agreements, to build their sections as they develop.

Analysis

Support "Zoning Amendment Bylaw 2017-40"

The MR (Medium Density) designation typically calls for apartments and townhouse development. However given the size of the lot, duplex housing is a suitable housing type for this property - promoting the City's density goals and respecting the built form of the surrounding neighbourhood. The proposed development also brings a townhouse form to this property. The Development Permit process will ensure that the building and structure as well as screening and landscaping are held to a high standard.

Staff considers that rezoning the lot from RM3 (Medium Density Multiple Housing) to RD2 (Duplex: Lane) to enable this development is an appropriate use of the land for the following reasons:

- The Official Community Plan designates the property for Multi-Family Residential development. Duplex is a permitted use in the Medium Density (MR) designation;
- The guidelines in the OCP encourage buildings with strong street presence, varied materials, and architectural elements. The applicants have submitted plans for a side-by-side duplex, giving the structure a strong and connected frontage.
- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, duplexes, townhouses and apartments, this application encourages a mixed range of housing, types, tenures and densities;
- The plan supports residential intensification near the downtown core and supports densification in areas where existing services can accommodate higher densities; and
- The proposed duplexes will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community

Given the above, staff find adequate policy to support the proposal to rezone the subject property from RM3 (Medium Density Multiple Housing) to RD2 (Duplex Housing: Lane) and recommend that Council support the zoning amendment bylaw and forward it to the July 4, 2017 Public Hearing for comments from the public.

Deny/Refer

Council may feel that duplex development is not appropriate for this lot and the property owner should wait until neighbouring property owners are ready to amalgamate lots in an effort to construct buildings with higher density potential. If this is the case, Council should deny the first reading.

Alternatively, Council may refer the application back to staff with further instructions.

Support DVP PL2016-7729

The existing RM3 zone on the property does not allow for duplex development and planned for somewhat higher density development like an apartment or townhouses and consolidation of lots to support the density. Despite the fact that the applicant is proposing to downzone a section of the lot, a number of variances are required in order to proceed with the subdivision and the construction of the duplex. When considering a variance to a City bylaw, staff encourages Council to contemplate whether there is a constraint on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable.

The developer has requested four zoning bylaw variances and each variance is discussed independently:

Section10.6.2.3.: To vary the maximum lot coverage from 40% to 43%

The applicant is asking for an increase in lot coverage to create a buildable parcel under the RD2 zoning. In considering this request for a variance, staff has concluded that the increase will facilitate the development of a duplex lots while utilizing an area with existing services available without compromising the evolving development in the neighborhood.

Section 10.6.2.5.: Increase the maximum height from 10.5m to 11.5m

Due to the topographical challenges of the proposed lot, the applicant is proposing to increase the height from 10.5m to 11.5m to construct a 3 storey duplex building. The proposed height of 11.5m is measured from the rear of the property. The height of the building from the road is simply 8m. By increasing the height, a well-designed building results creating varied roof line rather than a simple flat roof. The proposal does not exceed the 3 storey maximum of the zoning bylaw. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on neighbouring properties.

Section10.6.2.6.: Decrease the minimum front yard from 4.5m to 3m

Reducing the minimum front yard to 3.0m enables the applicants to make the most of the building area of the lot. On the road level, the garage will be located 6.18m from the edge of the road. This will still enable adequate driveway space to park a vehicle and not impede traffic. The RD2 zone requires that each unit have one parking stall from the rear lane. In this case, the lot has no rear lane therefore the parking requirement will be provided in the front yard. This variance is not a substantial variance and staff consider that it will not have a negative impact on the existing neighbourhood. This development will be the first along the south portion of Lower Townley Street that fronts onto it, thereby creating the first of an eventual streetscape along this portion of the road.

Section 5.6.2.: Increase the maximum height of retaining walls within required yard from 1.2m to 3.5m

Given the steep topography of the lot, retaining walls are required within the interior and rear yard. The walls will be higher than the 1.2m height permitted by the bylaw. The retaining walls will provide a reasonably flat rear yard for the occupants of the units. The wall can be stepped as per the Zoning Bylaw but this will make the rear yard impracticable for the occupants. The walls will not be visible from the street and are located at the rear of property.

In considering this submission, staff recognized the limitations of this site to accommodate the development and determined that the variances being requested are in keeping with the objectives of the OCP. The

applicant has been working extensively to try to meet the zoning bylaw requirement but the topographical challenges of this lot makes it difficult to build a duplex. Before final approval of a subdivision application, a number of requirements will need to be addressed, as indicated by Subdivision and Development Bylaw 2004-81. Staff have been working with the applicants on these requirements.

Deny/Refer

Should Council consider that the proposed variances represent a negative impact on the residential character of the area it should deny the Development Variance Permit. As mentioned earlier, the current zoning on the property would allow them to build a much denser and higher building on the site. Alternatively, Council may refer the application back to staff with further instructions.

Alternate Recommendations

1. THAT Council gives first reading to "Zoning Amendment Bylaw No.2017-XX" but denies support for "Development Variance Permit PL2017-7797".

Attachments

Attachment A: Subject Property Location Map
Attachment B: OCP Map
Attachment C: Zoning Map
Attachment D: Images of Subject Property
Attachment E: Letter of Intent
Attachment F: Elevations
Attachment G: Site Plan
Attachment H: Subdivision Plan
Attachment I: DVP
Attachment J: Zoning Amendment Bylaw No. 2017-40

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director	CAO
AH	PW

Attachment A - Subject Property

Figure 1: Location Map

Attachment B - OCP Map

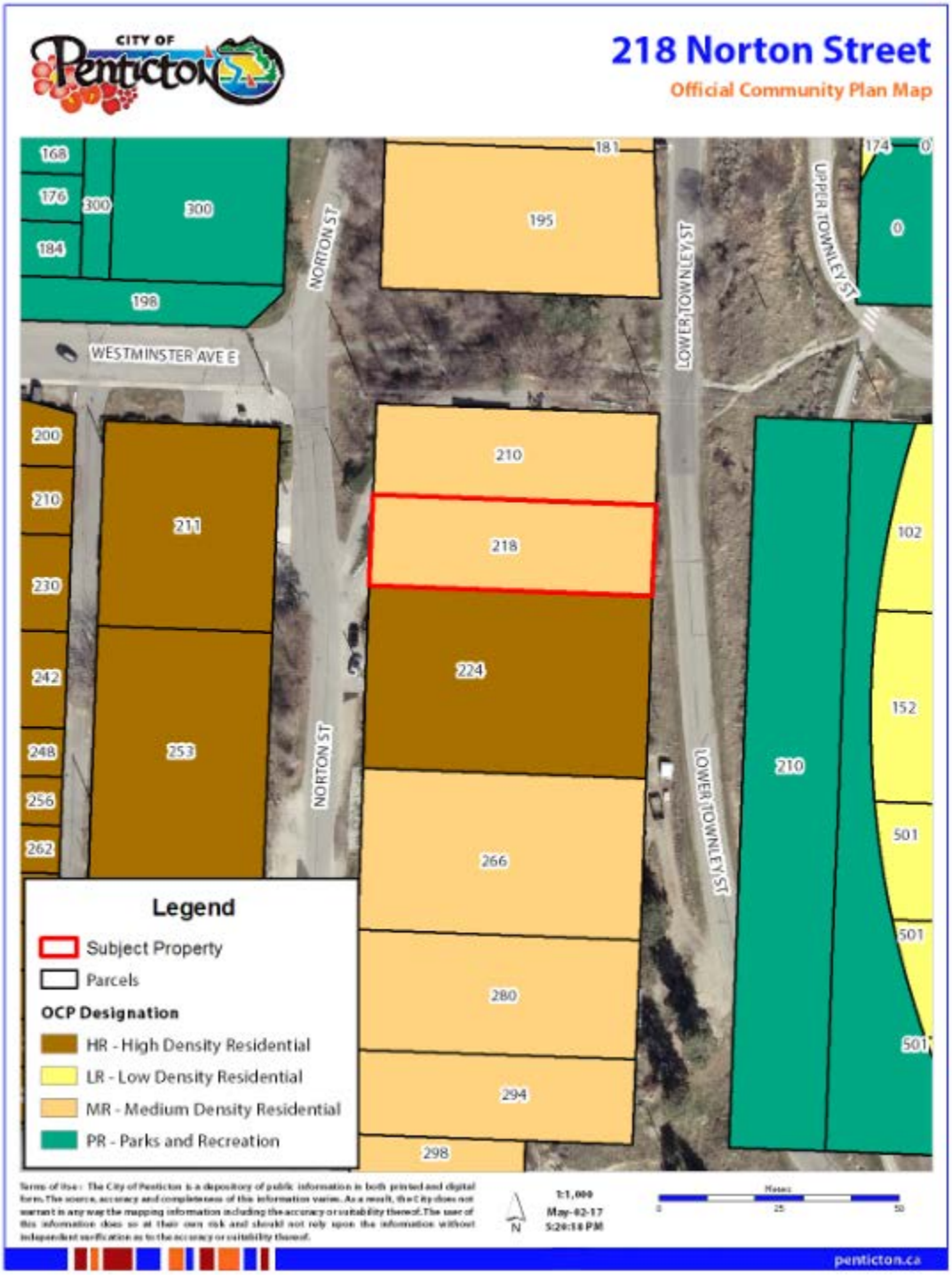

Figure 2: OCP Map

Attachment C - Zoning Map

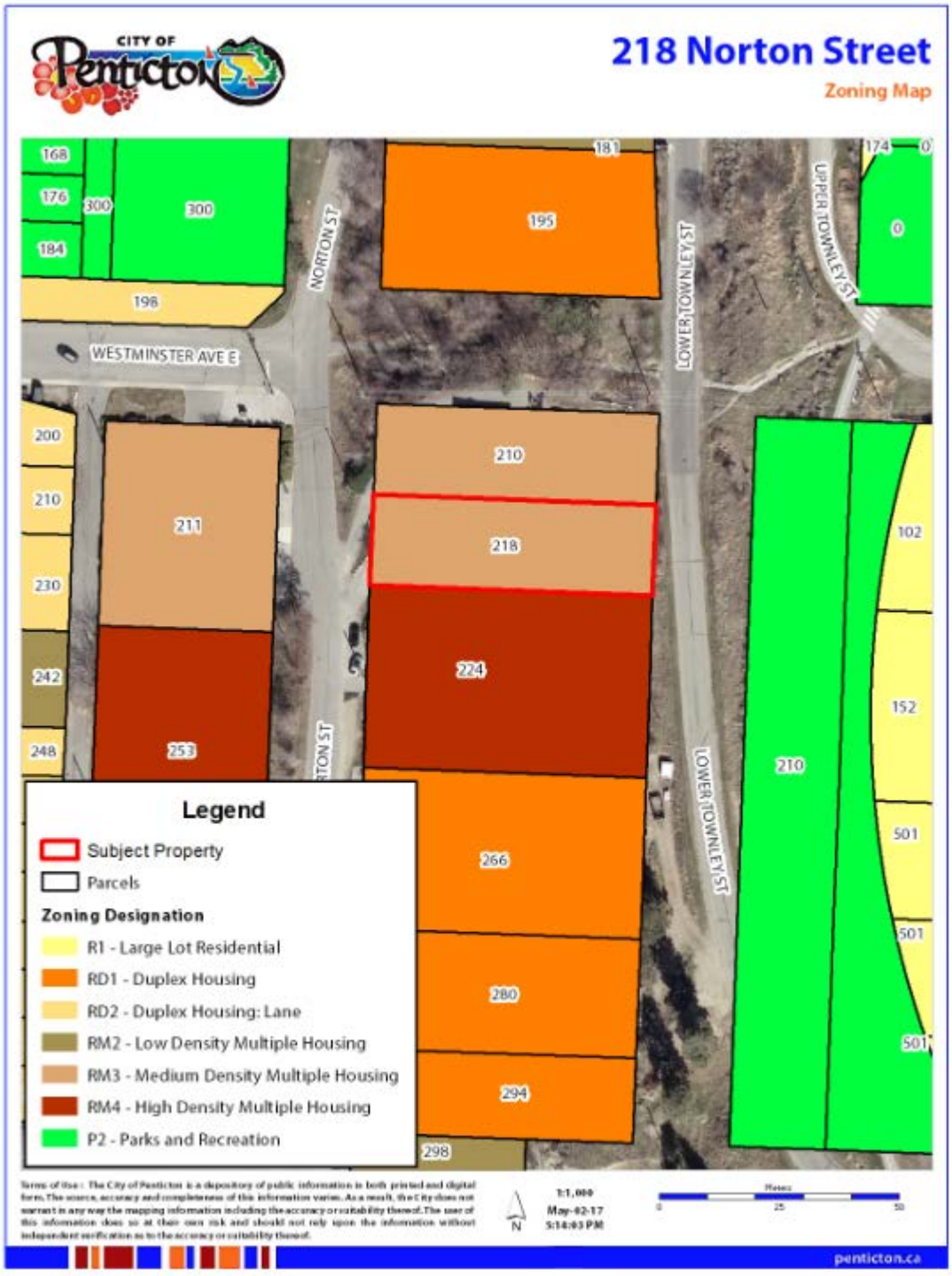

Figure 3: Zoning Map

Attachment D - Images of the Subject Property

Figure 4: View from Townley Street

Figure 5: View looking down on the proposed lot

Figure 6: View looking North on Townley street

Attachment E –Letter of Rationale

p + s people plus space planning and design

June 8, 2017

Ms. Audrey Tanguay, Senior Planner
City of Penticton
171 Main Street
Penticton, BC V2A
5A9

Re: Subdivision/Rezoning and Development Variance Permit Application for 218 Norton Street

On behalf of the owner of 218 Norton Street, we are respectfully providing supporting documentation for the subdivision/rezoning and development variance permit for the construction of a duplex. The lot is currently zoned RM3; however, the property does not provide adequate area on the site to construct a "high-density mid-rise apartment". Therefore, we are requesting a rezoning to RD2 in order to construct a duplex with basement suites. The basement suites will provide a higher density than a standalone duplex with a total of four dwelling units.

To support the application and development of a duplex we are requesting the following variances:

Lot coverage:	Maximum permitted	40%
	Proposed coverage	43%

Front yard setback:	Required	4.5 m
	Proposed	3.21 m (to garage face)

Building height:	Required	10.5 m
	Proposed (front yard)	8.0 m
	Proposed (rear yard)	11.47 m

Retaining wall height:	Maximum height in a yard setback	1.2 m
	Proposed height in the rear yard and interior side yards setback	3.5 m

The proposed front yard setback is to the garage face (3.21 m from the property line) while the main entrance steps back to approximately 6.51 m from the property line. It is unlikely that there will be development across from the duplex on the east side of Townley Street and by providing a larger side yard setback (than the minimum 1.5 m) the intent is to not impose on the adjacent neighbours.

