



Agenda

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

Tuesday, July 18, 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 July 4, 2017 Committee of the Whole Meeting 1-2 Receive
 - 6.2 Minutes of the July 4, 2017 Public Hearing 3-6 Receive
 - 6.3 Minutes of the July 4, 2017 Regular Council Meeting 7-14 Adopt
7. **Committee and Board Reports:**
 - 7.1 Penticton Arena Task Force Minutes of June 19, 2017 15-17
Recommendation: THAT Council receive the minutes of the Penticton Arena Task Force meeting of June 19, 2017.
 - 7.2 Transportation Committee Minutes of June 27, 2017 18-20
Recommendation: THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of June 27, 2017.
Committee Recommendation: THAT Council support the Transportation Safety Policy as adopted by Council on January 11, 2016.
 - 7.3 Penticton Creek Restoration Committee Minutes of July 5, 2017 21-23
Recommendation: THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of July 5, 2017.
8. **Correspondence**

9. Staff Reports:

P1	9.1	ALC Subdivision Application PL2017-7923 Re: 295 Upper Bench Road North <u>Staff Recommendation:</u> 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.	24-54	Applicant
DDS	9.2	Temporary Use Permit extensions and consent order compliance Re: Cannabis Dispensaries <u>Staff Recommendation:</u> THAT Council deny extension for the following temporary use permits for the purpose of operating cannabis dispensaries: 1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy) 2. "Temporary Use Permit PL2016-7751" for 409 Martin Street: Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 437, Except the Westerly 43 Feet, Measured Along the Northerly Boundary Thereof by the Full Depth of Said Lot (Green Essence) AND THAT Council direct staff to work with legal counsel to "permit Green Essence and Okanagan Cannabinoid Therapy to obtain compliance as a 'wellness centre' through a consent order under the civil action process"; AND THAT Council resolve to "prohibit marijuana dispensaries in the City of Penticton until such time as the Federal and Provincial governments lawfully permit such use.	55-64	
BA	9.3	2017-2021 Five Year Financial Plan Amendment Bylaw No. 2017-47 <u>Staff Recommendation:</u> THAT Council give first, second and third reading to "2017-2021 Five Year Financial Plan Amendment Bylaw No. 2017-47".	65-69	
LA	9.4	Road Closure (Nanaimo Avenue) Bylaw No. 2017-49 Re: 298 Van Horne Street <u>Staff Recommendation:</u> THAT Council, after providing an opportunity for public comment; give first, second and third reading to "Road Closure (Nanaimo Avenue) Bylaw No. 2017-49", a bylaw that closes a portion of boulevard adjacent to Nanaimo Avenue south of 298 Van Horne Street to facilitate the land swap with Richard and Dianne Spray for land required for creek works.	70-73	Del/Sub
CO	9.5	Elections History – Planning for 2018 <u>Staff Recommendation:</u> THAT Council confirm a \$100,000 budget for the 2018 Election.	74-77	
GMI	9.6	Slow Down Penticton Signs <u>Staff Recommendation:</u> THAT Council select one of the following alternatives: 1. THAT Council approve the May 30, 2017 Transportation Committee recommendation: 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; AND THAT the required funds come from available surplus. 2. THAT Council decline to purchase 'Penticton Slow Down' signs as recommended by the Transportation Committee. 3. THAT Council provide staff with alternate direction.	78-83	

CO	9.7	Contract Disclosure	84-85	
		<u>Staff Recommendation:</u> THAT Council receive the Contract Disclosure staff report dated July 18, 2017.		
	10.	Public Question Period		
	11.	Recess to In-Camera Meeting		
		<u>Resolution:</u> THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:		
		(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;		
		(g) litigation or potential litigation affecting the municipality;		
		(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;		
		(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.		
	12.	Reconvene the Regular Council Meeting at 6:00 p.m.		
	13.	Reconsideration of Bylaws and Permits:		
	13.1	Zoning Amendment Bylaw No. 2017-20 Re: 708 Revelstoke Avenue & 865 Railway Street DVP PL2017-7845	86-89	Adopt Approve
	13.2	Zoning Amendment Bylaw No. 2017-31 DVPPL2017-7914 Re: 352/398 Eckhardt Avenue E	90-93	Adopt Approve
	13.3	Zoning Amendment Bylaw No. 2017-42 DVP PL2017-7930 Re: 102 Cossar Avenue	94-97	Adopt Approve
	13.4	Zoning Amendment Bylaw No. 2017-38 OCP Amendment Bylaw No. 2017-39 DVPPL2017-7900 Re: 1498 Leir Street	98-103	2 nd /3 rd /Adopt 2 nd /3 rd /Adopt Approve
	13.5	Zoning Amendment Bylaw No. 2017-45 Re: 730 Kamloops Avenue	104-105	2 nd /3 rd
	13.6	Official Community Plan Amendment Bylaw No. 2017-46 DVP PL2017-7933 & DP PL2017-7934 Re: 103, 111, 117, 123 Front Street	106-108	2/3/Adopt Approve
	14.	Land Matters:		
DDS	14.1	Zoning Amendment Bylaw No. 2017-48 Development Variance Permit PL2017-7944 Development Permit PL2017-7945	109-130	

Re: 190, 196 Bassett Street

Staff Recommendation:

THAT "Zoning Amendment Bylaw No. 2017-48," a bylaw to rezone Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street, and to rezone Lot 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the August 1, Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-48," the following conditions are met:

- 1. a 0.9m road dedication along Westminster Ave West and 5.0m x 5.0m south west corner cut are registered with the Land Title Office.*
- 2. the subject lots are consolidated and registered with the Land Title Office;*

THAT delegations and submissions for "Development Variance Permit PL2017-7944" for Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street, and Lot 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street, a permit to increase the maximum lot coverage from 40% to 49%, decrease the minimum exterior yard from 4.5m to 3.0m and to decrease the minimum rear yard from 6.0m to 0m, be heard at the August 1, 2017 public hearing.

AND THAT Council consider "DVP PL2017-7944" following the adoption of "Zoning Amendment Bylaw No. 2017-48".

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-48," approve "Development Permit PL2017-7945" for Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street, and Lot 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street, a permit that allows for the construction of a seven-unit townhouse development.

15. **Notice of Motion**
16. **Business Arising**
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, July 4, 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 (1:11 p.m.)

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 1:01 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on July 4, 2017 be adopted as circulated.

CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 Challenge Penticton Event Update

Stan Andrews provided Council with an update on the Challenge Penticton Event being held on July 23, 2017.

3.2 Eco-Friendly Taxi Cab Company

Robert Ems, on behalf of Eco-Friendly Taxi Cab Company, requested a letter of support from Council to accompany their application for new hybrid vehicles. Council agreed by consensus to discuss at the July 4 Regular Council meeting as business arising.

3.3 Civic Election Changes

Helen Trevors and Elvena Slump provided Council with a submission on civic elections and requested Council's permission to have volunteers scrutinize the 2018 civic election and to have a manual vote count in the event that there is any dissatisfaction with the results of the vote count. By consensus, Council directed staff to bring back a report to the next meeting of Council.

3.4 Okanagan Lake High Water Update

General Manager of Infrastructure provided Council with an update and pictures of the high water issues along the shores of Okanagan Lake.

4. Adjourn to Regular Meeting

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held July 4, 2017 at 2:03 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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

Tuesday, July 4, 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. 2017-40", Official Community Plan Amendment Bylaw No. 2017-41", Zoning Amendment Bylaw No. 2017-42" and "Zoning Amendment Bylaw No. 2017-43". 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. 2017-40" (218 Norton Street)

The purpose of "Zoning Amendment Bylaw No. 2017-40" is to amend Zoning Bylaw No. 2017-08 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).

The applicant is proposing to subdivide 218 Norton Street into two lots and construct a side-by-side duplex with suites fronting Townley Street.

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

DELEGATIONS

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

- Heather Shedden, on behalf of applicant, prepared to answer any questions.
- Lynn Kelsey, Oakville Street, asked for clarification on side by side duplex.
- Brigit Kemp, Warren Avenue West, asked if house remaining as well as duplex.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-40" was terminated at 6:07 p.m. and no new information can be received on this matter.

2. "Official Community Plan Amendment Bylaw No. 2017-41" & Zoning Amendment Bylaw No. 2017-42" (102 Cossar Avenue)

The purpose of "OCP Amendment Bylaw No. 2017-41" is to amend "Official Community Plan Bylaw 2002-20" as follows:

Amend Schedule 'B' Future Land Use 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, from HR (High Density Residential) to MR (Medium Density Residential).

The purpose of "Zoning Amendment Bylaw No. 2017-42" is to amend Zoning Bylaw No. 2017-08 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 RM3 (Low Density Multiple Housing).

The applicant is proposing to construct a four unit town house development.

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

DELEGATIONS

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

- Tony Giroux, on behalf of the applicant, available to answer any questions.

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

- No one spoke.

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

- No one spoke.

The public hearing for "OCP Amendment Bylaw No. 2017-41" and "Zoning Amendment Bylaw No. 2017-42" was terminated at 6:11 p.m. and no new information can be received on this matter.

"Zoning Amendment Bylaw No. 2017-43" (602/640 Eckhardt Avenue W)

The purpose of "Zoning Amendment Bylaw No. 2017-43" is to amend Zoning Bylaw No. 2017-08 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).

The applicant is proposing to construct a four storey, 95 room hotel.

The Corporate Officer advised that no letters have been received since the printing of the agenda.

DELEGATIONS

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

- Jackie Fredrick, representing development, spoke in support of the application, first hotel in Penticton since 1984, first time in over 20 years that a luxury brand is willing to come to Penticton. Parking problems won't be an issue, parking managed on site, only food and beverage to those staying in hotel for breakfast.
- Lynn Kelsey, Oakville Street, glad to see Casino staff parking issues have been taken care, spoke in support of the application.

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

- Judy Duvet, corner of Orchard and Caribou, parking on street is bad, asked for resident

parking, is there anything that can be done about parking and foot traffic? Parking makes street one lane.

- Sharon Devlin, Abbot Street, application is in conflict with draft Parks Master Plan, acquire additional property for parks.

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

- Casino General Manager, spoke in support of the application, synergy with casino, SOEC, and area. Brand name hotel to this area is great. Found staff parking closer to the SOEC on the corner of Eckhardt and channel parkway. Once lighting in place staff will begin using this location.

The public hearing for "Zoning Amendment Bylaw No. 2017-43" was terminated at 6:27 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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

Tuesday, July 4, 2017
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Konanz
Councillor Martin
Councillor Watt
Councillor Picton
Councillor Sayeed (arrived at 1:11 p.m.)

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

374/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on July 4, 2017 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:03 p.m.

6. Adoption of Minutes:

6.1 Minutes of the June 20, 2017 Committee of the Whole Meeting

375/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the June 20, 2017 Committee of the Whole Meeting as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the June 20, 2017 Regular Council Meeting

376/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the June 20, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Penticton Arena Task Force Minutes of June 12, 2017

377/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the Penticton Arena Task Force meeting of June 12, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

9. Staff Reports:

9.1 Register Section 57 – Owner Appeal

Re: 75 Front Street

Owner: Al Bok, every intention of getting it done, not easy. Asking for extension to December 31, 2017. 1000 hours of work to do.

It was MOVED noSECONDER

THAT Council 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.

378/2017

It was MOVED and SECONDED

THAT Council 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 injunctive action be commenced by staff on December 31, 2017.