The existing RM3 zoning permits a building 24 m in height, which is well above the rear yard height variance being requested. While a variance is requested for the building height based on the rear grade, the massing from the street will still be under the required building height for the RD2 zone.

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As a result of the existing topography a retaining wall is required in the rear yard. We are proposing a 3.5 m high retaining wall which will then provide a relatively flat rear yard for use by the occupants of the duplex and suites. As the retaining wall is in the rear yard we do not believe it would impede on any adjacent properties nor detract from the development.

If you have any questions or require additional information, please contact my office.

Regards,

Heather Shedden
MCIP, RPP, BAAID
203-166 Main
Street Penticton
BC V2A 5A4
250.486.1481
heather@pspace.ca

Attachment F – Building Rendering

Figure 7: Front (East Elevation)

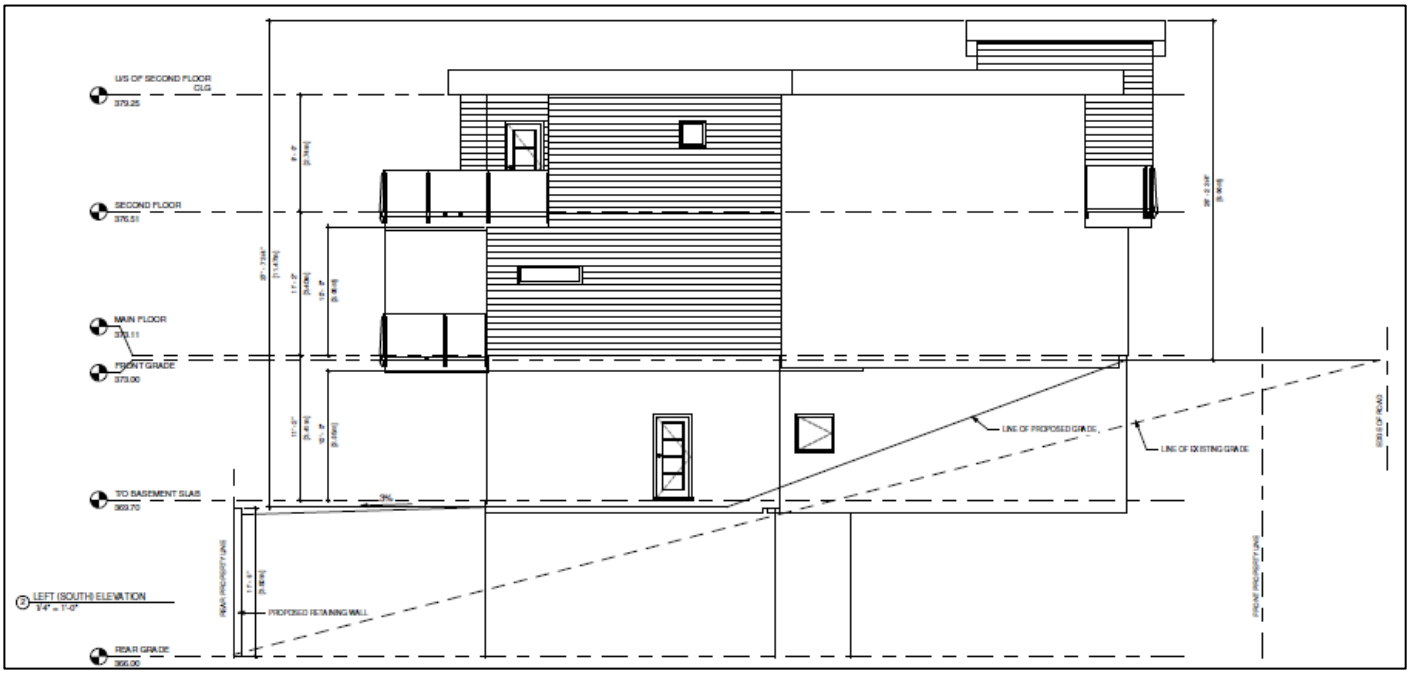


Figure 8: Side Elevation (South)

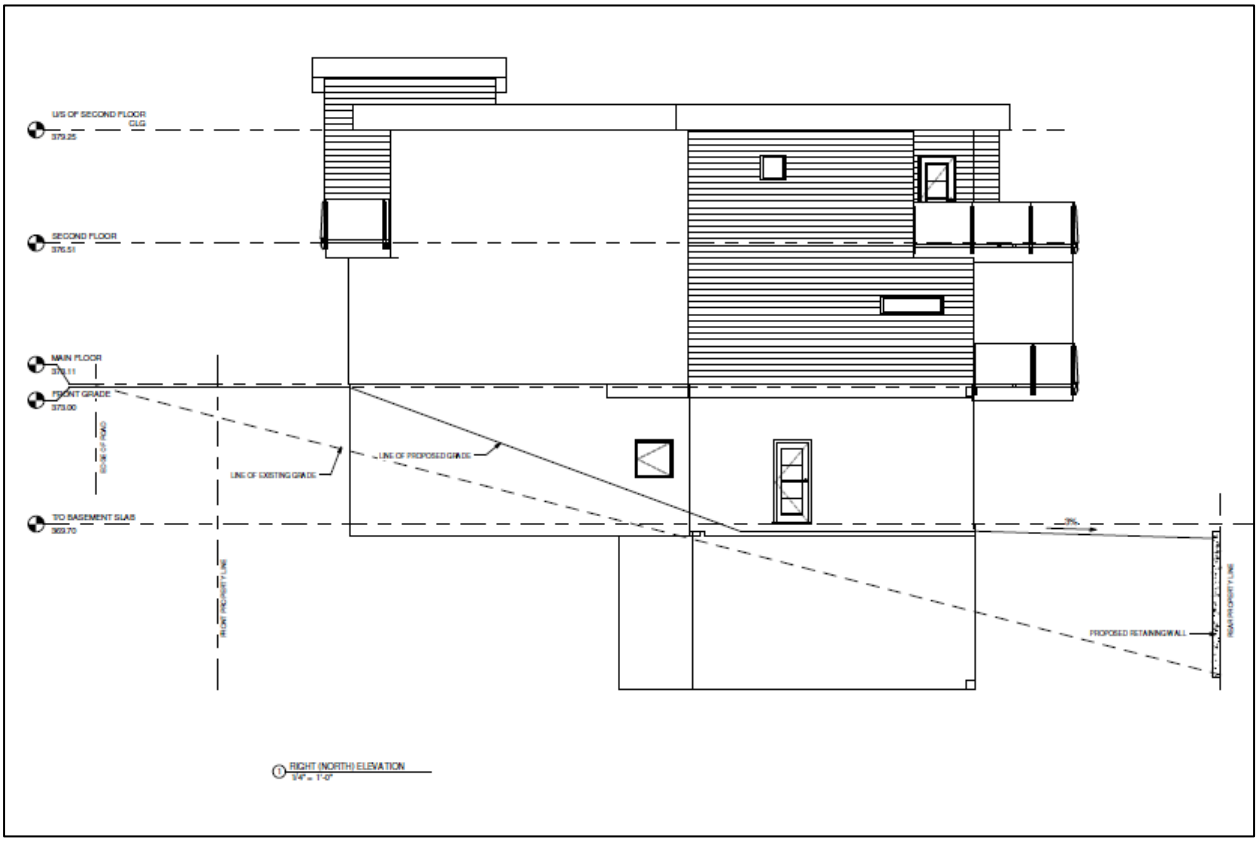


Figure 8: Side Elevation (North)

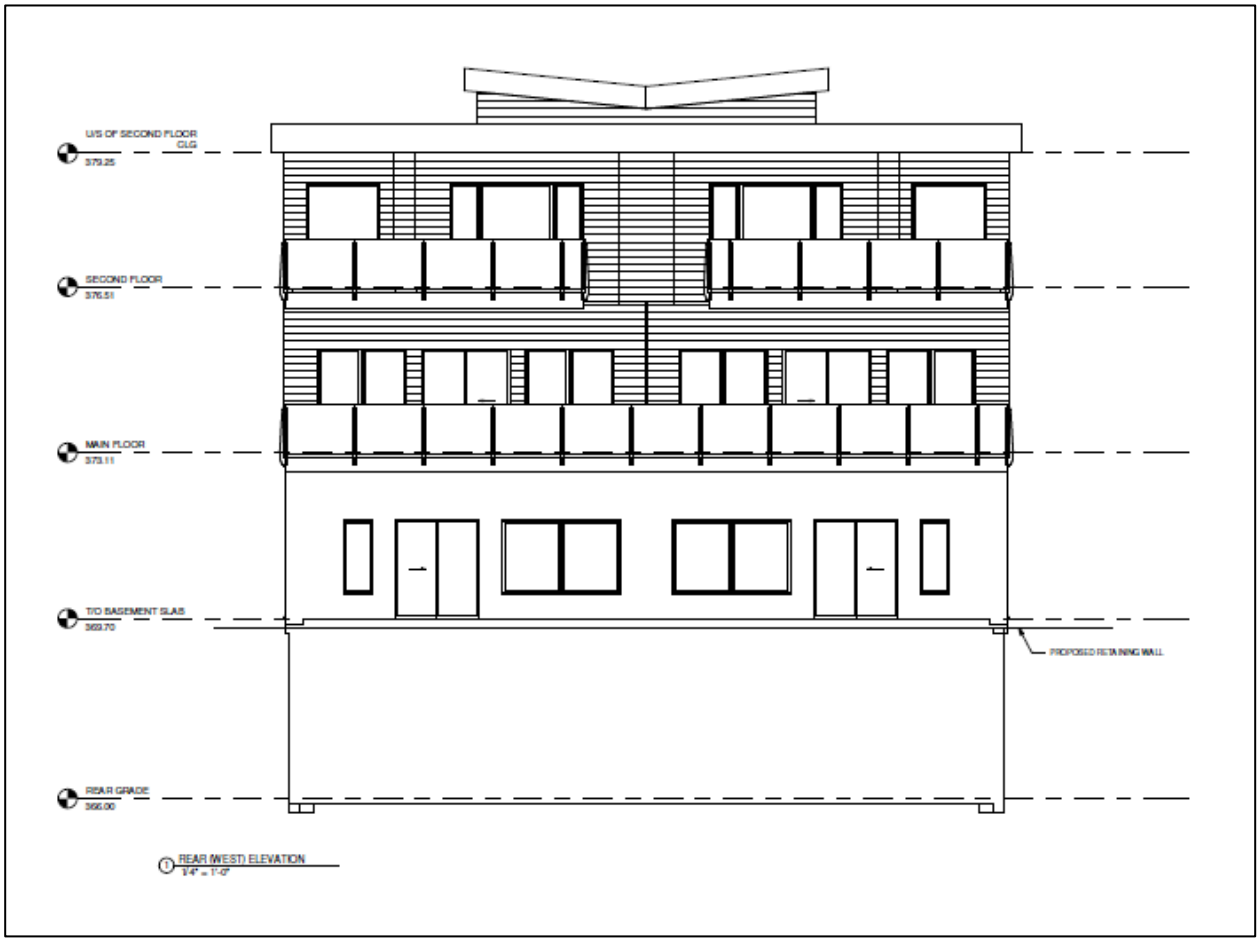
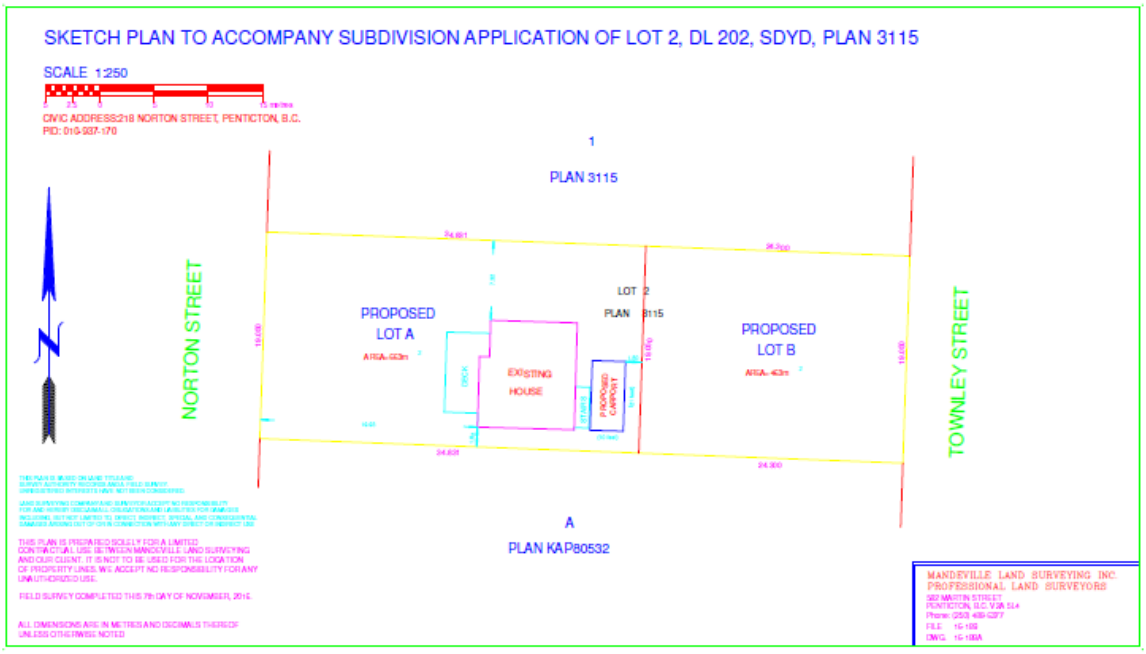


Figure 9: Rear (West Elevation)

Attachment G: Site Plan

Figure 12: Site Plan

Attachment H: Proposed Subdivision



Attachment I: DVP

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

Development Variance Permit

Permit Number: DVP PL2016-7797

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 2, District Lot 202, Similkameen Division Yale District, Plan 3115
   Civic: 218 Norton Street
   PID: 010-937-170

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2011-23 as shown in the plan attached in Schedule "A":

   - Section10.6.2.3. : To vary the maximum lot coverage from 40% to 45%
   - Section10.6.2.6 .: Decrease the minimum front yard from 4.5m to 3m
   - Section 10.6.2.5.: Increase the maximum height from 10.5m to 11.5m
   - Section 5.6.2.: Increase the maximum height of retaining walls within required yard from 1.2m to 3.5m

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements

and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the day of July, 2017

Issued this _____ day of _____, 2017

_____
Dana Schmidt,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2017-40

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. 2017-40".