CARRIED

Councillor Watt, Opposed

Mayor Jakubeit declared a conflict of interest and left the meeting at 2:14 p.m.

9.2 Travel Penticton Society
Re: Five Year Funding Agreement

379/2017

It was MOVED and SECONDED

THAT Council approve the July 1, 2017 - June 30, 2022 Travel Penticton Society funding agreement for the provision of visitor information and tourism services and destination marketing;

AND THAT the Mayor and Corporate Officer be authorized to execute the Travel Penticton Society Funding Agreement.

CARRIED UNANIMOUSLY

Mayor Jakubeit returned to the meeting at 2:24 p.m.

9.3 Road Closure of Land Adjacent to 298 Van Horne Street

380/2017

It was MOVED and SECONDED

THAT Council direct Staff to close the +-25 sq.m. portion of unutilized boulevard in the 200 block of Nanaimo Avenue East that is south of 298 Van Horne Street and swap that land for an equal sized portion of land owned by Richard and Dianne Spray required for restoration of Penticton Creek;

AND THAT the survey and legal costs be paid by the City;

AND THAT consultation required for the road closure bylaw be carried out in accordance with the Community Charter;

AND THAT the proposed disposition of City lands be advertised pursuant to the Community Charter;

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

AND FURTHER THAT staff be directed to develop a policy regarding disposal of boulevard no longer required for future needs of the City and bring it back to council for consideration.

CARRIED UNANIMOUSLY

9.4 Boundary Extension Application
Re: Wiltse South Block

381/2017

It was MOVED and SECONDED

THAT the City of Penticton proceed with the proposed South Wiltse Block area boundary extension proposal; AND THAT City of Penticton staff be authorized to develop, sign, and submit the proposal to the Provincial Government.

CARRIED UNANIMOUSLY

9.5 Temporary Use Permit Extensions
Re: Cannabis Dispensaries

Applicant: Kevin Adams, Okanagan Cannabinoid Therapy, and his legal counsel, Robert Laurie, spoke in support of the extension to the Temporary Use Permit. No issues, Penticton membership has tripled. Offered a different interpretation of the case law. To withdraw without establishing an alternative puts City from frying pan into fire.

Applicant: Green Essence, see hundreds of seniors every day, cutting off is cruel and unjust, what do we say that they can't get medication that is working for them. Will effect a lot of people. Used for pain management and cancer treatment. Didn't think there'd be any problem with extending permit past six months.

382/2017

It was MOVED and SECONDED

THAT Council deny extension for the following temporary use permit for the purpose of operating cannabis dispensaries:

1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy).

DEFEATED

Mayor Jakubeit, Councillors Sayeed, Watt and Picton, Opposed

It was MOVED and SECONDED

THAT Council extend the following temporary use permits for the purpose of operating cannabis dispensaries until July 2018:

1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy).
2. "Temporary Use Permit PL2016-7751" for 409 Martin Street: Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 437, Except the Westerly 43 Feet, Measured Along the Northerly Boundary Thereof by the Full Depth of Said Lot (Green Essence).

383/2017

It was MOVED and SECONDED

THAT Council defer to July 18, 2017 the resolution to extend the following temporary use permits for the purpose of operating cannabis dispensaries until July 2018:

1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy).
2. "Temporary Use Permit PL2016-7751" for 409 Martin Street: Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 437, Except the Westerly 43 Feet, Measured Along the Northerly Boundary Thereof by the Full Depth of Said Lot (Green Essence).

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

384/2017

It was MOVED and SECONDED

THAT Council recess at 4:10 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (f) *law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (g) *litigation or potential litigation affecting the municipality;*
- (i) *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- (j) *information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.*

CARRIED UNANIMOUSLY

12. Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.

Council reconvened the Regular Council Meeting at 6:28 p.m.

13. Reconsideration of Bylaws and Permits

Councillor Konanz left the meeting at 6:28 p.m.

- 13.1 Zoning Amendment Bylaw No. 2017-40
Re: 218 Norton Street

385/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-40";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-40".

CARRIED UNANIMOUSLY

386/2017

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2016-7797" for 218 Norton Street.

CARRIED UNANIMOUSLY

- 13.2 OCP Amendment Bylaw No. 2017-41
Zoning Amendment Bylaw No. 2017-42
Re: 102 Cossar Avenue

387/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "OCP Amendment Bylaw No. 2017-41";
AND THAT Council adopt "OCP Amendment Bylaw No. 2017-41".

CARRIED UNANIMOUSLY

388/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-42".

CARRIED UNANIMOUSLY

Councillor Konanz returned to the meeting at 6:29 p.m.

- 13.3 Zoning Amendment Bylaw No. 2017-43
Re: 602/640 Eckhardt Ave W

389/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-43".

CARRIED UNANIMOUSLY

- 13.4 Development Cost Charges Amendment Bylaw No. 2016-72

390/2017

It was MOVED and SECONDED

THAT Council adopt "Development Cost Charges Amendment Bylaw No. 2016-72".

CARRIED UNANIMOUSLY

14. Land Matters

- 14.1 Development Variance Permit PL2017-7956
Re: 106 Acacia Crescent

Delegations/Submissions: Acacia Crescent, owner, consulted with neighbours, they did not want windows looking into yard, the windows are high and neighbours approved.

391/2017

It was MOVED and SECONDED

THAT Council approve Development Variance Permit PL2017-7956 for Lot B District Lot 249 Similkameen Division Yale District Plan 30439, located at 106 Acacia Crescent, a permit to waive the requirement for vehicular access to a carriage house being from a rear lane only; AND THAT staff be directed to issue Development Variance Permit PL2017-7956.

CARRIED UNANIMOUSLY

- 14.2 Zoning Amendment Bylaw No. 2017-45
DVP PL2017-7938
Re: 730 Kamloops Avenue

392/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-45," being a bylaw to rezone Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the July 18, 2017 Public Hearing; THAT delegations and submissions for "Development Variance Permit PL2017-7938" for Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue, a permit to decrease to minimum rear yard from 6.0m to 3.5m, be heard at the July 18, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7938" following the adoption of "Zoning Amendment Bylaw No. 2017-45".

CARRIED UNANIMOUSLY

14.3 Official Community Plan Amendment Bylaw No. 2017-46
DVP PL2017-7933 & DP PL2017-7934
Re: 103, 111, 117, 123 Front Street

393/2017

It was MOVED and SECONDED

THAT prior to consideration of OCP Amendment Bylaw No. 2017-46 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 consultation done to-date and the upcoming Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2017-46", being a bylaw to amend "OCP Bylaw No. 2002-20" to allow a 5 storey building at 103,111,117 and 123 Front Street; be introduced, given first reading and be forwarded to the July 18, 2017 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2017-7933" on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, located at 103, 111, 117 and 123 Front Street, a permit to increase the maximum height of a building from 15m to 18.97m, be heard at the July 18, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7933" following the adoption of "OCP Amendment Bylaw No. 2017-46". THAT Council approve DP PL2017-7934, a permit to allow the construction of a 5 storey building on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, located at 103, 111, 117 and 123 Front Street; AND THAT Council consider "DP PL2017-7934" following the adoption of "OCP Amendment Bylaw No. 2017-46"; AND THAT the 4 lots be consolidated prior to issuance of the Development Permit.

CARRIED UNANIMOUSLY

15. Notice of Motion

16. Business Arising

394/2017

It was MOVED and SECONDED

THAT Council provide Eco-Friendly Taxi Cab Company with a letter of support to accompany their application to the Passenger Transportation Board.

CARRIED UNANIMOUSLY

17. Council Round Table

18. Public Question Period

19. Adjournment

395/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, July 4, 2017 at 7:10 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

The logo for Penticton.ca, featuring a series of colored squares (blue, red, orange, blue, orange, red, blue, orange, red) followed by the text "penticton.ca" in a white sans-serif font on a dark blue background.

Penticton Arena Task Force Meeting

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

Monday, June 19, 2017
at 6:00 p.m.

Present:	Councillor Helena Konanz	
	Councillor Max Picton	
	Andy Oakes	Okanagan Hockey Group Representative
	Bruce Millington	Member at Large
	Frank Regehr	Member at Large
	Garth Astles	Member at Large
	Jamie Materi	PMHA Representative
	Larry Kenyon	Member at Large
	Larry Lund	Vice-Chair
	Mike Hopkin	Adult League Representative
	Neil Jamieson	Member at Large
	Pam MacDonald	Dry Floor Representative
	Ryan Schulz	Member at Large
	Stewart Ladyman	Chair
	Trevor Buttenham	Figure Skating Representative
Staff:	Bregje Kozak	Manager of Facilities
	JoAnne Kleb	Community Engagement Officer
	Lori Mullin	Recreation and Culture Manager
	Sharon Thompson	Corporate Secretary
Guests:	Jon Hack, Sierra Planning and Management Consultants	
	Doug Wournell, Dialogue Consulting Architects	
	Craig Dusel, McElhanney Consulting Services (Civil Consultant)	
	Cal Meiklejohn, Meiklejohn Architects Inc.	

1. Call to Order

The Penticton Arena Task Force was called to order by the Chair at 6:02 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 June 19, 2017 as circulated.

CARRIED

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton Arena Task Force adopt the minutes of the June 12, 2017 meeting as circulated.

CARRIED

4. **Business Arising from Prior Meetings**

4.1 Reading List Prioritization

- No new updates

4.2 Work Plan Update none

- No new updates

5. **New Business**

5.1 New Arena Assessment

Presentation of Preliminary Concepts by Sierra Planning and the Consultant Team

Jon Hack and Doug Wournell presented their Arena Feasibility Study and reviewed the pros and cons of multiple site and architectural options as well as project timelines, site context and costing. Discussion and questions followed. The Manager of Facilities agreed to forward the revised costing scenarios to be incorporated in a revised Study document.

5.2 ATF Thought Provokers Discussion

- This item was parked due to limited time.

6. **Financial Sub-Committee Update**

The sub-committee Chair reported they are on track to meet the July 31 addendum deadline for the federal Gas Tax Fund (GTF) grant and provided an update on various funding options being explored. Discussion and questions followed.

7. **Community Engagement Update**

The Community Engagement Specialist reviewed engagement activities and timelines leading up to the GTF addendum deadline July 31. A community open house is scheduled for June 28 where consultants' reports on costs to repair Memorial and McLaren Arenas and build a new arena at SOEC will be presented. The Community Engagement Officer will create a FAQ/quick facts document prior to the Open House.

8. **Next Meeting**

The next scheduled meeting of the Penticton Arena Task Force is TBC.

9. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton Arena Task Force adjourn the meeting held on Monday, June 19, 2017 at 8:21 p.m.

CARRIED

Certified Correct:

Sharon Thompson
Corporate Administrative Secretary

Minutes



Transportation Advisory Committee Meeting

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

Tuesday, June 27, 2017
at 3:00 p.m.

- Present:** Tarik Sayeed, Councillor
Daryl Clarke, PIDA Representative
Matt Berry, Penticton Transit Representative
Wendy Kenward, handyDART Representative
Karina Chambers, Member at Large
Martyn Lewis, Member at Large
Tracy Van Raes, Member at Large
Brigid Kemp, Member at Large
Connie Sahlmark, Member at Large
Kona Lynn Sankey, Member at Large
- Staff:** Mitch Moroziuk, General Manager of Infrastructure
Ian Chapman, City Engineer
Tyler Figgitt, Design Supervisor
Lorraine Williston, Committee Secretary

1. Call to Order

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

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adopt the agenda for the meeting held on June 26, 2017 as circulated.