2. **Amendment:**

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

Rezone Lot 2, District Lot 202, Similkameen Division Yale District, Plan 3115, located at 218 Norton Street from RM3 (Medium Density Multiple Housing) to RD2 (Duplex Housing: Lane).

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

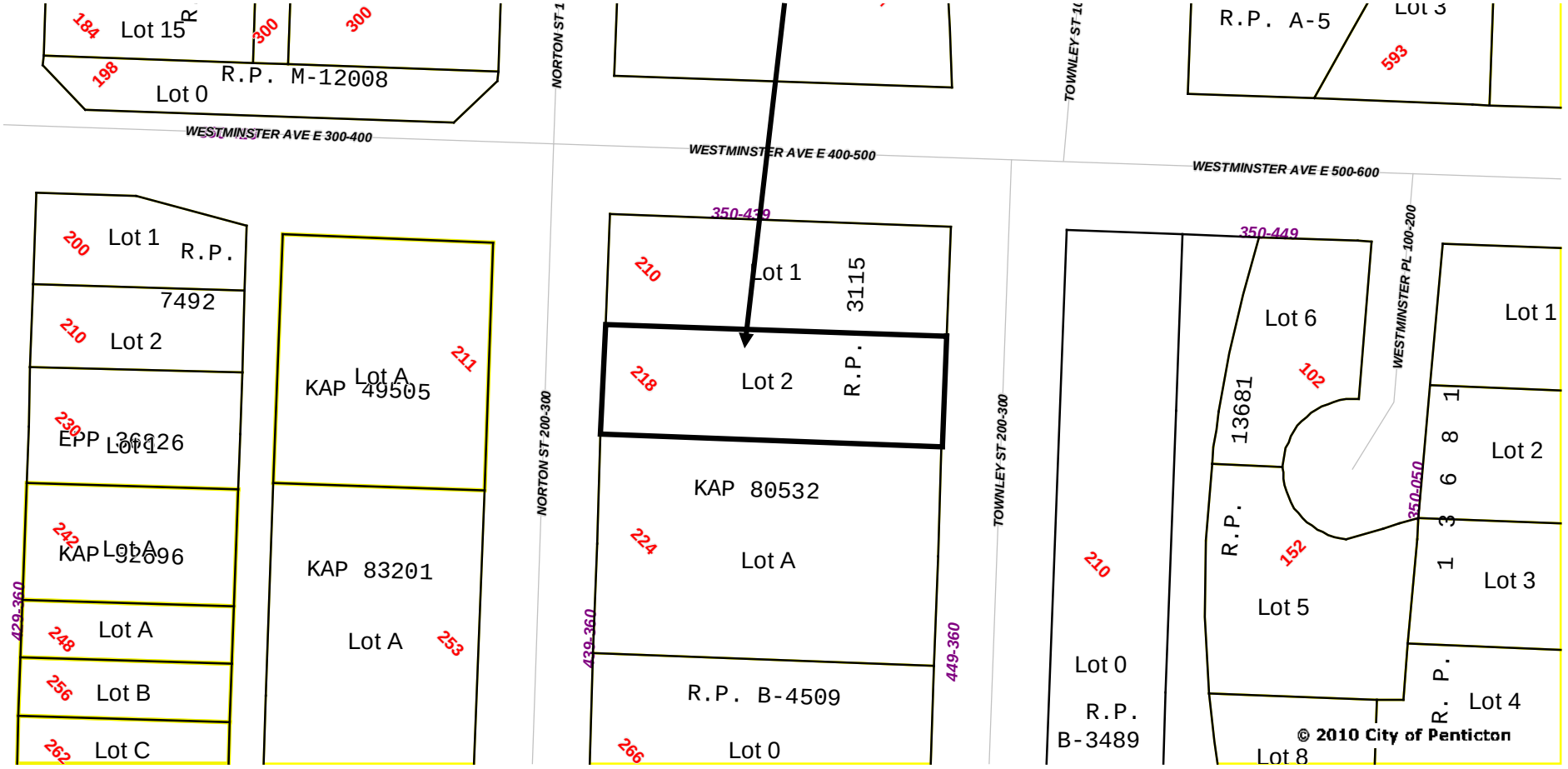
READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 218 Norton Street
From RM3 (Medium Density Multiple Housing) to RD2 (Duplex Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-40

Date: _____ **Corporate Officer:** _____

Council Report

penticton.ca

Date:	June 20, 2017	File No: OCP PL2017-7928
To:	Peter Weeber, Chief Administrative Officer	RZ PL2017-7929
From:	Randy Houle, Planner I	DVP PL2017-7930
Address:	102 Cossar Avenue	& DP PL2017-7931

Subject: **OCP Amendment Bylaw No. 2017- 41**
Zoning Amendment Bylaw No. 2017-42
Development Variance Permit PL2017-7930
Development Permit PL2017-7931

Staff Recommendation

Official Community Plan Amendment

THAT prior to consideration of OCP Amendment Bylaw No. 2017-41 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 conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2017-41", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, shown as Attachment 'B' of this report, from HR (High Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the July 4, 2017 Public Hearing.

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-42," being a bylaw to Rezone Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the July 4, 2017 Public Hearing.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7930" for Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, a permit to waive the requirements to provide trees in the landscape buffer area, to decrease the minimum west interior yard from 3.0m to 1.5m, and to decrease the minimum east interior yard from 3.0m to 2.4m, be heard at the July 4, 2017 public hearing;

AND THAT council consider "DVP PL2017-7930" following the adoption of "Zoning Amendment Bylaw No. 2017-42".

Development Permit

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-42," approve Development Permit PL2017-7931 for Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, a permit that allows for the construction of a four-unit townhouse.

Strategic priority objective

N/A

Background

The subject property (Attachment A) is currently designated in the Official Community Plan as HR (High Density Residential) and is also zoned RD2 (Duplex Housing: Lane). Photos of the site are included as Attachment D. The site is approximately 625m^2 (6727ft^2) and features a single detached dwelling with accessory structures. Surrounding properties are zoned RD2 (Duplex Housing: Lane), RM2 (Low Density Multiple Housing) and RM3 (Medium Density Multiple Housing). The majority of properties along Cossar Avenue are designated HR (High Density Residential) by the City's Official Community Plan except for 134 Cossar Avenue which recently changed its OCP designation from HR (High Density Residential) to MR (Medium Density Residential) to construct two duplexes. Housing in this neighbourhood is slowly being replaced with denser forms of construction, although not as dense as originally envisioned by the OCP, largely in part due to the parcel configuration and individual ownership that exists. Other redevelopment in the immediate area features townhouses, duplexes and multi-family development.

Proposal

The developer is proposing to construct a four-unit townhouse. Each townhouse will be approximately 1,100ft^2 with living area on the main level and 2 or 3 bedrooms on the second level. Due to the irregular shape of the lot, three units will front Cossar Avenue and the fourth will front the rear lane (Attachment G). Since a townhouse is not a permitted use in the RD2 (Duplex Housing: Lane) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

Secondly, the applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment B of this report) from HR (High Density Residential) to MR (Medium Density Residential).

Thirdly, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 5.3.1.1: To waive the requirements to provide trees in the landscape buffer area.
- Section 10.8.2.7.i: to decrease the minimum west interior yard from 3.0m to 1.5m.
- Section 10.8.2.7.i: to decrease the minimum east interior yard from 3.0m to 2.4m.

Lastly, the property is located within the High Density Development Permit area and requires approval for the form and character of the townhouse and to address landscaping requirements.

Public consultation

Staff are not recommending any further consultation above and beyond the Public Hearing. The proposed development is similar to other recent developments in the area, in which Council and staff have received opinion from the surrounding neighbourhood on other occasions. Furthermore, the development represents a reduction in density.

Project Specifications

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

Item	Requirement RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40%	33%
Minimum Lot Width	18m	32.28m
Minimum Lot Area	540m^2	625m^2
Maximum Density:	0.8 FAR	0.66 FAR
Vehicle Parking:	1 space per unit (4 spaces) + 0.25 per unit for visitor (1 space)	5 spaces
Required Setbacks Front yard (North) Rear yard (South) Interior Side yard (West) Interior Side yard (East)	 3.0m 6.0m 3.0m 3.0m	 3.0m 6.0m 1.5m (variance required) 2.4m (variance required)
Maximum Building Height:	12m	8.2m
Other Information:	Property is located in the High Density Development Permit Area	

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Staff had concerns with the angle of the parking spaces and screening requirements. These items were addressed by the developer. Frontage upgrades including curb, gutter and

sidewalk will be required at the developer's expense. Electrical and water services require upgrading at the developer's expense. The existing 100mm sanitary service may require upgrading, depending on the fixture count. These items have been communicated to the applicant and will be addressed at the building permit stage.

Financial implication

N/A

Analysis

OCP & Zoning Amendment

Support OCP and Zoning amendment

The subject property is designated High Density Residential (HR) under OCP Bylaw 2002-20. Schedule K of the OCP also recognizes that the site lies within the "Plaza Urban Village". The Plaza village is centered behind the Safeway plaza and is well connected to the downtown via the KVR trail, which currently ends by the subject property. The OCP envisions ongoing small scale densification on the lands north of the Plaza Urban Village; but also contains an area of high density residential development between the mall and Fairview Road, on Cossar Avenue. Although the City's OCP projected higher density in this area, staff considers that the Medium Density Residential (MR) designation will achieve the intent of small scale densification of this area and is more compatible with adjoining land uses. The character of the neighborhood will slowly change as this is an area that is seeing redevelopment through replacement of older residential building stock over time. The proposal adds to the already diverse range of housing, types, tenures and densities of this area.

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

- Encourage residential intensification near commercial activities and in the urban villages;
- Provide for the integration of new medium density development adjacent to lower density development;
- Encourage densification in areas where existing services can accommodate higher densities; and
- Encourage a wide range of Medium Density Residential housing, including cluster housing and compact housing.

Staff considers that the design is appropriate and consistent with the redevelopment trend in the area. The location of the site and characteristics of the surrounding neighbourhood make it ideally suited for residential densification. For the reasons mentioned above, staff are recommending that Council support the land use designation change, as provided in this report and refer the application to the July 4, 2017 Public Hearing.

Deny/Refer

Council may consider that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendments do not go forward, the property will be restricted to one duplex with suites if so desired. 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 consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variances are as follows:

Section 5.3.1.1: To waive the requirements to provide trees in the landscape buffer area.

- The applicant has provided the required number of shrubs in the buffer area, but is requesting to waive the requirements to provide trees in the buffer area. A 1.5m (5ft) setback is not enough space to plant trees as it could cause issues between neighbours and block fire access. The applicant is providing 7 trees throughout the rest of the development. As depicted in *Figure 7,* the neighbour impacted by this variance has landscaping and a driveway acting as a buffer between the proposed development and their residence. Council has recently supported a similar variance. Given the above, it is reasonable to support the waiving of providing trees in the landscape buffer area. As a note, this variance is not for waiving the requirements for trees in the entire development, but only waiving the requirement for trees in the buffer area – 7 new trees are proposed as part of this development.

Section 10.8.2.7.i: to decrease the minimum west interior yard from 3.0m to 1.5m.

- The applicant is requesting a 1.5m interior setback reduction along the west property line. The height of the proposed building (8.2m) is much less than the 12.0m permitted, thus reducing the impact on the neighbours. Under the current RD2 (Duplex Housing: Lane), a developer could construct a duplex with suites with a 1.5m setback. In 2016, Council approved a variance to both interior yards from 3.0m to 1.5m for the duplexes constructed at 134 Cossar Avenue (*Attachment K)* The proximity of those duplexes to the adjacent residence is much closer than the proposed development to the adjacent house. For the reasons above, it is reasonable to support this variance.

Section 10.8.2.7.i: to decrease the minimum east interior yard from 3.0m to 2.4m.

- The applicant is requesting a variance of the interior side yard along the lane from 3.0m to 2.4m. Staff feel that a 0.6m variance is minimal and since it is along a lane, it should have no negative impacts on the neighbours. Staff do not see any sight line or visibility concerns because it is a lane and not a street. Technically a six-foot fence could be constructed along that property line which would cause more concerns. For this reason, staff recommend support of the variance.

Development Variance Permit

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the neighborhood, in particular the adjacent neighbour. Council may decide that the developer should reduce the size and or/ number of units to meet the setbacks. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit

The subject property is located within the High Density 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 current proposal addresses the intent of the Development Permit Area as highlighted below:

- 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 unit has private patio space which is screened from surface parking spaces.

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 application.

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 give first readings to "OCP Amendment Bylaw No.2017-41" and "Zoning Amendment Bylaw No. 2017-42" but deny support to "Development Variance Permit PL2017-7930 and Development Permit PL2017-7931."
2. THAT Council give first reading to "OCP Amendment Bylaw No. 2017-41" and deny first reading of "Zoning Amendment Bylaw No. 2017-42."

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Photos of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Elevations
Attachment G:	Site Plan
Attachment H:	Landscape Plan
Attachment I:	Floor Plans
Attachment J:	Renderings
Attachment K:	Duplexes at 134 Cossar Avenue
Attachment L:	DVP PL2017-7930
Attachment M:	DP PL2017-7931
Attachment N:	OCP Amendment Bylaw No. 2017-41
Attachment O:	Zoning Amendment Bylaw No. 2017-42

Respectfully submitted,

Randy Houle
Planner I

Approvals

Director	CAO
AH	

Attachment A - Subject Property Location Map

Figure 1: Subject Property Location Map

Attachment B - OCP Map

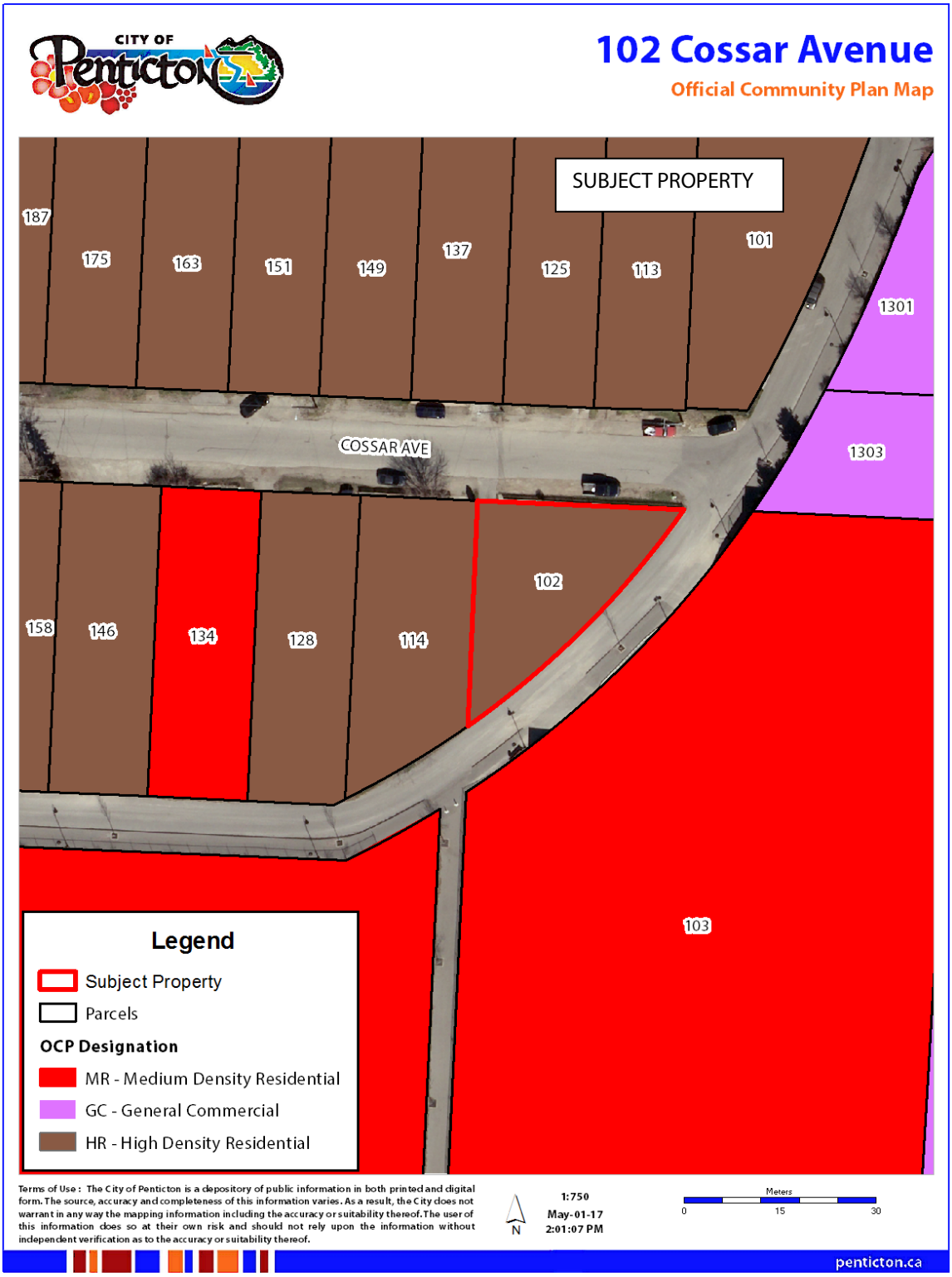


Figure 2: OCP Map

Attachment C - Zoning Map

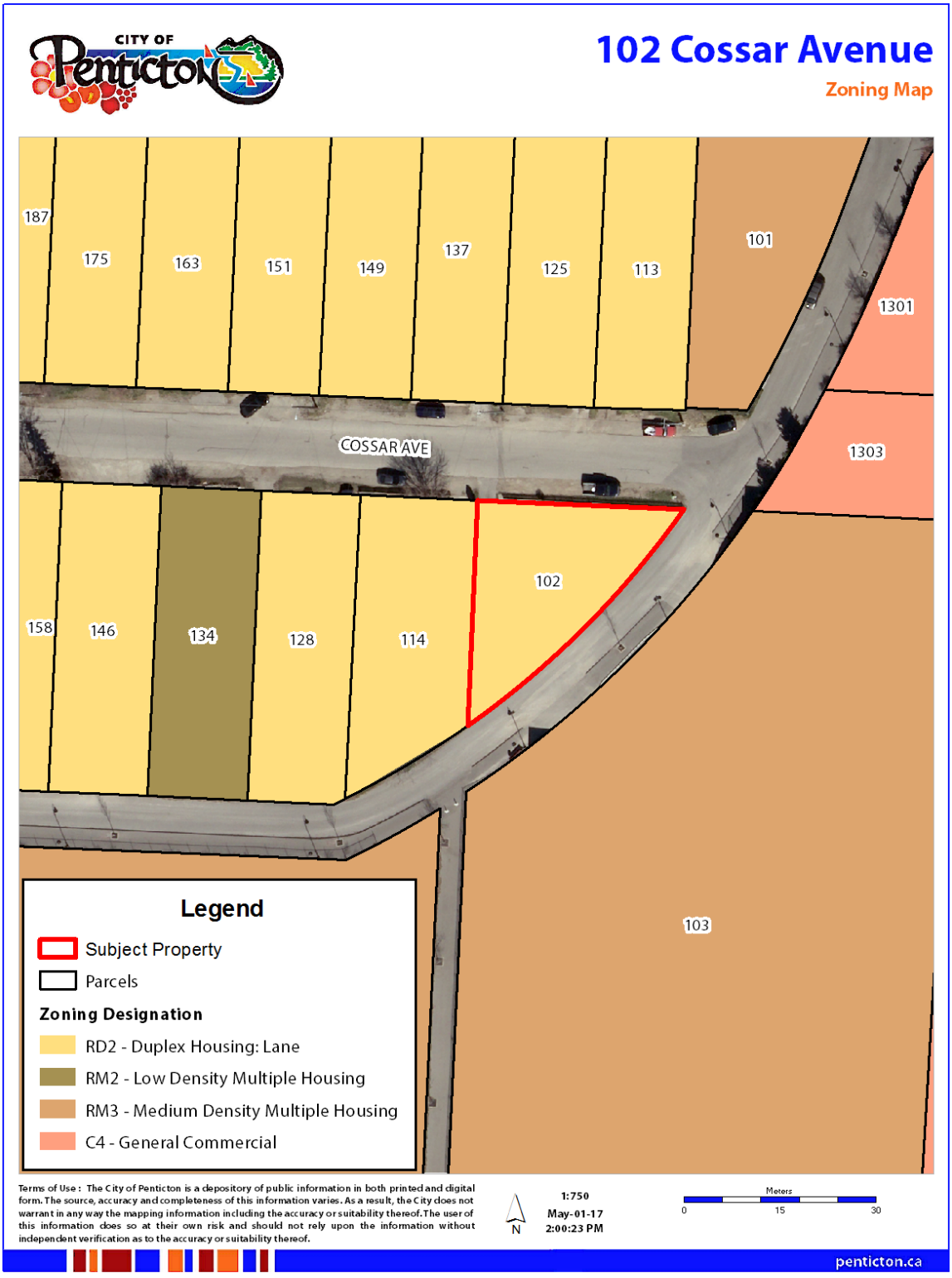


Figure 3: Zoning Map

Attachment D – Photos of Subject Property

Figure 4: North Elevation (From Cossar Avenue)

Figure 5: View from North East Corner

Figure 6: South Elevation

Figure 7: West Neighbouring Property

Attachment E –Letter of Intent

GIROUX DESIGN group
Custom Home and Building Design Since 1950

June 4, 2017

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

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

Re: 102 Cossar Avenue (OCP Amendment, Rezoning and Development Variance Permit Application)

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

This letter is regarding the proposed townhouse development for 102 Cossar Avenue and the required variances and rezoning. Because of the unusual shape of the lot there are a number of challenges with development, however we believe the proposal meets these challenges while providing very suitable accommodations. The current OCP designation is for HR (High Density Residential), we are asking for a change to this requirement to MR (Medium Density Residential) to allow a four-unit townhouse. This is in harmony with a new development just down the street that was granted the same OCP amendment. And as you will see, because of this lots unusual shape and location it would be very difficult to get much higher density.

Along with the OCP amendment, the proposed development requires a rezoning from RD2 to RM2. We feel this is a good transition between the adjacent apartment buildings and the rest of the neighborhood which consists of a mix of duplexes, single family dwellings and on the townhouse complexes on the neighboring streets.

Due to the unusual triangle shape of the lot three variances are required: 1) Reduce the east side interior setback from 3.0 meters to 1.5 meters; 2) reduce the side east interior setback from 3.0 meters to 2.4 meters; 3) vary the requirement for trees in the landscape buffer to allow for better placement of landscaping. We feel that these variances are reasonable and are in line with other variances granted for similar projects.

This project will provide more family housing to our area in a time where the demand for this is very high and the availability is very low. We also feel that this will be a large improvement to the neighborhood and will have a positive effect on the land value of the existing homes.

Best regards,

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

Figure 8: Letter of Intent

Attachment F – Building Elevations

Figure 9: North Elevation (from Cossar Avenue)

Figure 10: South Elevation (from lane)

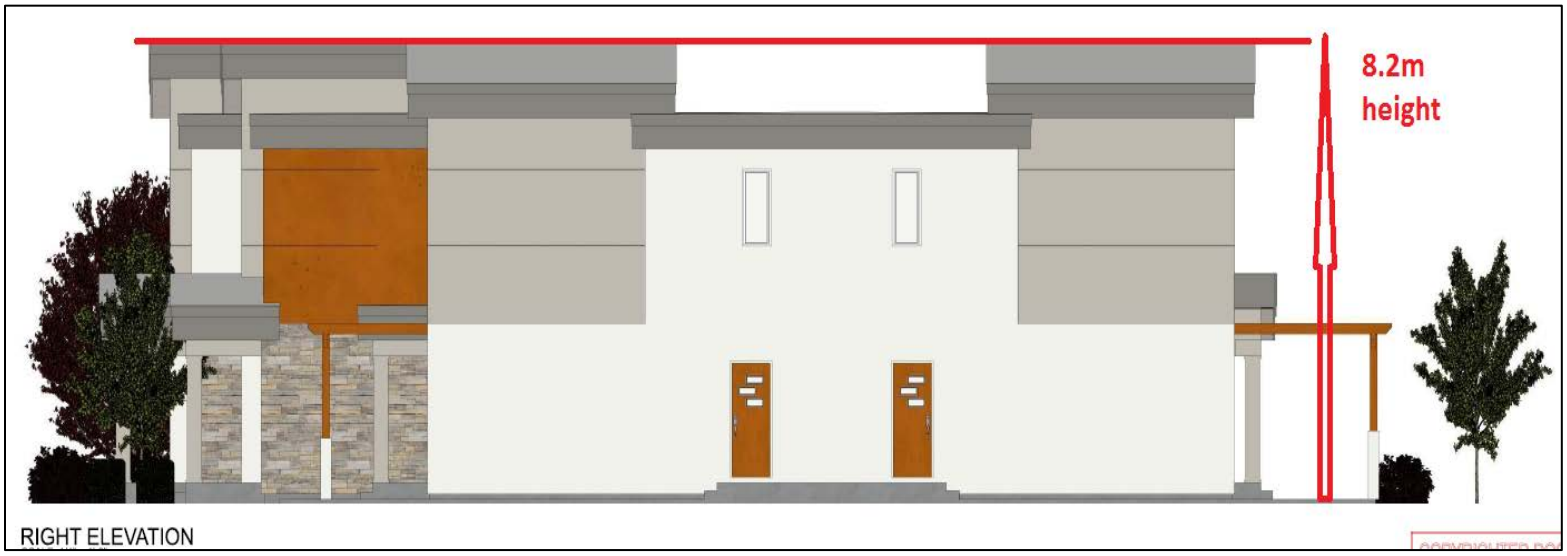


Figure 11: West Elevation (from neighbours)

Figure 12: East Elevation (from lane)