CARRIED UNANIMOUSLY

3. Committee Member Introductions

Roundtable introductions were done by all members and staff.

4. **Appointment of Committee Chair and Vice-Chair**

It was MOVED and SECONDED

THAT Tracy Van Raes be appointed as Chair and Connie Sahlmark as Vice-Chair for the Transportation Advisory Committee for the 2017-2018 term.

CARRIED UNANIMOUSLY

5. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adopt the minutes of the May 30, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

6. **New Business**

6.1 Committee Overview

Confidentiality, Conflict of Interest and Commercial Electronic Message Consent Forms were distributed to members and collected.

6.2 Terms of Reference Review

Terms of Reference were reviewed as circulated. Discussion and questions followed on the mandate for the Transportation Advisory Committee.

7. **Business Arising from Prior Meetings**

7.1 'Penticton Slow Down' Sign Campaign Update

The General Manager of Infrastructure provided an update on Council's direction. The Chair provided additional background information for the new members. Item to be brought forward to the next meeting.

7.2 Petition re: Atkinson Street Safety Concerns

The General Manager of Infrastructure provided an overview of this submission and Council's direction to date. Council has referred this petition and policy back to this committee for review. Staff provided the rationale behind the policy and an overview of the traffic safety requests received to date. Discussion and questions followed. The Chair requested a breakdown of the outcomes of the requests for the next meeting.

Discussion and questions followed on the policy and if any changes should be made. One suggestion included adding an appeal process. Staff noted in the policy a person can re-submit their request after 24 months.

Councillor Tarik Sayeed and Karina Chambers left the meeting at 3:58 p.m.

It was MOVED and SECONDED that the Transportation Advisory Committee supports the Transportation Safety Policy as adopted by Council on January 11, 2016.

CARRIED
Connie Sahlmark, Opposed

Discussion followed on the petition submitted by Sharon Sadler, on behalf of Atkinson Street residents, pedestrians & Granby Park users.

It was Moved and Seconded that the Transportation Advisory Committee recommends that staff forward the Transportation Safety Policy to Sharon Sadler requesting feedback and input on the policy from those residents who signed the petition.

DEFEATED

**Matt Berry, Kona Lynn Sankey, Wendy Kenward,
Brigid Kemp, Tracy Van Raes, Connie Sahlmark, Opposed**

7.3 Sidewalk Installation Priority List

The Design Supervisor briefly reviewed the next steps required to develop a sidewalk priority policy and plan. More information to be brought forward to the next meeting.

8. Next Meeting

Discussion ensued on the meeting schedule. It was generally agreed meetings will be scheduled on the fourth Tuesday of every month (as needed) at 3:00 p.m. The next meeting will be Tuesday, August 29, 2017 at 3:00 p.m.

9. Adjournment

It was MOVED and SECONDED that the Transportation Advisory Committee adjourn the meeting held on Tuesday, June 27, 2017 at 4:40 p.m.

Certified Correct:

Lorraine Williston
Committee Secretary

Minutes



Penticton Creek Restoration Committee Meeting

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

Wednesday, July 5, 2017
at 8:30 a.m.

- Present:** Helena Konanz, Councillor
Bryn White, Chair & South Okanagan Conservation Representative
Camille Rivard-Sirois, Okanagan Nation Alliance Representative
Bruce McFarlane, Regional Water Engineer, Ministry of FLNRO Representative
Bill Wickett, Penticton Fly Fishers Association Representative
Bruce Turnbull, Penticton Fly Fishers Association Representative
Paul Truelove, Member at Large
- Staff:** Mitch Moroziuk, General Manager of Infrastructure
Ian Chapman, City Engineer
Lorraine Williston, Committee Secretary
- Guest:** Jody Goode, Mould Engineering
Dwight Shanner, Aarde Environmental Ltd.
Corinna Netherton

1. Call to Order

The Penticton Creek Restoration Committee was called to order by the Chair at 8:34 a.m.

2. Committee Member Introductions

Roundtable introductions were done by all members and staff.

3. Appointment of Committee Chair and Vice-Chair

It was **MOVED** and **SECONDED**

THAT Bryn White be appointed as Chair and Paul Askey as Vice-Chair for the Penticton Creek Restoration Committee for the 2017-2018 term.

CARRIED UNANIMOUSLY

4. **Adoption of Agenda**

It was MOVED and SECONDED

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

CARRIED UNANIMOUSLY

5. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adopt the minutes of the April 5, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

6. **Business Arising from Prior Meetings**

6.1 Brief Context for New Committee Members: Master Plan/2015 Project/2017 Project

The Chair and staff provided an overview of the work done to date on the master plan noting the draft master plan has been presented to Council and the Penticton Indian Band Council and the next stage will be to finalize agreements with property owners and begin the public consultation process. Staff will be sending a special mail out to adjacent land owners to provide additional information. Discussion followed on the M1789 Plan, approval letters needed and if a water licence would assist in this process and future work. It was suggested the draft master plan be posted on the website before the public consultation process starts. Staff will post the document on www.shapeyourcitypenticton.ca.

6.2 2017 Project Update

The Mould Engineering representative provided an update on the Reach 3A Lower project and presented an overview of the project area and design plans. Questions and discussion followed on design plans and challenges. Staff noted the tender needs to go out now or it will be too late to meet the fisheries window. Discussion followed on legalities and tight timelines.

Councillor Konanz left the meeting at 10:13 a.m.

The City Engineer stated the Freshwater Fisheries Society of BC Representative is working on reallocating or delaying the funding in place. Staff have also started compiling rock in preparation for this project.

After further discussion, it was determined this project will not be able to move ahead in 2017 and will become a 2018 project due to the amount of challenges and issues that still need to be resolved. Discussion ensued on funding and how current allocated funding can be used for smaller projects in 2017 that will have immediate benefits for fish habitat. The Chair to check with HCTF regarding their funding requirements.

Discussion continued on the pros and cons of obtaining a water licence, date to tender, permits and notifications needed and funding strategies. It was suggested it would be a good opportunity for a public consultation event when the fish are spawning. It was decided that the September 9 Farmers Market would be a good date to start the public consultation process with information for the next project and provide directions to view the spawning fish. The Penticton Fly Fishers Association representative stated during that time frame, they will have a fish trap set up by the Art Gallery and that would be another good opportunity for

the public to see the process of counting fish. The Chair asked members to help out with this event.

7. **New Business**

8. **Next Meeting**

The next scheduled meeting of the Penticton Creek Restoration Committee August 16, 2017 at 9:00 a.m.

9. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adjourn the meeting held on Wednesday, July 5, 2017 at 10:58 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Council Report

penticton.ca

Date: June 20, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 295 Upper Bench Road North