Attachment G: Site Plan

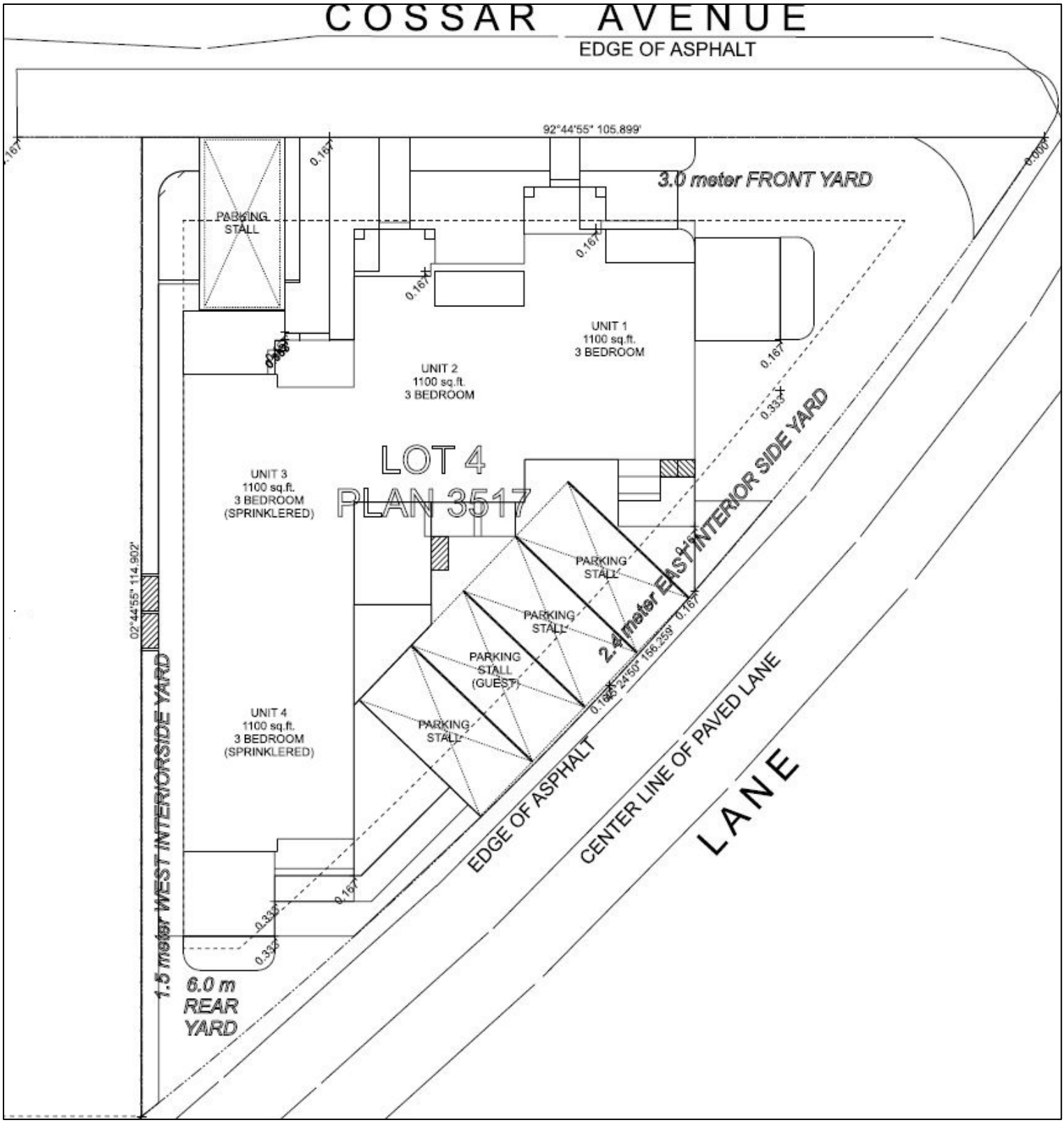


Figure 13: Site Plan

Attachment H: Landscape Plan

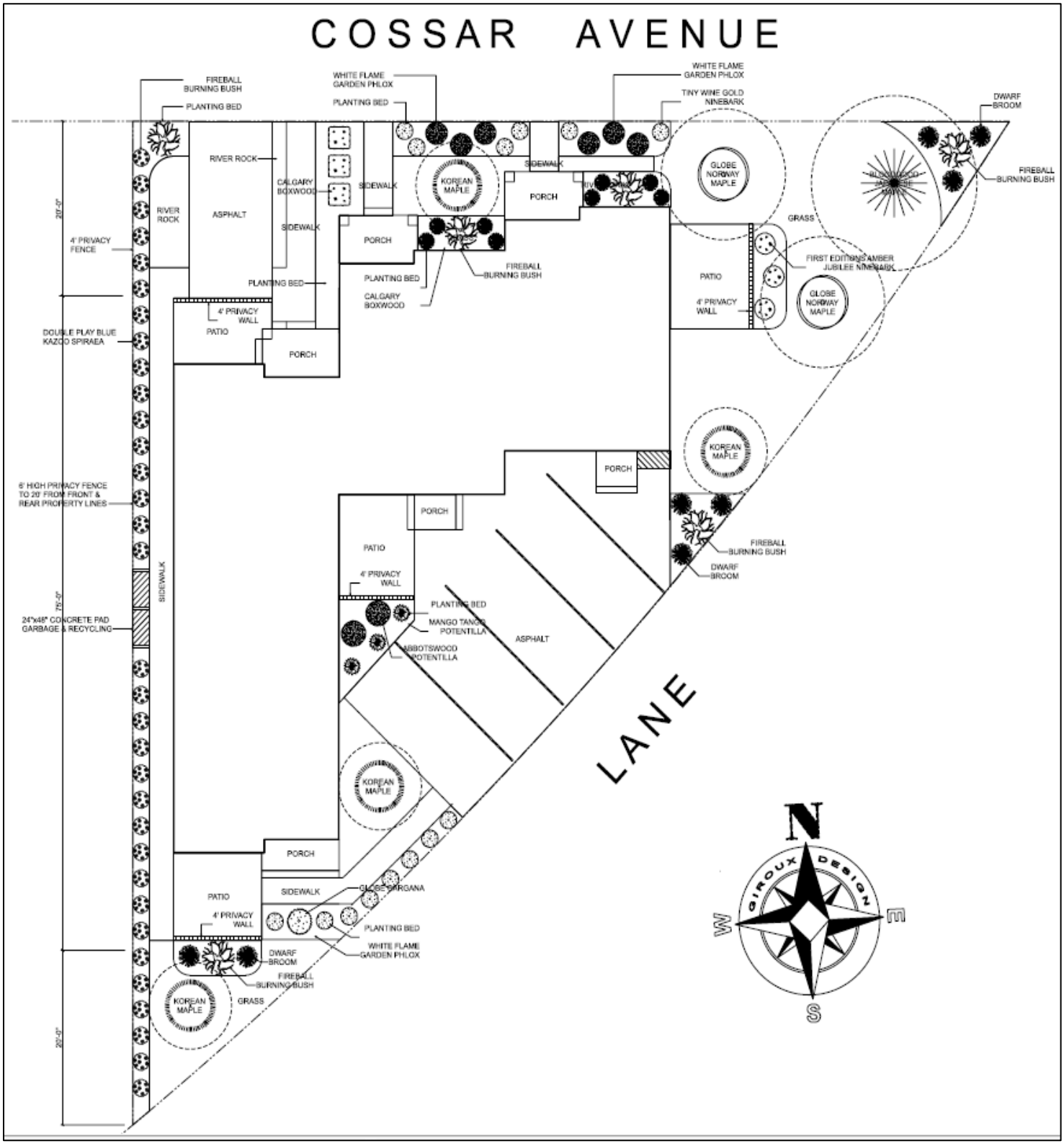


Figure 14: Landscape Plan

Attachment I: Floor Plans

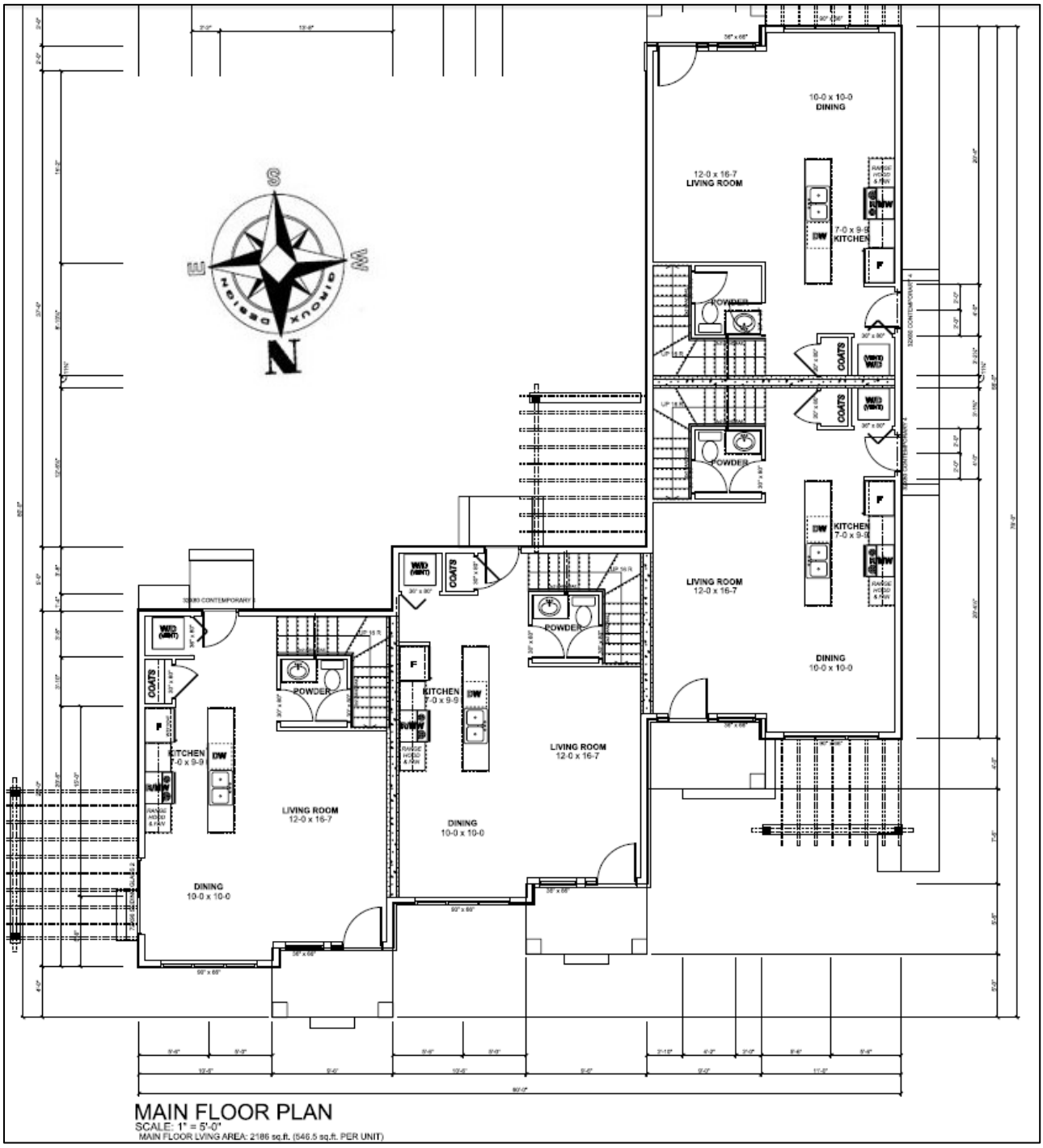


Figure 15: Main Floor Plan

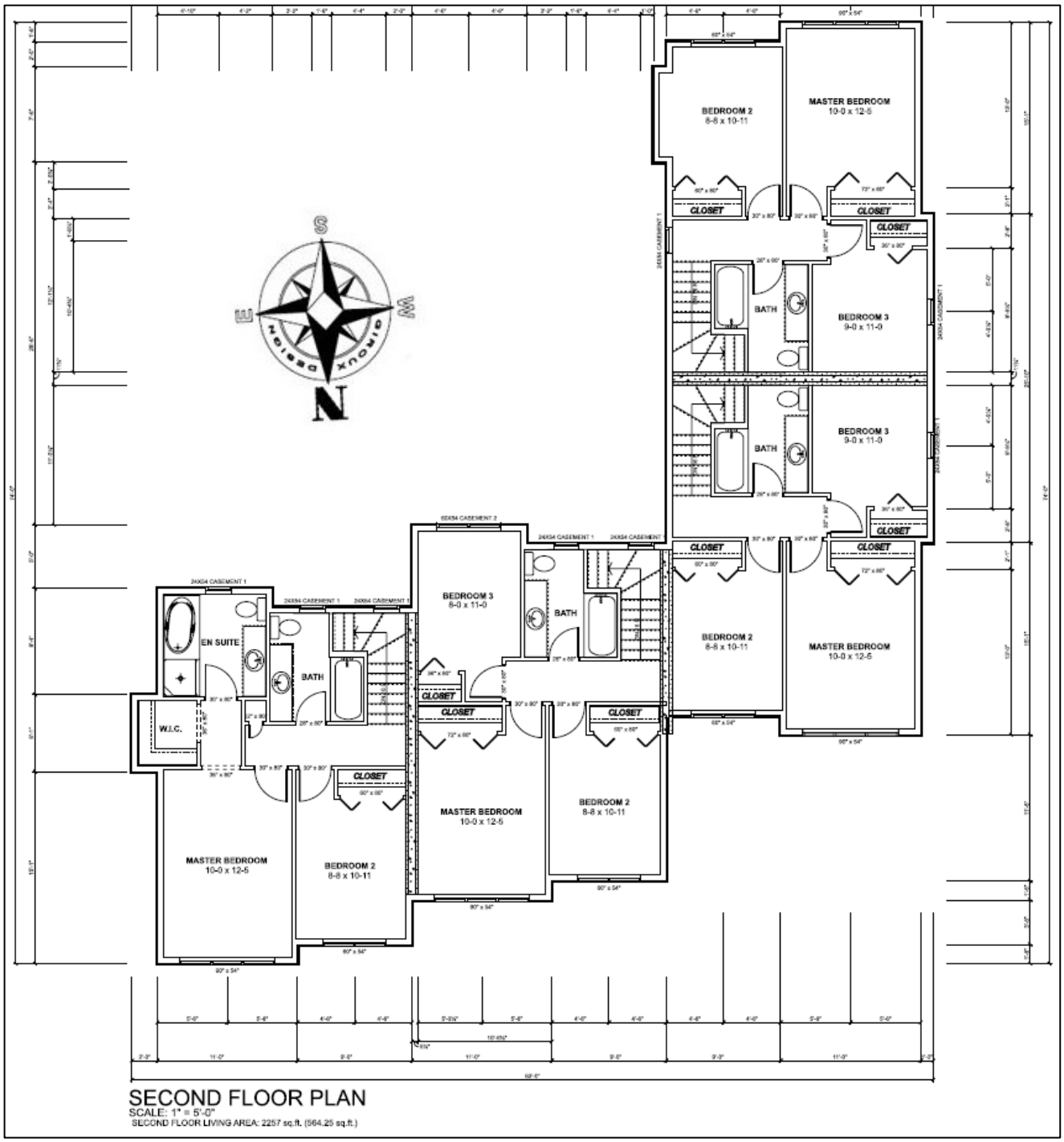


Figure 16: Second Storey Floor Plan

Attachment J: Renderings

Figure 17: View from Cossar

Figure 18: View from Back Lane

Attachment K: Duplexes at 134 Cossar Avenue

Figure 19: Street view of 134 Cossar Avenue showing proximity to adjacent dwelling

Figure 20: Lane view of 134 Cossar Avenue showing proximity to adjacent dwelling

City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
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Development Variance Permit

Permit Number: DVP PL2017-7930

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 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517
   Civic: 102 Cossar Avenue
   PID: 010-844-864

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 four-unit townhouse as shown in the plans attached as Schedule 'A'.

   - Section 5.3.1.1: To waive the requirements to provide trees in the landscape buffer area.
   - Section 10.8.2.7.i: to decrease the minimum west interior yard from 3.0m to 1.5m.
   - Section 10.8.2.7.i: to decrease the minimum east interior yard from 3.0m to 2.4m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the __ day of July, 2017

Issued this _____ day of _____, 2017

_____
Dana Schmidt,
Corporate Officer

City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
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Development Permit

Permit Number: DP PL2017-7931

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 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517
   Civic: 102 Cossar Avenue
   PID: 010-844-864

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a four-unit 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 $8072.93 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:

1st Inspection	No fee
2nd Inspection	$50
3rd Inspection	$100
4th 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 July, 2017

Issued this _____ day of _____, 2017

_____
Dana Schmidt,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2017-41

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. 2017-41."

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 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, identified in Schedule A of this bylaw, from HR (High Density Residential) to MR (Medium Density Residential).

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

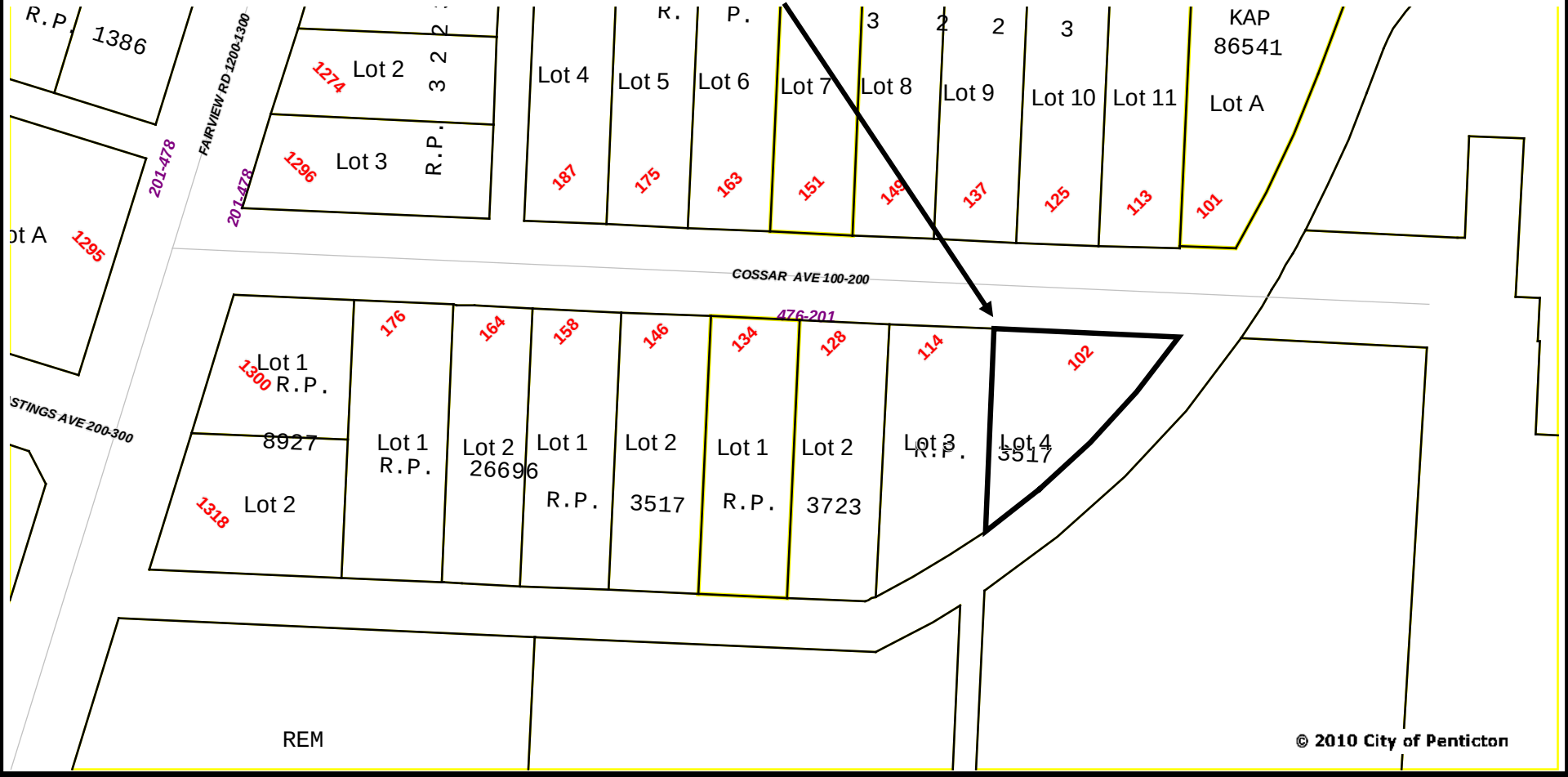
READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the __ of ____, 2017 and the __ of ____, 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 102 Cossar Avenue From HR (High Density) to MR (Medium Density Residential)



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-41

Date: _____ Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2017-42

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. 2017-42".

2. **Amendment:**

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

Rezone Lot 4, District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District And Of District Lot 250 Similkameen Division Yale District Plan 3517, located at 102 Cossar Avenue, from RD2 (Duplex Housing: Lane) 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
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*.

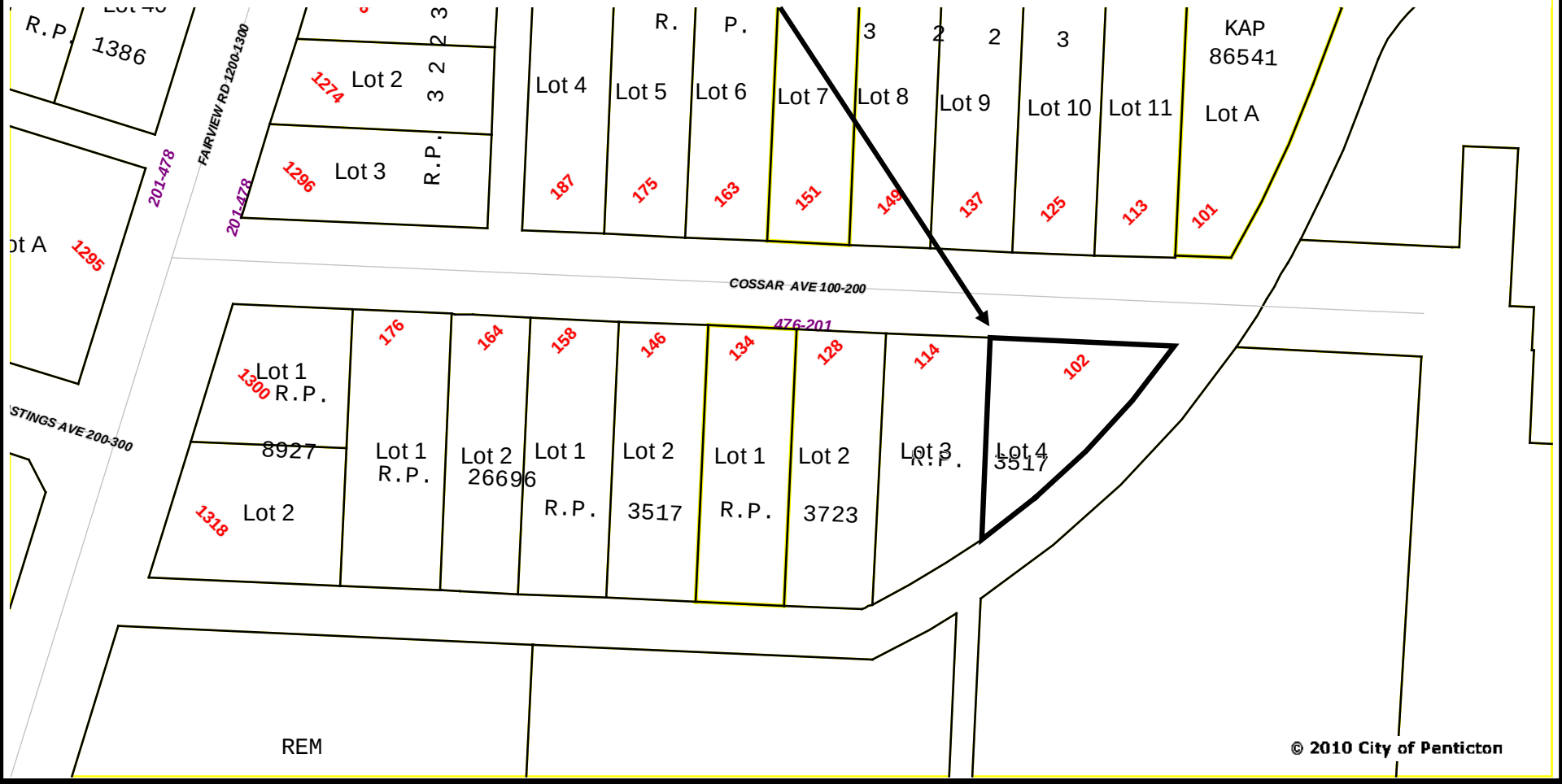
Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2017

_____
for Minister of Transportation & Infrastructure

_____
Andrew Jakubeit, Mayor

_____
Dana Schmidt, Corporate Officer

Rezone 102 Cossar Avenue
From RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-42

Date: _____ **Corporate Officer:** _____

Council Report

penticton.ca

Date: June 20, 2017 File No: RZ PL2017-7927
To: Peter Weeber, Chief Administrative Officer & DVP PL2017-7969
From: Randy Houle, Planner I
Address: 602 & 640 Eckhardt Avenue West

Subject: **Zoning Amendment Bylaw No. 2017-43**
Development Variance Permit PL2017-7969

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-43," being a bylaw to rezone Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 35373, located at 602 Eckhardt Avenue West, and to rezone Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 7039, located at 640 Eckhardt Avenue West from C7 (Service Commercial) to CT1 (Tourist Commercial), be given first reading and forwarded to the July 4, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-43," the following conditions are met:

1. a 2.9m road dedication and 5.0m x 5.0m northeast corner cut is registered with the Land Title Office;
2. the subject lots are consolidated and registered with the Land Title Office;
3. a transportation impact assessment is submitted.

Development Variance Permit

THAT delegations and submissions for Development Variance Permit PL2017-7969 for Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 35373, located at 602 Eckhardt Avenue West, and Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 7039, located at 640 Eckhardt Avenue West, a permit to increase the maximum height from 12.0m to 13.5m and to waive the requirement for bicycle parking, be heard at the July 4, 2017 Public Hearing.

AND THAT Council consider DVP PL2017-7969 following the adoption of Zoning Amendment Bylaw No. 2017-43."

Strategic priority objective

N/A

Background

The subject properties (Attachment A) are zoned C7 (Service Commercial) and designated by the City's Official Community Plan as GC (General Commercial). Photos of the site are included as Attachment D. The subject properties are a combined 6,211m^2 (66,855ft^2). The smaller lot (602 Eckhardt Avenue W) has a single family dwelling which is intended to be demolished. The bingo hall is on the larger lot (640 Eckhardt Avenue West) and is intended to be demolished as well. Surrounding properties are designated by the OCP as GC (General Commercial), PR (Parks and Recreation) and MFLD (Multi Family Low Density Residential) King's park is located south of the subject property, with a City parking lot to the east, a used car lot to the west and residential/commercial buildings across the street.

The property is located within the General/Tourist Commercial Development Permit area, thus a development permit is required prior to construction. Additionally, approval must be granted by the Ministry of Transportation prior to adoption of the Zoning Bylaw amendment.

Proposal

The applicant is proposing to construct a four storey, 95-room hotel. The hotel will be a Fairfield by Marriot brand with an indoor pool, hot tub and complimentary breakfast. Vehicle entrances are proposed in the northwest corner of the property and two entries/exits off the east lane. The proposal has 95 parking spaces, which meets the bylaw requiring one (1) space per room. Since *tourist accommodation* is not a permitted use in the C7 (Service Commercial) zone, a rezoning to CT1 (Tourist Commercial) is required.

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

- Section 6.4.3 (Table 6.4): To waive the bicycle parking requirements for a commercial use.
- Section 11.10.2.5: To increase the maximum height from 12.0m to 13.5m.

Financial implication

The construction value and land costs of the project are estimated to be around $13.8 million. This will contribute approximately $95,000 a year in general municipal taxes.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. The following items have been identified and will need to be addressed as this project moves through the development process:

Transportation Assessment

The City's Development Engineer has identified the need for a transportation impact assessment. Specifically, there is a request to investigate the intersection of Orchard Avenue and Eckhardt Avenue West as well as the proposed entry and exits. This review will need to be submitted to the City prior to final zoning approval. If the report identifies any significant off-site works, these may be a requirement of the developer at a further stage in the process.

Road Dedication

The City's road widening map shows a proposed 2.9m road dedication along Eckhardt Avenue West and 5.0m by 5.0m northeast corner cut that the developer has agreed to dedicate to the City as part of the rezoning process. This widening will help to achieve the desired width of Eckhardt Avenue West.

Lot Consolidation

The proposed hotel will straddle the two lots, thus creating a non-conforming setback situation. As such, staff are recommending that Council make consolidation of the two lots a condition of zoning adoption.

Electrical

Electrical service to the development will be underground from a new pad mount transfer. An easement will be required for city owned equipment on private property including an existing overhead line encroachment on the NE corner.

Engineering

As part of building permit approval, street frontage upgrades (curb letdowns, sidewalk improvements) will be required at the developer's expense. Staff has confirmed that lane upgrade is not required unless damages occur during construction. Standard water and sewer upgrades will be required at the developer's expense. These engineering requirements have been communicated to the developer.

Development Permit

Prior to the issuance of a building permit, the applicant will be required to submit a development permit application which will be required to be approved by Council.

If the requests for the zoning amendment and variance permits are supported, BC Building Code and City bylaw provisions will apply.

Development Statistics

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

Item	Requirement CT1 Zone	Proposed
Maximum Lot Coverage:	40%	21%
Maximum Density:	1.2 FAR	0.84 FAR
Minimum Lot Width:	20.0m	73.67m
Minimum Lot Area:	930m^2	6211m^2
Vehicle Parking:	1 per room (95 total)	95 spaces
Bicycle Parking (Class 1):	1 per 125m^2 (42 required)	10 (variance required)
Bicycle Parking (Class 2):	1 per 125m^2 (42 required)	10 (variance required)
Required Setbacks		
Front yard (North):	3.0m	23.18m
Rear yard (South):	4.5m	25.41m
Interior yard (East):	0m	3.65m
Interior yard (West):	4.5m	8.0m

Maximum Building Height:	12.0m	13.4m (variance required)
Other Information:	Subject properties are located within the General/Tourist Commercial Development Permit Area. A development permit will follow the rezoning and variance application to be approved by Council.	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2017-43"

The site is situated in an area that promotes commercial development. The OCP designation for this site is General Commercial (GC), which supports tourist accommodation. Staff consider that the zoning amendment to allow for a four storey, 95-unit hotel represents an appropriate use of the land for the following reasons:

- The City's commercial goals are to work towards achieving a well-balanced economy that provides a range of economic and employment opportunities for the community. The hotel will employ 30 staff plus additional jobs created during construction.
- The OCP encourages development within the general commercial area to integrate and accommodate trees and landscaping, which is the case here.
- The proximity to the events center, casino and nearby services encourages more walking and active forms of transportation.
- The proposal is consistent with the OCP's view that highlights the importance of a range of commercial opportunities that will contribute to its employment and tax base growth.