File No: ALC SD PL2017-7923

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

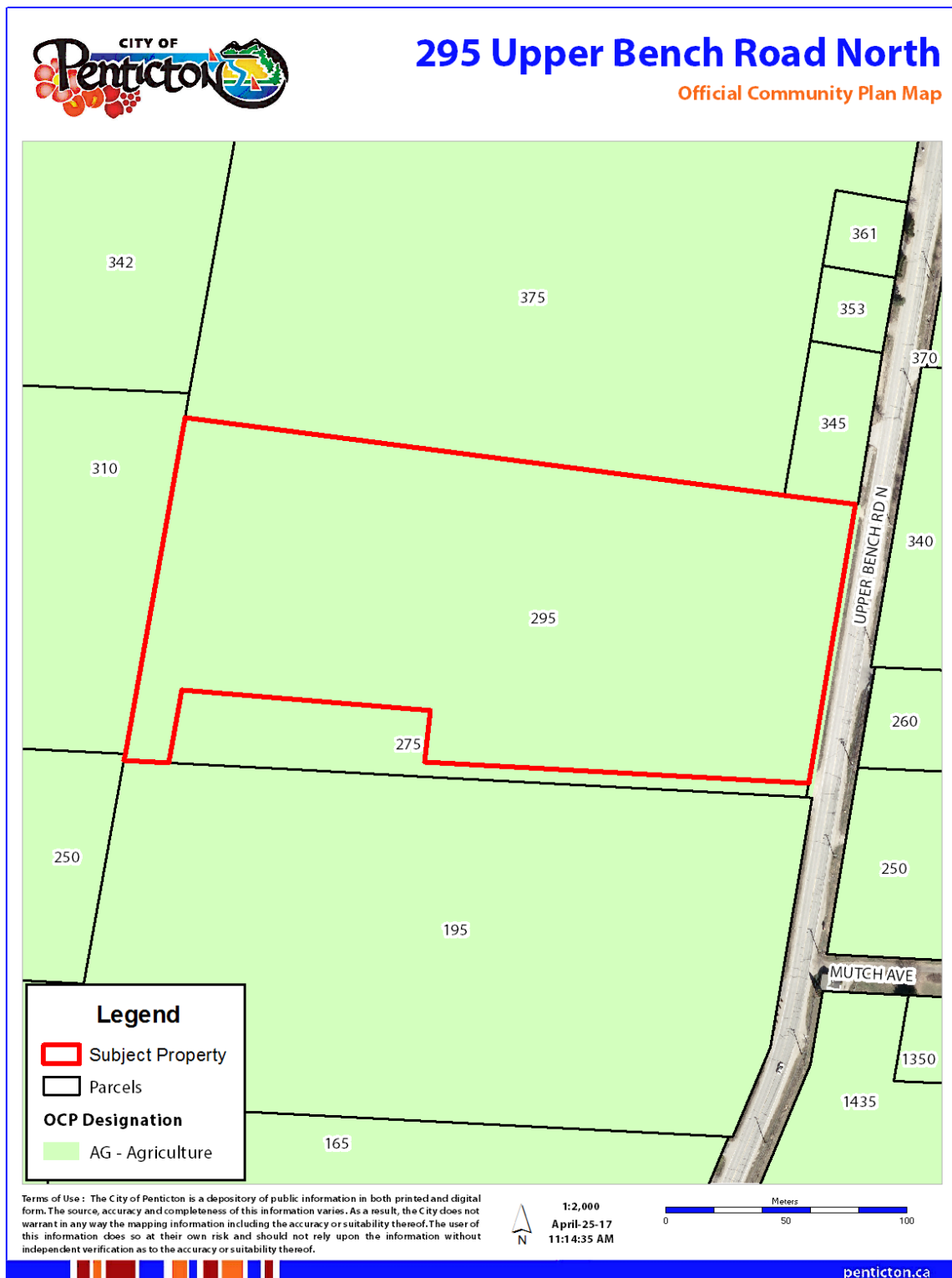
Approvals

DDS	CAO
<i>AH</i>	PW

Attachment A - Subject Property Location Map



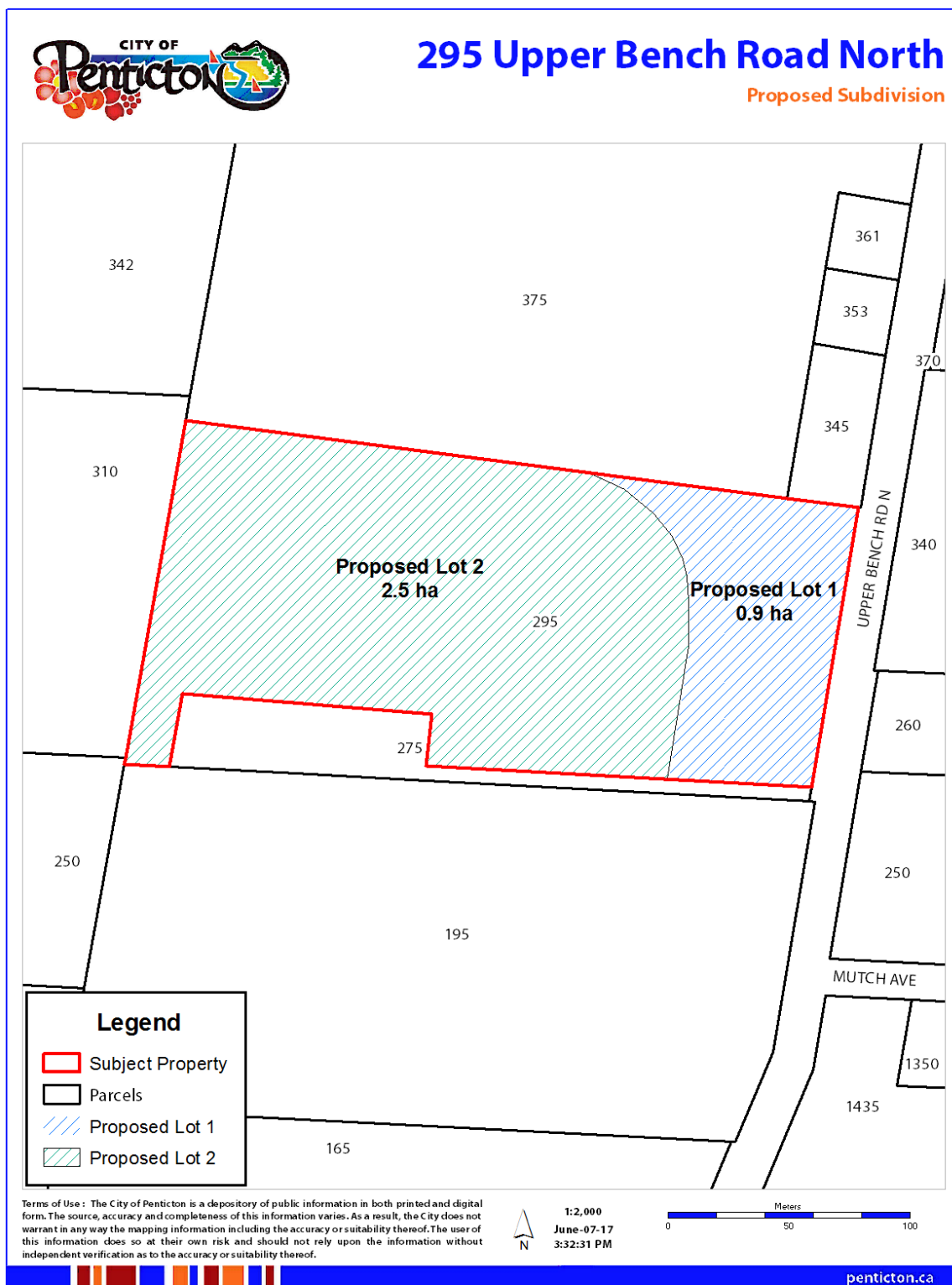
Attachment B – OCP Map



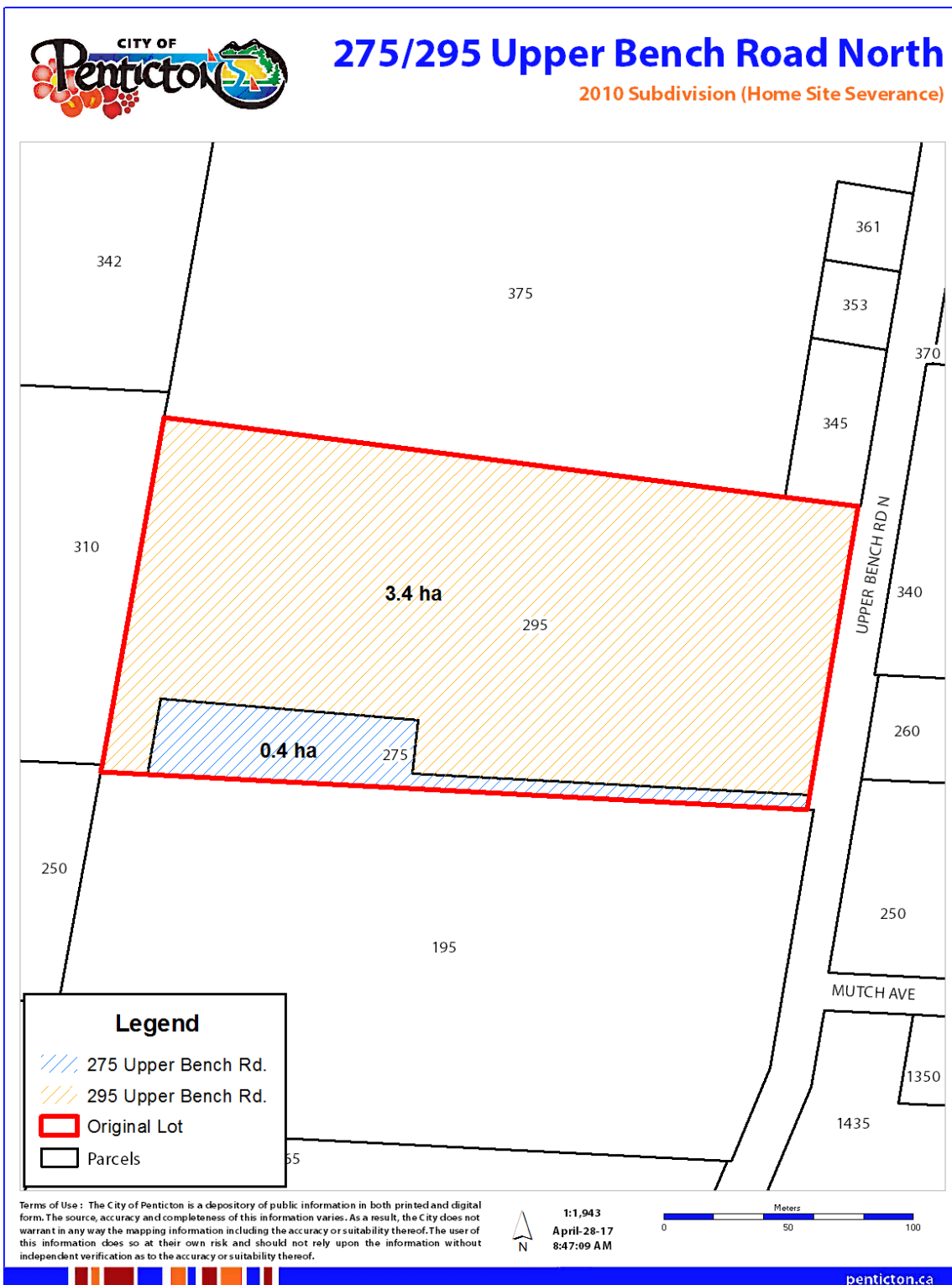
Attachment C – Zoning Map



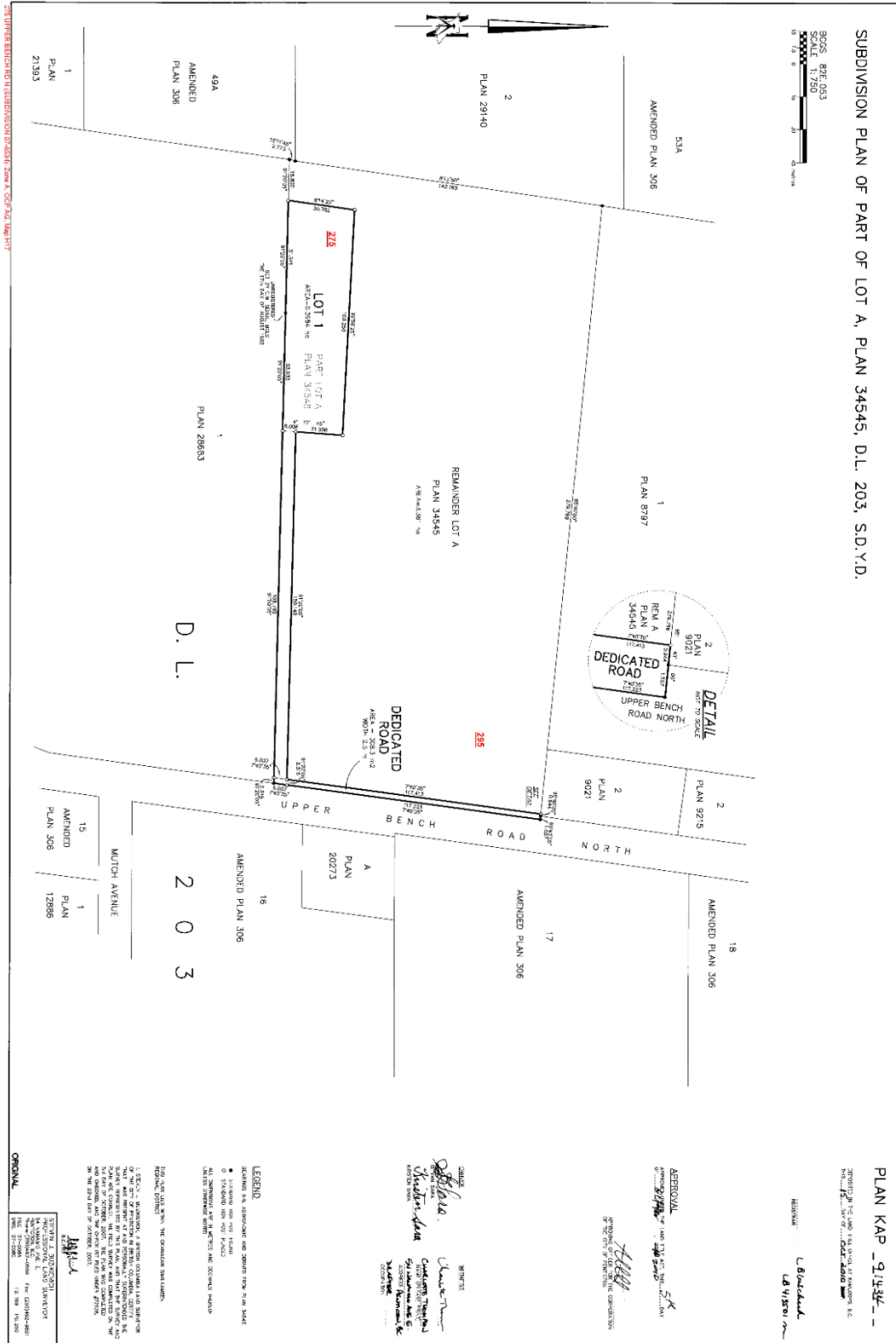
Attachment D – Proposed Subdivision



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

Applicant: Ryan Foster

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

Applicant: Ryan Foster

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

Applicant: Ryan Foster

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

Applicant: Ryan Foster

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.

Applicant: Ryan Foster

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.

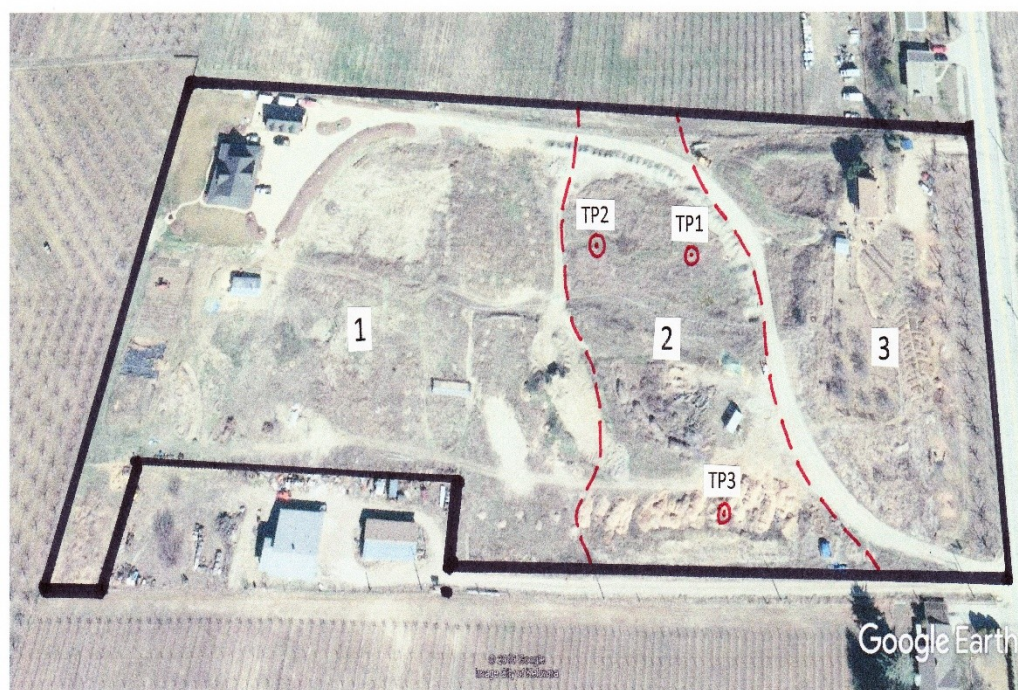


Figure 1. The soil polygon labels, boundaries (red dash) and the soil test pit locations (TP).

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.

HORIZO N	DEPT H	COLOU R	TEXTUR E	TOTAL	COARS E	FRAGMEN T	CONTEN T
	(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.

HORIZO N	DEPT H	COLOU R	TEXTUR E	TOTAL	COARS E	FRAGMEN T	CONTEN T
	(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.

HORIZO N	DEPT H	COLOU R	TEXTUR E	TOTAL	COARS E	FRAGMEN T	CONTEN T
	(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 #1 and #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: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services
Subject: **Temporary Use Permit extensions and consent order compliance for cannabis dispensaries**

File No: RMS 4300

Staff Recommendation

THAT Council deny extension for the following temporary use permits for the purpose of operating cannabis dispensaries:

1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy)
2. "Temporary Use Permit PL2016-7751" for 409 Martin Street: Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 437, Except the Westerly 43 Feet, Measured Along the Northerly Boundary Thereof by the Full Depth of Said Lot (Green Essence)

AND THAT Council direct staff to work with legal counsel to "permit Green Essence and Okanagan Cannabinoid Therapy to obtain compliance as a 'wellness centre' through a consent order under the civil action process";

AND THAT Council resolve to "prohibit marijuana dispensaries in the City of Penticton until such time as the Federal and Provincial governments lawfully permit such use.

Background

At its meeting on July 4th, 2017 Council passed the following resolution with regards to the two Temporary Use Permit application before Council. The complete staff report from July 4th meeting, including all relevant background is provided as Attachment 'A' to this report.

383/2017

It was MOVED and SECONDED

THAT Council defer to July 18, 2017 the resolution to extend the following temporary use permits for the purpose of operating cannabis dispensaries until July 2018:

1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy).
2. "Temporary Use Permit PL2016-7751" for 409 Martin Street: Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 437, Except the Westerly 43 Feet, Measured Along the Northerly Boundary Thereof by the Full Depth of Said Lot (Green Essence).

CARRIED UNANIMOUSLY

Updated Information

Since the July 4th 2017 Council meeting staff have enquired with regards to issues brought up at the meeting and a summary of those is provided below for Councils information. This information has been reflected in the updated staff recommendation.

Liability Insurance

A number of questions were raised at the July 4th Council meeting with regards to the insurance requirements for the two dispensaries and for the City, in particular around liability for the City should any of the cannabis sold at these premises cause harm or injury to one of their clients.

The issue is if Council supports the Temporary Use Permit extensions and directs staff to issue a business licence, would the City be liable for authorizing a business contrary to Federal and Provincial Regulations? When discussing this matter with the City's insurance provider, it was advised that there would be no clear cut answer to the question about whether the City's Liability insurance program would cover in the event legal action is taken against the City. It was suggested that should an incident occur, in all likelihood the City may be covered for negligence, however it is as uncertain given depending on how the case is brought forward against the City. Although the risk may be low, the consequence of an unfortunate event would be high.

Another issue was raised at the July 4th Council meeting as to whether the Federal Government would take legal action against the City, should the TUP'S be extended. It should be made clear that this is not a concern shared by staff or legal counsel at all. The only concern is the risk to the public and the liability exposure to the City if Council approves a business licence for a use that is prohibited under Federal or Provincial regulations.

At the July 4th Council meeting there was a willingness by the two dispensaries to provide a copy of their insurance policy. The City has not received a copy of this insurance, at the time of writing this report.

Wellness Centres

A wellness centre is a storefront business that would provide information on accessing medical cannabis and lobby for marijuana legalization. The business could sell marijuana paraphernalia, including pipes

accessories and such, but could not actually sell cannabis products. A wellness centre would be a lawful business entitled to a business licence by the City.

The two TUP dispensaries can be offered a “consent order”, which is outlined in the staff recommendation, to operate lawfully as wellness centers. The terms of compliance would be outlined in the consent order but important provisions would include prohibiting the sale of marijuana and indemnify the City from potential civil action. These consent orders would be in place until the Federal and Provincial law changes and any new municipal regulations or policies are put in place. These wellness centre consent orders, if negotiated, will not grandfather the two applicants from future dispensary requirements when the Federal regulations change. As outlined below, staff are proposing to develop a process to involve the community in the development of local policy on this matter over the coming months in preparation of legalization.

Conclusion of two legal actions

It should be noted that the staff recommendation is predicated on concluding two costly legal actions involving the Herbal Green dispensary. The first action was the Petition the City commenced seeking civil injunction relief. The second action was the judicial review of the City’s decision to grant TUPs to other dispensaries but not Herbal Green. Herbal Green will be offered a formal offer to conclude the legal actions without further costs by entering into a consent order as a wellness centre. The staff recommendation maintains a consistent approach with all three dispensaries.

Staff Recommendation

Staff are still of the opinion that the Temporary Use Permits for the two dispensaries should not be extended, as requested by the applicants. Temporary use permits are a tool that allow for a use that is not permitted in a specific zone to be done on a site specific property in that zone for a specified period of time. The Local Government Act and the City’s Official Community Plan (OCP) speaks to how staff and Council should evaluate whether issuance of a TUP is in the public interest. The guidelines for decision making around Temporary Use Permits are clear and as outlined in the July 4th staff report, state that “the use must comply with council conditions and other provincial and federal enactments.” The marijuana dispensaries do not comply with any provincial or federal enactments or current case law.

Proposed Process Moving Forward

Should Council support the staff recommendation, legal counsel will be required to negotiate the consent orders between the dispensaries or their legal representative to become wellness centres. This process may take a few months. Once the final orders have been approved by the court, staff may use such orders to monitor compliance or conduct enforcement as necessary to ensure that no sales of marijuana are taking place.

Preparation for Legalization

Over the coming months it will be important for staff to develop policy around the eventual legalization of marijuana by the Federal Government. This will involve consultation with the community, stakeholders and law enforcement, in addition to surrounding communities. The current dispensary operators will play an

important role in this consultation process and staff will ensure that they are involved in the development of any draft policy for consideration by Council.

It may also be appropriate for a task force or committee to be struck to specifically deal with this issues given current uncertainty and the importance of developing a solution that meets the needs of our community. Over the coming months staff will begin to develop a process for Council consideration prior to moving this issue forward with the community.

Alternative Recommendations

Should Council not accept the staff recommendation, an alternative direction is required. If Council wishes to extend the Temporary Use Permits for the two dispensaries, then appropriate direction should be provided including a timeframe for the extension. A maximum of three years is permitted by the Local Government Act. However, staff suggest no more than six months extension along with expanded requirements for TUP approval – including insurance and indemnification. It should be clear that staff do not recommend this course of action considering the risks involved, the unknowns with regards to the Federal regulations, and the financial interest of the City in concluding both Herbal Green actions.

Attachments

Attachment A: July 4th 2017 Council Report

Respectfully submitted,

Anthony Haddad, MCIP, RPP
Director of Development Services

Approvals

Chief Financial Officer 	Director 	CAO PW
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Attachment 'A'
July 4th 2017 Council Report



Council Report

penticton.ca

Date: July 4, 2017
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Subject: Temporary Use Permit extensions for cannabis dispensaries

File No: RMS 4300

Staff Recommendation

THAT Council deny extension for the following temporary use permits for the purpose of operating cannabis dispensaries:

1. "Temporary Use Permit PL2016-7767" for 101 351 Westminster Avenue W: Lot A, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan KAP81153 (Okanagan Cannabinoid Therapy)
2. "Temporary Use Permit PL2016-7751" for 409 Martin Street: Lot 6, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 437, Except the Westerly 43 Feet, Measured Along the Northerly Boundary Thereof by the Full Depth of Said Lot (Green Essence)

Background

On December 6, 2016 Council supported the issuance of two, six-month temporary use permits (TUPs) for the operation of cannabis dispensaries at 101 – 351 Westminster Avenue (Okanagan Cannabinoid Therapy) and 409 Martin Street (Green Essence). At that same meeting, four other applications were denied and one application was denied and encouraged to reapply at another location.

After the December 6th meeting, the two applicants that were issued permits worked with the building and licensing department to meet the permit conditions and to obtain business licenses. Both businesses have been issued licenses and have been operating relatively without incident for the past 6 months. Both permits expire on June 30, 2017 and both businesses have applied to have their permits extended. Both are requesting extensions of three years, which is the maximum permitted under the Local Government Act for a temporary use permit.

Letters in support of their request from the applicants are attached as Schedule A and Schedule B to this report for Council's reference.

The RCMP in March of this year issued letters to both businesses as well as Herbal Green, a dispensary that was operating without a permit or licensing. The letters, the content of which were reported in the media,

were meant as a warning of the ramifications of selling marijuana contrary to the Controlled Drugs and Substances Act or the Access to Cannabis for Medical Purposes Regulations.

Updates on Federal legalization

Since the permits were issued in December 2016, the Task Force on Marijuana Legalization and Regulation presented their final report. The report envisioned a system where federal laws would deal with product quality and safety (including rules on packaging, THC content etc) and the provinces would have oversight over distribution.

Following up on the release of the report, the Cannabis Act, legislation in support of marijuana legalization, was introduced in Parliament. While the federal government seeks to make cannabis legal in Canada by July 2018, the legal opinion the City obtained in regard to this issue suggests that that deadline is "overly optimistic".

Notwithstanding, the sale of cannabis through storefront dispensaries is not a legally recognized means of obtaining cannabis, even for medical purposes.

Recent case law

More pointedly, the courts in BC have settled the law that was less clear when Council issued the TUPs initially. In the court case, *Abbotsford v. Weeds Glass and Gifts*, the court granted an injunction to close down the marijuana dispensary business. The Justice in that case held that the City had jurisdiction to refuse a business license on the basis of a dispensary not being lawful. In another *Abbotsford* case, *Abbotsford (City) v. Mary Jane's Glass & Gifts Ltd.* 2017, *Abbotsford's* zoning prohibitions on the sale and cultivation of marijuana for commercial purposes was upheld.