Staff considers that the design is suitable and consistent with the area. The lot coverage (21%) is much less than the 40% maximum allowed. The proposed floor area ratio (0.84) is well below the 1.2 FAR allowed in the CT1 zone. Additionally, the building is setback a fair distance from all property lines and landscape buffering will be provided, thus limiting the impact on the surrounding areas Staff are recommending fencing along the property, especially the south end to ensure vehicle access is directed in and out of the appropriate entry/exit points. There may be an increase in traffic in the area, but the majority will be from Eckhardt Avenue West and not the rear lane (Pacific Crescent). Commercial vehicles and garbage trucks will access the loading areas in the back of the property from the east lane, entering from Eckhardt Avenue. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-43" and forward the application to the July 4, 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. Although 'tourist accommodation' is a supported use in the General Commercial OCP designation, these lands are not designated as Tourist Commercial and were most likely not envisioned for this scale of tourist accommodation. 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 constraint on the property that makes following the bylaw difficult; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 6.4.3 (Table 6.4): To waive the bicycle parking requirements for a commercial use.

6.4.3 *Bicycle Parking Requirements*

Table 6.4 Bicycle Parking Requirements

Use	Class 1	Class 2
Commercial ***Uses***	Minimum of 2, plus one for every 125 m^2 over 250 m2	Minimum of 2, plus one for every 125 m^2 over 250 m2

- The approximate floor area of the proposed hotel is 5,200m^2 (56,000ft^2). Therefore, the requirement is for 42 (Class 1 bicycle parking spaces) and 42 (Class 2 bicycle parking spaces). Class 1 spaces can be defined as being located in bicycle lockers, compounds or rooms with lockable doors whereas Class 2 spaces consist of bicycle parking racks. The applicant is proposing to add a bike rack at the front of the hotel with 10 Class 2 bicycle parking spaces. Staff is requesting that through the development permit process, a room within the hotel with at least 10 Class 1 spaces will be required. Due to the nature of the business, a hotel is unlikely to require many visitors on bicycles. Therefore, staff feel that providing 10 Class 2 spaces for visitors and an additional 10 Class 1 spaces for hotel staff is acceptable and recommend support of the variance.

Section 11.10.2.5: To increase the maximum height from 12.0m to 13.5m.

- The proposed development is 13.4m (44ft) in height. The maximum allowable height is 12.0m (39ft). The purpose of the variance of only 5 feet is to accommodate the brand's design features of architectural elements and high ceilings in the lobby. The rest of the building is under the 12.0m maximum. As part of the development permit process, the applicants will be required to submit a shadow study to determine any effects that the height of the hotel will have on King's Park. From Staff's view, the additional 5ft is minimal and recommend support of the variance.

Staff feel that the variances above will not add any additional negative impacts to the neighbouring properties. Given the above, 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.

Alternate Recommendations

1. THAT Council deny first reading of Zoning Amendment Bylaw No. 2017-43 and deny support for DVP PL2017-7969.
2. THAT Council give first reading to Zoning Amendment Bylaw No. 2017-43 but deny support for DVP PL2017-7969.
3. THAT Council give first reading to Zoning Amendment Bylaw No. 2017-43 and support DVP PL2017-7969 with conditions that Council feels are appropriate.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D: Photos of Subject Property
Attachment E: Site Plan
Attachment F: Elevations
Attachment G: Letter of Intent
Attachment H: Development Variance Permit PL2017-7969
Attachment I: Zoning Amendment Bylaw No.2017-43

Respectfully submitted,

Randy Houle
Planner 1

Approvals

DDS	CAO
AH	PW

Attachment A – Subject Property Location Map

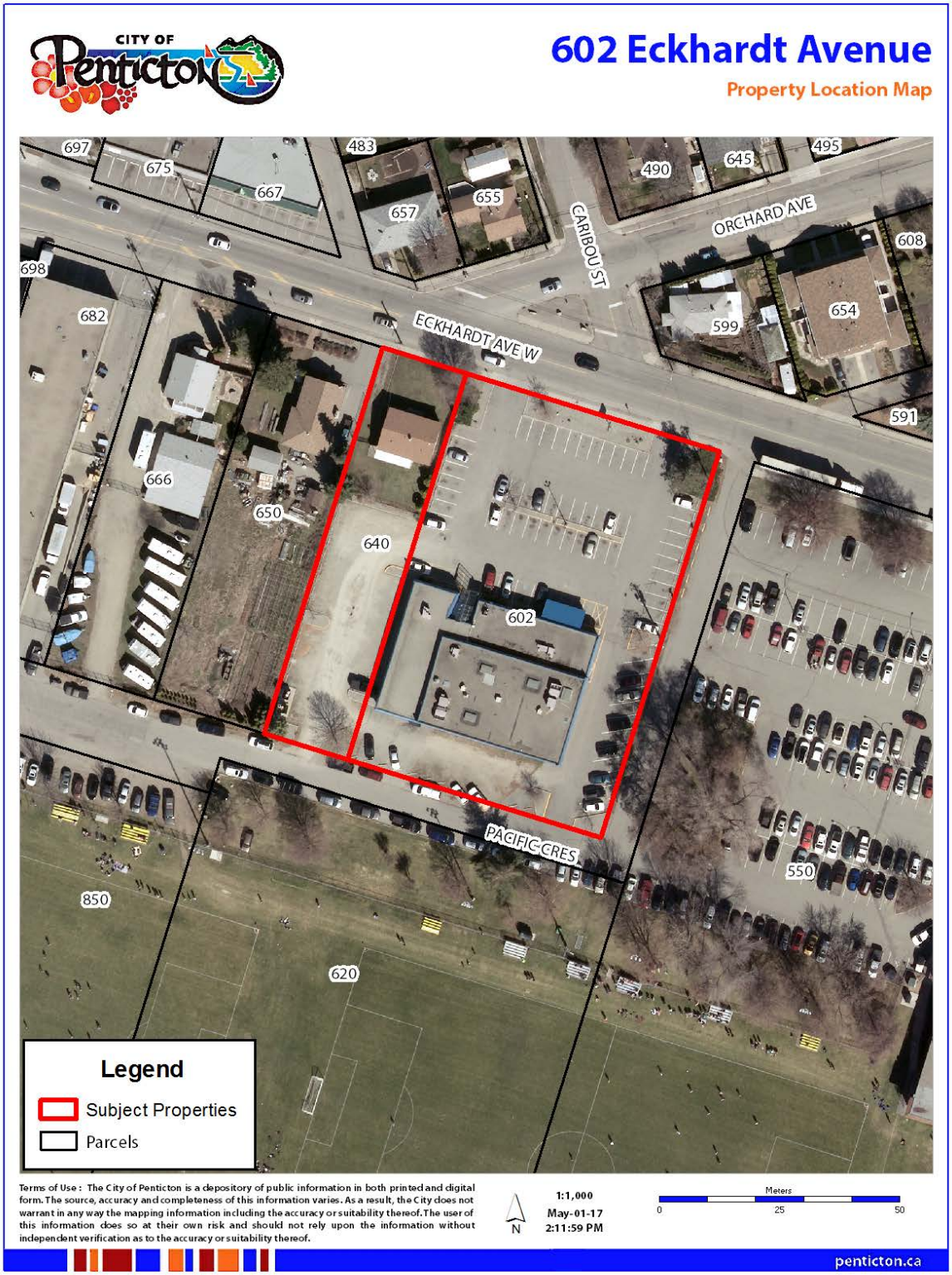


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

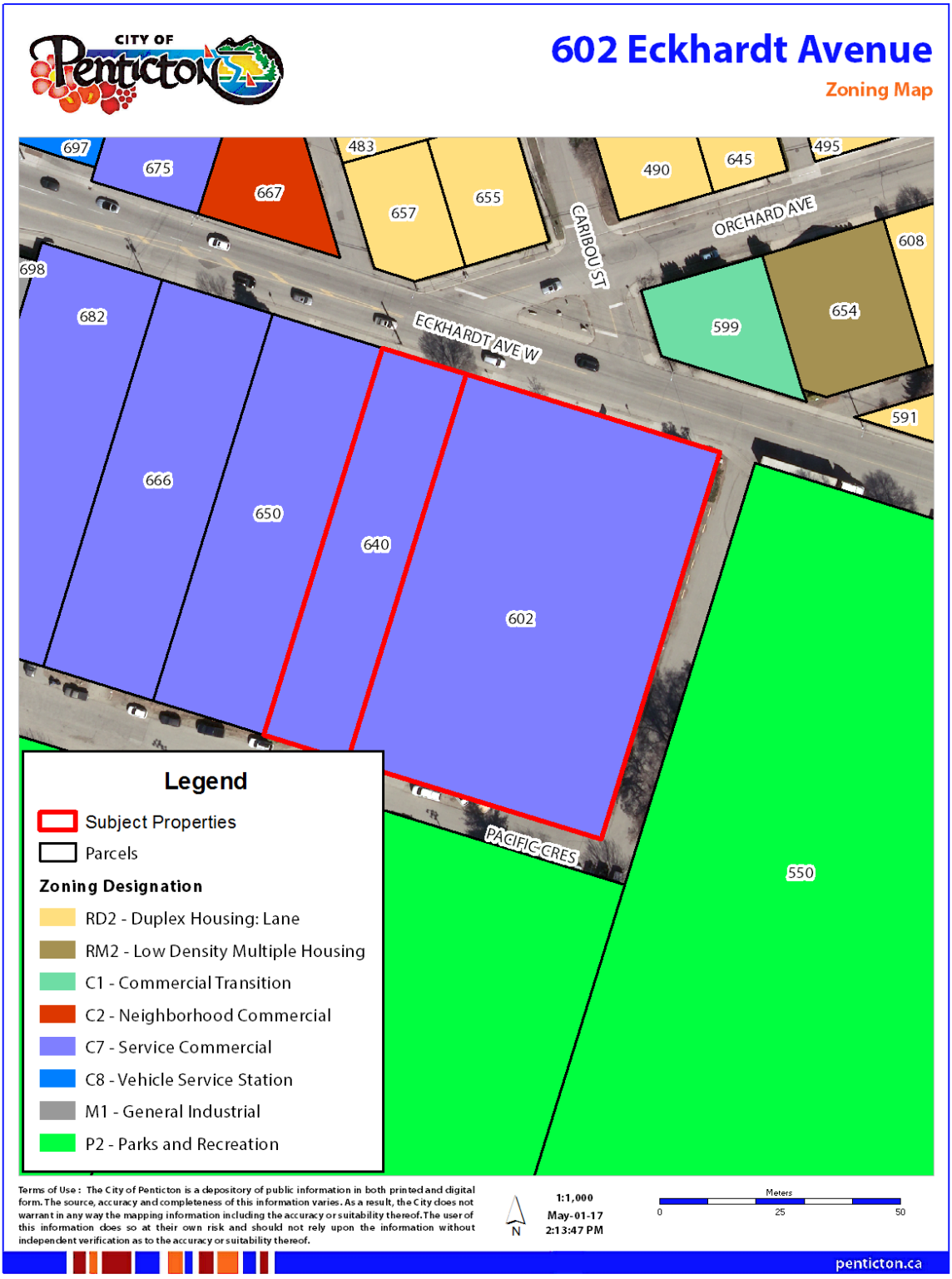


Figure 2: Zoning Map

Attachment C- OCP Map

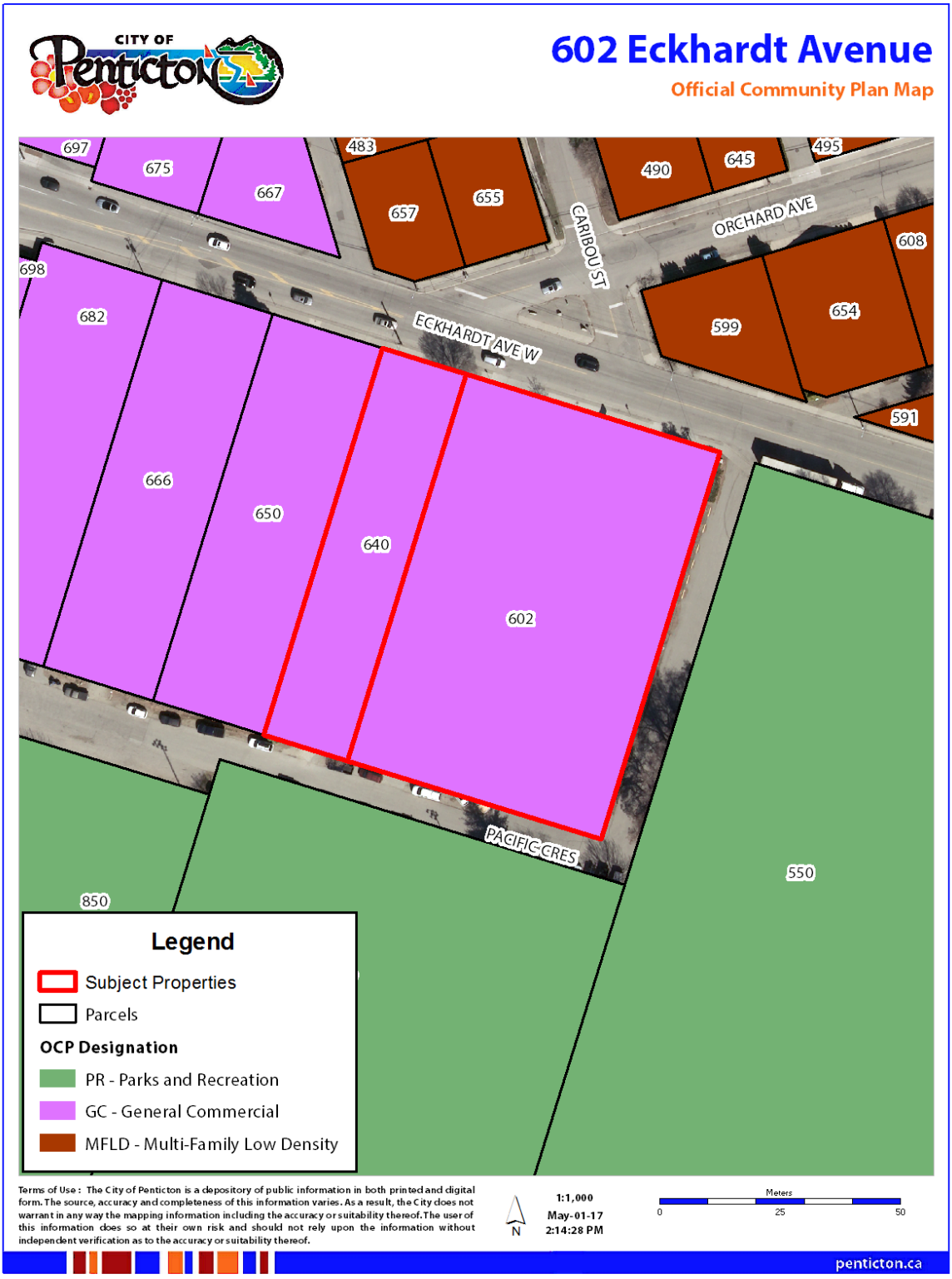


Figure 3: OCP Map

Attachment D – Photos of Subject Property

Figure 4: Front View of 602 Eckhardt Avenue West

Figure 5: Front View of 640 Eckhardt Ave West

Figure 6: East View (from City Parking Lot)