Zoning Bylaw changes (2017-08)

As the ability of a municipality to regulate a dispensary became clear from the BC Supreme Court decisions, the City updated its zoning to reflect this clarification. As part of the adoption of Zoning Bylaw 2017-08 language was included to define 'cannabis dispensary' and prohibit dispensaries in any zone. The intent of this approach was that if and when cannabis legalization were to occur, any dispensary wishing to operate in the city would have to proceed with a zoning amendment to be considered a conforming use, a process that involves public consultation and neighbourhood notification.

Financial implication

- ☐ The City has collected over \$33,000 in fines from non-compliant businesses.
- ☐ There are still \$30,000+ fines outstanding which the City is in the collection process for.
- ☐ The City has collected \$5,000 in business licensing fees from the operation of the two licensed dispensaries and will collect \$10,000 more if the permits are renewed for an additional year. These revenues will not be available if the licenses are not renewed.
- ☐ The City, to date, has spent over \$10,000 + in legal fees and labour costs dealing with marijuana dispensaries. Given the legal status of storefront dispensaries and overall unknowns about the

ultimate legalization, there is a strong possibility that the City will face some legal challenge whether the City proceeds with issuing the permits or not.

- ☐ The City will be liable if someone were harmed by cannabis purchased at a dispensary licensed by the City. Staff cannot estimate the amount of liability at this time, but Council should be cognizant to this risk.

Analysis

Deny request for extension

Temporary use permits are a tool that allow for a use that is not permitted in a specific zone to be done on a site specific property in that zone for a specified period of time. The Local Government Act allows temporary use permits to be issued for up to three (3) years, with a one-time renewal. The City's Official Community Plan (OCP) speaks to how staff and Council should evaluate whether issuance of a TUP is in the public interest.

The guidelines state that "the use must comply with council conditions and other provincial and federal enactments." At the December 6th meeting, the question of whether a dispensary model was indeed unlawful was somewhat in flux. The RCMP had not taken any steps to shut down any dispensaries in Penticton. The courts had not ruled on the question yet either and many other jurisdictions were going down the road of licensing with seemingly no repercussions. Now though, clarifications made from law enforcement, the courts and the Federal government have provided certainty on this question.

Staff can now confidently say that the dispensaries are in direct conflict with federal enactment and thus do not meet the guidelines for temporary use permit approval.

While the two businesses that were issued temporary use permits have followed all of the conditions of approval, staff now consider that given the recent court cases and the liability and expose of permitting these businesses that Council should not extend the permits.

Further extending the permits would also legitimize the illegal distribution of cannabis contrary to federal criminal law. Staff consider this contrary to the best interests of the City.

One final point, since the TUPs were, the City has been presented with a legal action in the form of a Judicial Review by one of the dispensary applicants who was not issued a temporary use permit (Herbal Green). While Council had valid reasons for denying the permit to that business, including bylaw enforcement actions and complaints from the public that the other businesses did not have, the legal action is undermining the TUP process that Council was trying to put in place. Not extending the permits will provide a more consistent approach to all dispensaries, which is ultimately what staff are recommending to Council.

If Council were to follow staff's recommendation and deny the request to extend the permits, the two businesses that are currently operating would then be operating in conflict with the Zoning Bylaw prohibition on operating a cannabis dispensaries in any zone and would be subject to bylaw enforcement action, including fines and possible injunctive action. The hope is that the two businesses will amend their

business models towards advocacy and retail sales of non-cannabis product, until such time as the federal and provincial governments legalize the sale and distribution of marijuana.

Refer or approval

Council and staff have spent significant amounts of time, effort and expense on regulating by TUPs. Extending the permits, while further legitimizing an admittedly illegal use, would not incur much expense and would provide licensing fees for City to help offset other legal battles on this front. If that is the direction that Council wishes to continue, Council could extend the permits for an additional 6 month period (or longer as Council deems appropriate), and revisit the issue at that time.

Alternatively, Council may wish to consult the neighbourhoods that these two dispensaries have been operating in to see what, if any negative impacts have come from their operation. Or Council may wish to see further community consultation on this issue to gauge whether the public is comfortable with licensing dispensaries in Penticton ahead of federal legalization.

Ultimately though, staff recommend against these alternatives for the reasons listed above.

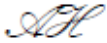
Attachments

Attachment A: Letter from Kevin Adams of Okanagan Cannabinoid Therapy at 101-351 Westminster Avenue
Attachment B: Letter from Melissa Osiowy from Green Essence at 409 Martin Street

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Approvals

Director	CAO
	PW

Attachment A

Letter of request from Kevin Adams of Okanagan Cannabinoid Therapy at 101-351 Westminster Avenue W



101-351 Westminister Ave W
Penticton BC V2A 1K3
236-422-0322

June 1, 2017

Hello Blake Laven,

Thank you for your email of May 30, 2017, reminding me that our Temporary Use Permit (TUP) is due to expire on June 30, 2017.

I'm writing to request the City of Penticton extend our TUP, which is allowed under the Local Government Act. I'm requesting that our TUP be extended the maximum allowable time as outlined in your email of May 30, 2017, for a period of three (3) years.

I would like to take this opportunity to outline several reasons why an extension is reasonable:

- i) Okanagan Cannabinoid Therapy has conducted its operations in a professional manner throughout the past five (5) months, with no violations of its operational conditions,
- ii) The City of Penticton has spent time, effort and money putting in place nine (9) conditions for our Permit, and an extension of this Permit, would allow our business to continue its operations in the service of citizens of the City and its surrounding region, AND, allow the City of Penticton to approve our continued business operations without further cost to the City,
- iii) Okanagan Cannabinoid Therapy operates above "the Standard" within the industry and has spent time and money training its staff and the community to the benefits of a professional Medical Cannabis Access Centre. For example, I sent several of my staff members to multi-day medical research conferences in Toronto & Vancouver, and I attended CannMed 2017 in Boston, USA, at Harvard Medical School for four days in April,
- iv) We have aligned ourselves with many area doctors and Cannabis research doctors in Kelowna and Kamloops. These doctors have begun recommending our Access Centre to their patients,
- v) Many local area doctors have visited our Access Centre for tours and product information. After such visits, these doctors have also begun recommending our Centre,
- vi) Each day our Members thanks us for being open. They are consistently telling us that they can't go back to the street or drive to Vancouver for certain products and / or services,
- vii) We have been recognized by several Trade magazines & Medical Cannabis websites regarding our professional customer service and the safe and dignified atmosphere our Medical Access Centre offers.

I'm available at any time to answer any questions the City of Penticton has regarding our business and our application for an extension to our Temporary Use Permit.

Your time and consideration into my request are greatly appreciated.

Kevin Adams

1077937 B.C. LTD.

Attachment B
Letter of request from Melissa Osiowy from Green Essence at 409 Martin Street

PERMIT EXTENSION LETTER

June 08, 2017

The City Of Penticton

171 Main Street Penticton BC

Subject: Application for an extension of the temporary use permit #14660

To whom it may concern

Green Essence respectfully requests a 3 year extension to an existing permit that was approved by the City Council Of Penticton on December 6, 2016 that permit was issued in accordance with section 493 of the Local Government Act, to allow for the temporary use for operation of a marijuana dispensary.

The proposed extension is from June 30th 2017 to June 30th 2020

As you are aware the federal Government is close to the legalization of Marijuana in Canada. This is our first reminder of how important it is to regulate the marijuana dispensaries and gain control of the distribution of cannabis in a professional manner. We hope to eventually wean out the black market full of organized crime, as well as a huge risk of tampered goods that may fall in the hands of minors as well as innocent people. I am writing on behalf of close to 10,000 customers we have here at Green Essence. Before opening up we had no idea the impact our dispensary would have on the people of Penticton and surrounding area. There is a huge community of us who benefit from all that cannabis has to offer. Granting us an extension would provide relief to many of those who are finding that cannabis work for their ailments. In the past 6 months we have seen a huge spike in seniors that come through our door, looking for an alternative to the opioids that are being handed out so freely. As you know Penticton is known as a wonderful senior community, I believe we are providing much needed accommodations for those seniors in need. Without dispensaries seniors will have no place to access their medicine forced to the streets or even worse be left without. The Cannabis Industry is an ever evolving market where the sky is truly the limit. The numbers are continuing to climb which will effect the community of Penticton in a positive way, providing jobs, tax revenue plus so much more. We are in compliance with all the bylaws of the City as well as the conditions of permit required. Given the critical importance of this matter we hope you take all the facts and information into consideration and grant us this extension for a TUP.

Sincerely

Melissa Osiowy



Council Report

penticton.ca

Date: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Wes Renaud, Budget Analyst
Subject: **2017-2021 Five Year Financial Plan Amendment Bylaw No 2017-47**

File No: 1715-02

Staff Recommendation

THAT Council give first, second and third reading to "2017-2021 Five Year Financial Plan Amendment Bylaw No. 2017-47".

Background

Section 165 of the *Community Charter* provides that a municipality may amend the Five Year Financial Plan at any time to reflect changes that occur during the year.

Section 174 (5) of the *Community Charter* provides that a municipality must not incur a liability for which expenditures are required during the planning period unless those expenditures are included for in the applicable year in the financial plan and to that end any projects carried forward from prior periods must be included in the current period.

Financial implications

The second quarter budget amendments require a withdrawal from the **2017 general revenue surplus** of \$15,000, leaving a balance of \$5,696,738.

The second quarter budget amendments require a withdrawal from the **2017 asset emergency reserve** of \$440,000, leaving a balance of \$360,000.

The second quarter budget amendments require a withdrawal from the **2017 electrical reserve** of \$20,000, leaving a balance of \$981,967.

The second quarter budget amendments require a withdrawal from the **2017 public art reserve** of \$25,000, leaving a balance of \$10,011.

Analysis

Budget amendments for the 2017-2021 Financial Plan Amendment Bylaw No. 2017-47 period ended June 30, 2017 include:

Amendments affecting **surplus** accounts:

Note #	Account From	Account To	Amount
1	General Surplus	BMX Water and Electricity servicing	\$15,000

1. Per Council resolution 158/2015, funds were required to install water and electrical infrastructure for the BMX Club track at 630 Munson Avenue.

Amendments affecting **reserve** accounts:

Note #	Account From	Account To	Amount
2	Asset Emergency Reserve	City Yards - Roof Replacement	\$140,000
3	Asset Emergency Reserve	KVR Retaining Wall	\$300,000
4	Electrical Reserve	HR services - electric - training	\$20,000
5	Public Art Reserve	Recreation-Public Sculpture Program	\$25,000

2. Per Council resolution 262/2017, emergency roof repairs were required for the garage area at the City yards.
3. Per Council resolution 363/2017, funds were required to implement the replacement of the KVR Trail Retaining Wall located north of Carder road, extending north to the Trestle Bridge.
4. Funds allocated for “rubber glove training” that was required by Work Safe BC. This training was originally included in the 2016 budget, but it didn’t occur until 2017. The training budget was not carried forward to the 2017 Five Year Financial Plan.
5. Per Council resolution 277/2016, Council approved funding to lease up to five sculptures to be placed in approved locations between the SS Sicamous and the Downtown core, and to re-establish the installation of temporary public art in the Front Street roundabout. Expenditures are occurring in 2017.