Figure 7: East Lane looking South

Figure 8: Rear Lane looking West

Figure 9: West Property Line looking North

Figure 10: Looking South East Towards King's Park

Attachment E - Site Plan

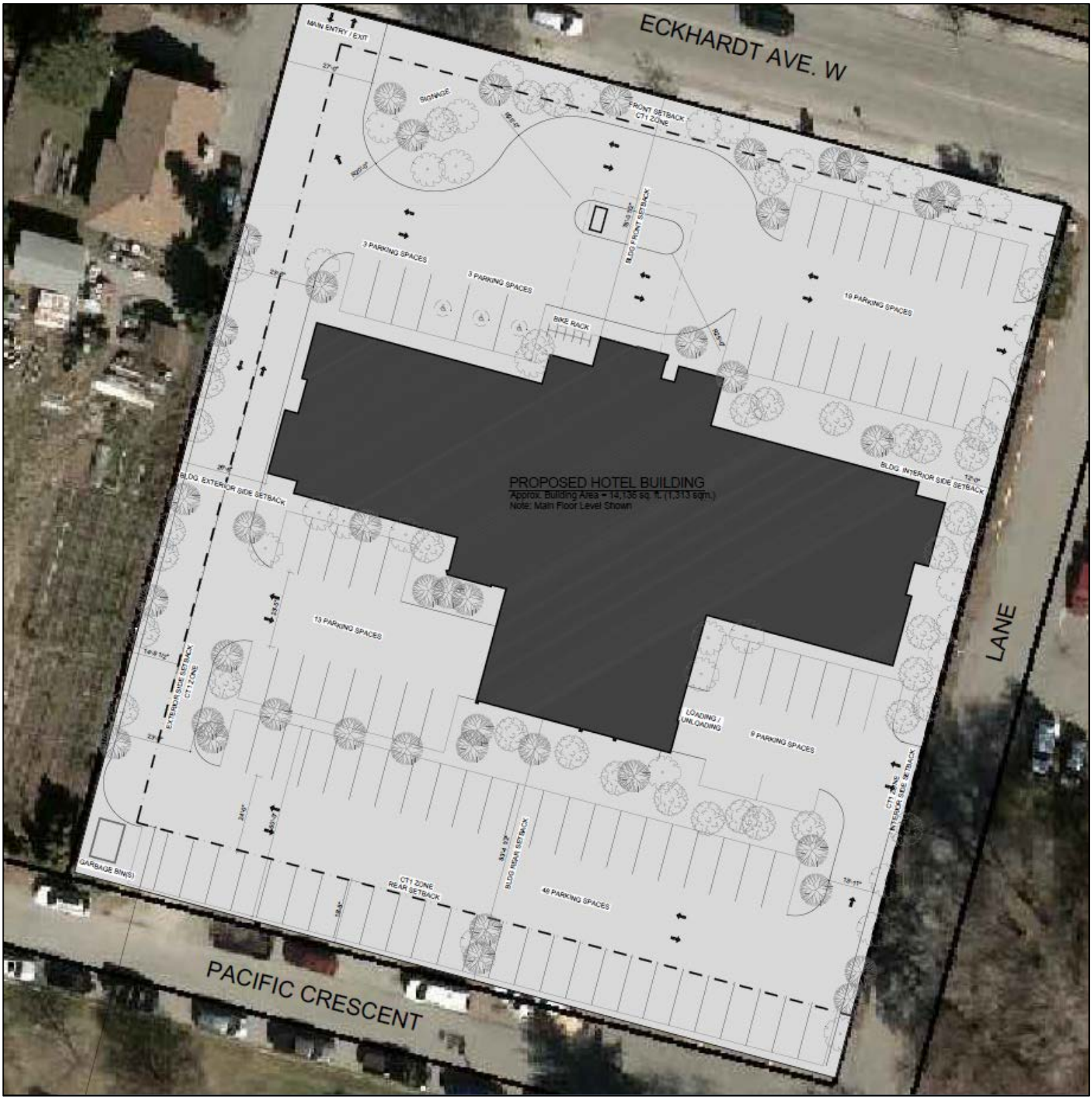


Figure 11: Site Plan

Attachment F – Elevations

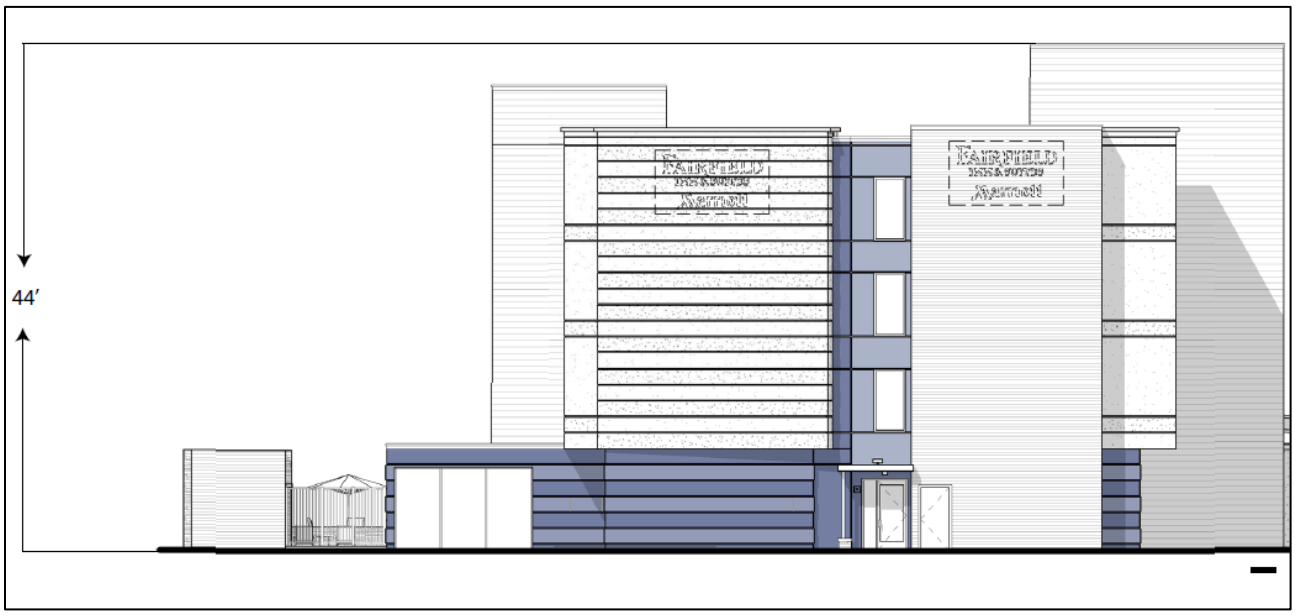


Figure 12: Side Elevation

Figure 13: Side Elevation

Figure 14: North Elevation

Attachment G- Letter of Intent

MUNDI HOTEL ENTERPRISES INC.
1250 Rogers Way, Kamloops, B.C. V1S 1N5

May 18, 2017

Planning Department
City of Penticton
171 Main Street
Penticton, B.C. V2A 5A9

RE: Rezoning Application – 602 and 640 Eckhardt Avenue, West Penticton, BC

To Whom It May Concern,

Mundi Hotel Enterprises Inc is please to submit a formal rezoning application to the City of Penticton for the property located at 602 and 640 Eckhardt Avenue, West.

This parcel of land is 1.5 acres, combined, and currently zoned C7 (Service Commercial). The submission seeks to rezone these parcels into a combined title zoned CT1 (Tourist Commercial) for the purpose of building a 4-story, 95 room limited service hotel, with an indoor pool and surface parking. The submission plans to demolish the existing structures at each address.

The submission is also submitting a request for two variances to the City of Penticton's OCP bylaws:

1) The height of the building to be varied from 12.0 m to 13.5 m to accommodate the brand's design features of architectural elements at high ceilings in the lobby

2) Waive the bicycle parking requirements as this type of travel is not common for hotel guests. We are happy to provide a small bike rack in front of the lobby for employees or the odd guest who does wish to travel by bicycle.

The City of Penticton is an exceptional municipality capable of attracting a larger variety of events and Mundi Hotel Enterprises Inc is proposing the building of a new hotel to provide the community with additional quality accommodations.

Mundi Hotel Enterprises Inc. is prepared to move forward with construction very quickly, with the goal of opening the hotel in 2018. Marriott Fairfield Inn & Suites has been designated as the preferred brand for this hotel, or a similar brand. At this time no general contractor has been confirmed.

Figure 15: Letter of Intent

Mundi Hotel Enterprises Inc has been in the hotel industry for nearly 20 years and has an impressive streak of transformations in the tourism and accommodation sector. We currently own three hotels in Alberta and two in BC.

We would like to thank the Mayor, Council and Planning Department for the opportunity to submit our rezoning application and look forward to continuing to work with the city staff on this proposal.

Yours truly,

Ron Mundi, President
Mundi Hotel Enterprises Inc.

Attachment H- Development Variance Permit PL2017-7969

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

Development Variance Permit

Permit Number: DVP PL2017-7969

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 A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 35373
   Civic: 602 Eckhardt Avenue West
   PID: 001-522-256

   Legal: Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 7039
   Civic: 640 Eckhardt Avenue West
   PID: 010-060-430

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 95-unit hotel.

   - Section 6.4.3 (Table 6.4): To waive the bicycle parking requirements for a commercial use.
   - Section 11.10.2.5: To increase the maximum height from 12.0m to 13.5m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the __day of August, 2017

Issued this _____ day of _____, 2017

_____
Dana Schmidt,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2017-43

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. 2017-43".

2. **Amendment:**

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

Rezone Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 35373, located at 602 Eckhardt Avenue West, and to Rezone Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 7039, located at 640 Eckhardt Avenue West from C7 (Service Commercial) to CT1 (Tourist Commercial).

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 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*.

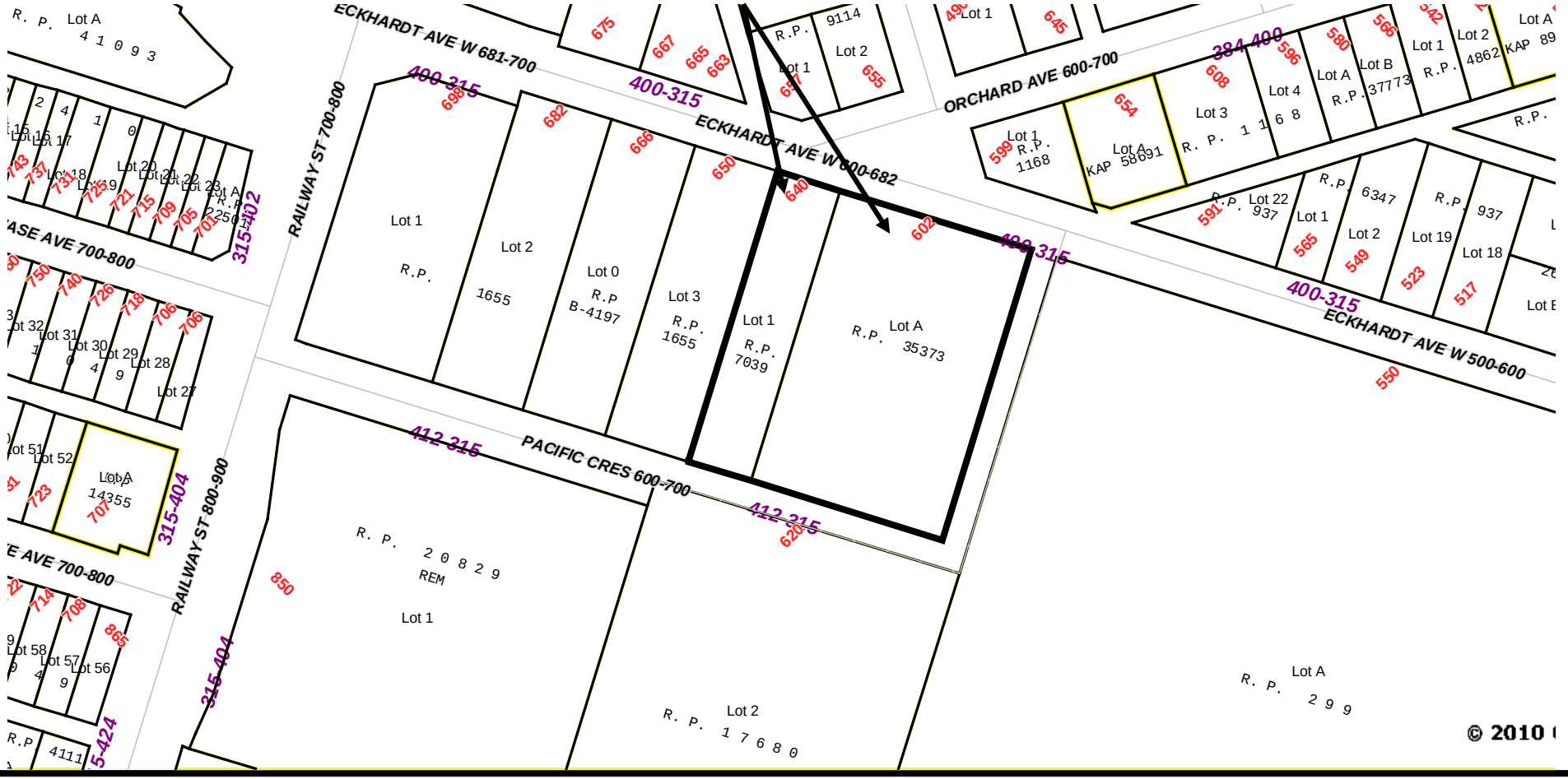
Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2017

_____
for Minister of Transportation & Infrastructure

_____
Andrew Jakubeit, Mayor

_____
Dana Schmidt, Corporate Officer

Rezone 602 & 640 Eckhardt Ave W
From C7 (Service Commercial) to CT1 (Tourist Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-43

Date: _____ **Corporate Officer:** _____