Reallocations - **Operations**:

Note #	Account From	Account To	Amount
6	Economic Development - Major Projects	Canadian Sport Hockey League Champ.	\$10,000
7	Economic Development - Major Projects	Western Canada Cup	\$10,000
8	Municipal Grants - Other	SOICS – Cleland Theatre Ceremony	\$413
9	Please see note	Capital Prioritization Framework Grant	\$0

6. Per Council resolution 199/2017, a \$10,000 sponsorship for the 2017 Canadian Sport School Hockey League (CSSHL) Championships was approved. This was funded out of the economic development operational budget.
7. Per Council resolution 200/2017, a \$10,000 sponsorship for the 2017 Western Canada Cup was approved. This was funded out of the economic development operational budget.
8. Funded from the “other” grant opportunities account to cover rental costs for the South Okanagan Immigrant and Community Services (SOICS) citizenship ceremony.

9. To record revenue and expense of \$42,000 for the UBCM Capital Project Prioritization Framework Grant that was not included in 2017 budget.

Reallocations - **Capital:**

Analysis #	Project From	Project To	Amount
10	Reroof UV, North Irrigation, RAS, Screws, Headworks, Maintenance Buildings	Bio Reactor Upgrades	\$95,000
11	Reclaimed water reservoir, utilize old secondary gravity fill and pump	Equipment Replacement for Lift Stations	\$20,000
11	Upgrade HVAC screw pumps	Equipment Replacement for Lift Stations	\$7,000
12	Ellis 2 Dam - Consulting & Upgrades	Misc. Dam Projects	\$75,000
13	Sustainment - Replace analogue radios w/digital radios	Enhancement – Fixed Meters vs. Drive By	\$32,000
14	Sustainment - Distribution System Rebuild- Voltage	Enhancement – System Reliability Imp.	\$300,000

10. Reallocated excess funds from re-roofing projects to fund bio reactor upgrades within the waste water treatment plant capital budget.
11. Reallocated funds within waste water treatment plant capital budget from design work gains and reduced pump costs to fund pre-design and detail design for two lift stations which have passed their service life capacity.
12. Reallocating funds to move the 2018 Penticton Creek Inundation Study budget to 2017 and defer the 2017 Ellis 2 Dam Upgrade Design to 2018. Further, this reallocation will allow the continuance of the Campbell Mountain Diversion Upgrade in 2017 and enable the completion of the Ellis 4 Dam Upgrade Design for construction in 2018.
13. Converting city radios to narrow band came in under budget, reallocated funds to aid in the ongoing changing of additional low power meters from fixed meter reads to drive by meter reads.
14. Due to delays on the Naramata Road feeder tie project, funds were re-deployed to re-conductoring high voltage lines with larger conductors to allow for greater flexibility of transferring loads between substations.

Respectfully submitted,



Wes Renaud
Budget Analyst

Chief Financial Officer <i>LWB</i>	CAO <i>PN</i>
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Attachment A – “2017-2021 Five Year Financial Plan Amendment Bylaw No. 2017-47”

A Bylaw to Amend 2017-2021 Five Year Financial Plan Bylaw No. 2017-13

Schedule A - Amended 2017 Financial Plan

	2017 Budget	2018 Budget	2019 Budget	2020 Budget	2021 Budget
Revenue					
Taxation	(51,232,250)	(52,459,629)	(53,735,152)	(55,060,732)	(56,414,366)
Sale of Services	(6,518,418)	(6,570,124)	(6,622,817)	(6,676,138)	(6,730,102)
Electric Utility Fees	(42,033,580)	(43,574,167)	(45,184,489)	(46,844,859)	(48,566,311)
Sewer Utility Fees	(5,099,025)	(5,615,858)	(6,179,246)	(6,656,398)	(6,673,887)
Water Utility Fees	(8,030,014)	(8,456,584)	(8,908,307)	(9,384,530)	(10,002,579)
Fiscal Services	(2,675,400)	(2,676,540)	(2,677,683)	(2,678,828)	(2,678,977)
Grants	(1,574,774)	(1,550,398)	(1,619,450)	(1,620,086)	(1,620,728)
Other Revenues	(12,888,022)	(12,201,100)	(12,203,222)	(12,212,415)	(12,167,377)
Development Cost Charges	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
Donations	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
	<u>(130,661,483)</u>	<u>(133,714,401)</u>	<u>(137,740,365)</u>	<u>(141,743,987)</u>	<u>(145,464,327)</u>
Expense					
General Operating	68,607,090	68,605,531	68,755,850	69,399,544	70,154,430
Electric Operating	37,757,736	37,680,712	37,851,418	39,845,637	42,109,499
Sewer Operating	4,317,737	4,286,542	4,309,399	4,642,284	4,718,022
Water Operating	3,626,292	3,717,354	3,873,102	3,983,967	4,024,684
	<u>114,308,855</u>	<u>114,290,139</u>	<u>114,789,768</u>	<u>117,871,432</u>	<u>121,006,635</u>
Annual Surplus (Deficit)	(16,352,628)	(19,424,262)	(22,950,597)	(23,872,555)	(24,457,692)
Capital					
General Capital	5,791,102	15,992,505	19,206,928	8,875,504	10,247,000
Electric Capital	3,315,085	2,979,024	2,399,218	2,896,778	2,831,262
Sewer Capital	2,046,000	3,240,000	4,667,000	2,806,000	5,820,000
Water Capital	5,282,500	3,990,700	4,966,285	7,504,320	3,465,000
	<u>16,434,687</u>	<u>26,202,229</u>	<u>31,239,431</u>	<u>22,082,602</u>	<u>22,363,262</u>
Debt Proceeds	(1,500,000)	-	-	(2,798,820)	-
Land Proceeds	(2,500,000)	(200,000)	(200,000)	(200,000)	(200,000)
Principal repayments	4,230,055	2,952,436	2,020,262	2,002,812	2,004,677
Transfer to/from surplus/Reserve	(312,114)	(9,530,403)	(10,109,096)	2,785,961	289,753
Financial Plan Balance	<u>0.00 -</u>	<u>0.00</u>	<u>0.00 -</u>	<u>0.00</u>	<u>0.00</u>

Council Report

penticton.ca

Date: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Peter Wallace, Land Administrator
Subject: Road Closure (Nanaimo Avenue) Bylaw No. 2017-49

File No: Address (298 Nanaimo)

Staff Recommendation

THAT after providing an opportunity for public comment;

THAT Council give first, second and third reading to "Road Closure (Nanaimo Avenue) Bylaw No. 2017-49", a bylaw that closes a portion of boulevard adjacent to Nanaimo Avenue south of 298 Van Horne Street to facilitate the land swap with Richard and Dianne Spray for land required for creek works.

History

At the July 4, 2017 Regular Meeting, Council unanimously resolved the following:

380/2017 **It was MOVED and SECONDED**

THAT Council direct Staff to close the +-25 sq.m. portion of unutilized boulevard in the 200 block of Nanaimo Avenue East that is south of 298 Van Horne Street and swap that land for an equal sized portion of land owned by Richard and Dianne Spray required for restoration of Penticton Creek;

AND THAT the survey and legal costs be paid by the City;

AND THAT consultation required for the road closure bylaw be carried out in accordance with the *Community Charter*;

AND THAT the proposed disposition of City lands be advertised pursuant to the *Community Charter*;

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

Analysis

The consultation and public notice has been completed as required. Before Council adopts the bylaw, an opportunity must be provided for those who consider themselves affected by the bylaw to make representation to Council.

Attachments

Attachment A – Road Closure (Nanaimo Avenue) Bylaw No. 2017-49

Respectfully submitted,

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

Approvals

CAO

PW

WHEREAS Section 40 of the *Community Charter* provides that a council may, by bylaw, permanently close all or part of a highway that is vested in the municipality to all or some types of traffic and remove the dedication of a highway;

AND WHEREAS before adopting this bylaw, the Council has given notice of its intention in accordance with section 94 of the *Community Charter*;

AND WHEREAS before adopting this bylaw, Council has provided an opportunity for persons who consider themselves affected by the bylaw to make representation to Council;

AND WHEREAS before adopting the bylaw, Council has delivered notice of its intention to the operators of utilities whose transmission or distribution facilities or works will be affected by the closure;

AND WHEREAS upon adoption of the bylaw, the bylaw will be filed in accordance with section 120 of the *Land Title Act*:

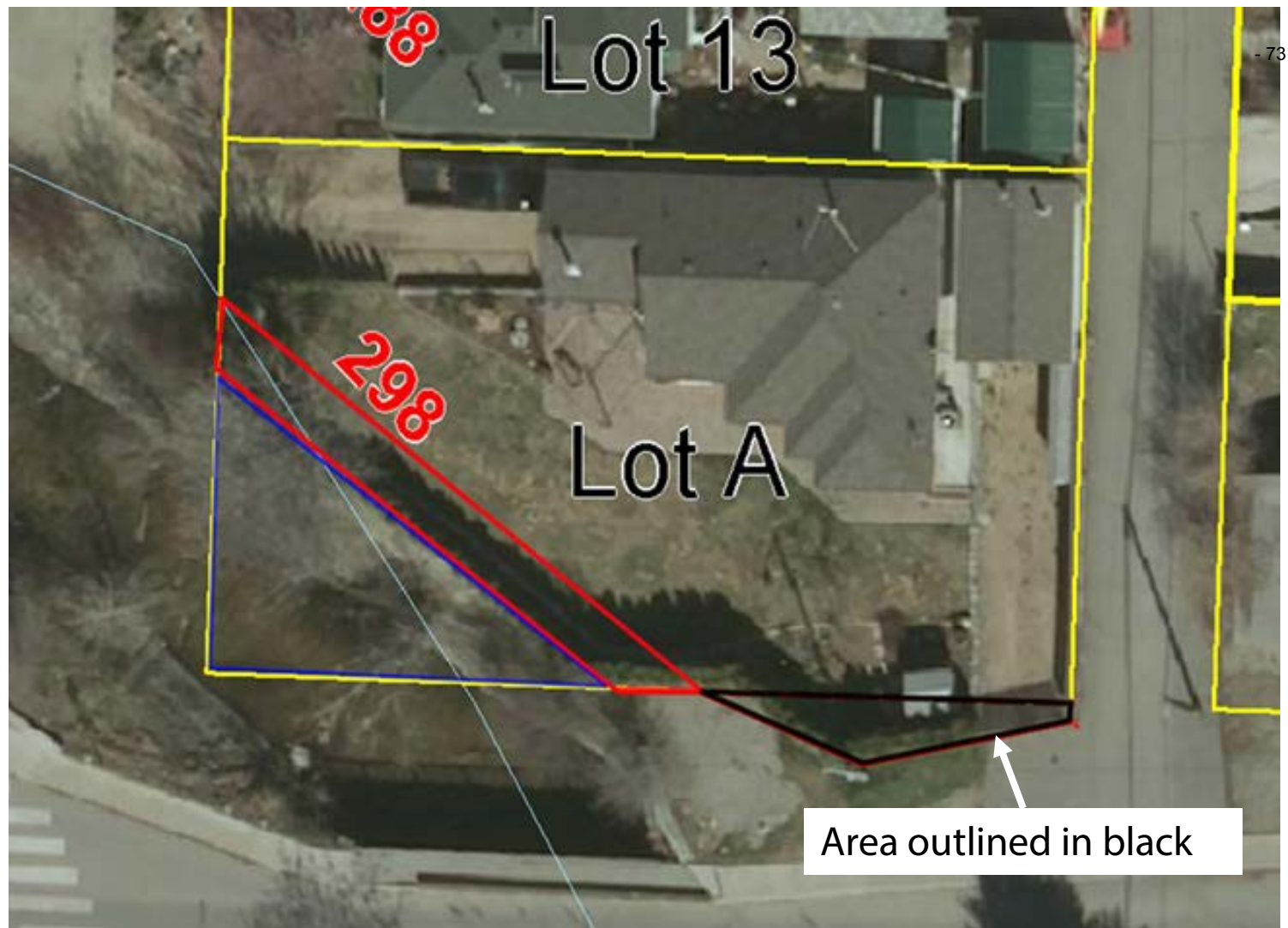
NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

This bylaw may be cited for all purposes as "Road Closure (Nanaimo Avenue) Bylaw No. 2017-49."

Authority is hereby given to the Corporation of the City of Penticton to close a portion of the road and remove the highway dedication for +-25 sq.m. portion of unutilized boulevard in the 200 block of Nanaimo Avenue East that is south of 298 Van Horne Street as shown on Schedule 'A' attached hereto and forming part of this bylaw.

ADOPTED this day of , 2017

Dana Schmidt, Corporate Officer



City of Penticton – Schedule 'A'

Road Closure (Nanaimo Avenue) Bylaw No. 2017-49

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Dana Schmidt, Corporate Officer
Subject: Elections History / Planning for 2018

File No: 4200-01

Staff Recommendation

THAT Council confirm a \$100,000 budget for the 2018 Election.

Background

Voting

As seen in Attachment A, the number of polling stations has been a topic of discussion since at least 2002. 2002 added a second poll, 2006 reversed the decision, 2008 added the second poll back and it was removed again in 2011.

In December of 2014, Council voted to add the second polling station, as well as adding a third advance poll opportunity.

For the past few years there have been changes in provincial legislation that allow for much greater voting opportunities. Advance polls were once only for those who would be out of town on general election day and they are now open to any elector. Mail ballots were introduced a few years ago and are now gaining in popularity.

Staff have not recommended extra polling stations for general voting day because multiple venues does not increase opportunity. Emphasis and focus on increased hours and days of advance voting does create greater voting opportunities. An increase in staffing levels will reduce wait times.

Ballot Counting

The City has been using automated vote tabulation units since 2002. The units that we use are secured by the Chief Election Officer and cannot connect to the internet. Vote tabulation is fast and accurate.

Staff do not recommend returning to manual count, nor do we recommend using a manual count for a vote recount. This is exceptionally time consuming, a minimum of three staff are required to count, and subjectivity is introduced through a manual count to determine the acceptance or rejection of ballots.

Scrutineers

Section 120 of the Local Government Act allows for one scrutineer per candidate per ballot box (to be appointed by the candidate). This can be increased by bylaw, but already allows for 2 per candidate at a polling station along with a candidates official agent – in 2014 that allowed for 68 scrutineers and 34 official agents, for a total of 102 observers.

Section 181 restricts scrutineers for assent voting to one 'yes' representative and one 'no' representative per question per polling station. If more applications are received, the Chief Election Officer must appoint by lot (random draw). This number can also be increased by bylaw, however there must always be an equal number in support and opposition to the question.

Financial implication

The election budget has already been increased from \$75,000 to \$100,000 (\$25,000 per year) to accommodate a second polling station and a third advance poll. A third polling station would cost at least another \$25,000.

2018 Election Process Changes

- The number of Election Officials will be increased by 60 for a total of 120 and they will be required to have computer skills.
- A parking attendant will be required for the PTCC / reserved parking for electors / election staff will be assigned parking so as not to use elector's spots
- The Senior's Centre (or alternate if necessary) will be reserved completely so that the parking lot will be solely for electors.
- If available, at least one advance poll will be at Cherry Lane Mall as this was very successful in 2014.
- On General Election Day, there will be a seating area for those who are not physically able to stand in line.
- For the City to provide mobile polls, venues will be required to facilitate set up and advertise to their occupants.

Alternate Recommendation

THAT Council direct staff to increase the 2018 Election budget to \$125,000 to afford additional voting opportunities.

Attachment

Attachment A – General Voting Day Polling Station History

Respectfully submitted,

Dana Schmidt, Corporate Officer

Approvals

CAO
<i>PS</i>

General Voting Day Polling Station History

1999 and 2001

One polling station each election.

2002

Elections procedures bylaw amended to add a second polling station.

2006

Elections procedures bylaw amended to decrease the polling stations to one.

2008

Elections procedures bylaw amended to add a second polling station.

2011

Elections procedures bylaw amended to decrease the polling stations to one.

Council Report

penticton.ca

Date: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure

File No:

Subject: Slow Down Penticton Signs

Staff Recommendation

THAT Council select one of the following alternatives`:

1. THAT Council approve the May 30, 2017 Transportation Committee recommendation:

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;

AND THAT the required funds come from available surplus.

2. THAT Council decline to purchase 'Penticton Slow Down' signs as recommended by the Transportation Committee.
3. THAT Council provide staff with alternate direction.

Strategic priority objective

Livable – By ensuring the City is safe, healthy, welcoming and inclusive.

Background

On May 30, 2017 the Transportation Committee passed the following recommendation:

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

The committee recommendation was considered by Council on June 20, 2017 who passed Resolution 359/2017, see below.

359/2017 It was MOVED and SECONDED

THAT Council refer the recommendation from the Transportation Advisory Committee to authorize staff to purchase 100 'Penticton Slow Down' signs at a maximum cost of \$2500 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, to staff for more information.

CARRIED UNANIMOUSLY

Staff have looked into the matter and provide the following:

1. Staff have contacted the City of Muskoka, a community which has a similar sign program, and asked if the Muskoka signs were effective in slowing traffic down. Muskoka reported that the signs are a community driven initiative with no municipal government connection and they have no information on the success of the program in the community. They did refer City staff to a 2015 news article in the Huntsville Forester, see Attachment "A".
2. Staff reviewed the 2015 article and note the following high lights:
 - a. The Muskoka region has become a race mecca for endurance athletes.
 - b. The region is increasing its sports tourism opportunities.
 - c. Endurance athletes are an important part of the area's economic development.
 - d. Muskoka cannot have infrastructure that doesn't support sports tourism.
 - e. If Muskoka wants to increase their population, visitors and athletes, they need to put something in place to protect them and make it enjoyable, where they can feel like they can be on the roads.
3. Staff reviewed material on the Internet and found a 2001 article in the Urban Transportation Monitor, see Attachment "B" and found:
 - a. Yard-sign campaign proves effective in reducing speed on residential Streets.
 - b. Yard signs have already been implemented in 80 communities in 24 states.
 - c. In Oceanside, CA the yard sign campaign resulted in a 16% percent reduction in the average speed of motorists on the neighborhood streets where the signs were placed.

Financial implication

The estimated cost to purchase the signs is \$2,500.

Analysis

The information located by staff indicates that Penticton, like Muskoka, is a mecca for endurance athletes and as such a Penticton slowdown sign campaign would most likely have the same benefits here as they did in Muskoka.

The yard sign experience in California was found to be effective in slowing traffic down.

The cost of the signs is modest.

Alternate recommendations

Three alternatives are presented in the Staff Recommendation above.

Attachments

Attachment "A" – Huntsville Forester Article, June 24, 2015.

Attachment "B" – The Urban Transportation Monitor Article, May 11, 2001.

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure

Approvals

CFO 	CAO 
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Attachment "A" – Huntsville Forester Article, June 24, 2015.

Endurance coach's concern for athletes prompts 'drive slow' campaign

News Jun 24, 2015 by [Alison Brownlee](#) Huntsville Forester

HUNTSVILLE – Kyra Watters vividly remembers leaping to safety as a car veered too fast around a corner.

The Huntsville resident and endurance athlete coach is the founder of the Drive Slow in Muskoka initiative, which encourages motorists to travel at a safer speed to protect pedestrians, runners, cyclists and wildlife on area roads.

"I was concerned with people's safety in my neighbourhood," said Watters. "(And) all my athletes, I'm so fearful for them."

She said she first thought of the initiative after considering a speed limit reduction in her neighbourhood along Griffin Lodge Road.

But she said the process to legally reduce a speed limit was difficult and there were few, in any, police speed traps on country roads to enforce reduce limits, regardless.

"That's when I thought I would print my own sign," said Watters, who also has a graphic design and marketing business. "Something that was both aesthetically pleasing and pulled at heartstrings."

The Drive Slow in Muskoka initiative sign asks motorists to "slow down in Muskoka and save lives." The orange, white and blue design features illustrations of a pedestrian, animal paw, bicycle and baby carriage, while encouraging those interested to visit the initiative's Facebook page.

"We're all out here and we need to slow down," she said.

She said someone could argue there are few reports of fatal collisions.

"But that's because people are jumping out of the way," she said. "If there was a report about the number of times people have been cut off, ended up in the ditch, jumped off their bikes or been in fear of their lives, I'm sure it would be a different picture."

She said there was no reason to wait for accident reports.

"We shouldn't have to use the road in fear," she said. "And I hear that a lot with training endurance athletes."

She said the region has become a race mecca for endurance athletes – she noted Ironman Muskoka would start this summer – and increasing sports tourism opportunities is an important part of the area's economic development.

"But we can't not have infrastructure that doesn't support it," she said. "If we want to increase our population, visitors and athletes, we need to put something in place to protect them and make it enjoyable, where they can feel like they can be on the roads."

She said demand for her signs is growing among neighbours and community members interested in keeping their streets safe. And some businesses have joined the movement, too, by requesting signs for their storefronts.

"This campaign is not a witch hunt for speeders," she said. "But it has made a difference. When people see the sign, it's just a reminder."

She said she would like to see residents lead by example by driving slower, even when they felt familiar with the twists and turns of the roads they often travel.

And she wants the tourism and accommodation sector to help spread the word to visitors, who may not be familiar with the quirks of area roads, locations of residential areas, wildlife habits or recreational equipment towing.

She said those partnerships with area businesses could make the difference.

"We could put signs up everywhere, but I don't want to litter the scenery," she said.

Distributing literature, she said, through resorts, hotels, restaurants and marinas, for example, could help raise awareness of the initiative, while explaining who uses roadways in Muskoka.

She said Muskoka does have an issue to address.

"I've worked with athletes for more than two decades, but it's been more of a challenge here because of the safety aspect," she said. "And a lot has changed, too, with texting and all that. Drivers are preoccupied."

She said signs are available at cost for \$12 at Muskoka Bicycle Pro Shop on Main Street in Huntsville.

"If I started hearing people say they were feeling safer or were not being hit by rocks while walking their dogs, I would say, 'Mission accomplished,'" she added.

Attachment “B” – The Urban Transportation Monitor Article, May 11, 2001.

<http://spacing.ca/toronto/wp-content/uploads/sites/4/2016/07/SpeedReductionEffectiveness.pdf>

Council Report

penticton.ca

Date: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Dana Schmidt, Corporate Officer
Subject: **Contract Disclosure**

File No:

Staff Recommendation

THAT Council receive the Contract Disclosure staff report dated July 18, 2017.

Background

Section 107 of the *Community Charter* establishes that:

- 107 (1) *If a municipality enters into a contract in which*
- (a) a council member, or*
 - (b) a person who was a council member at any time during the previous 6 months,*
- has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a council meeting that is open to the public.*
- (2) *In addition to the obligation under section 100 [disclosure of conflict], a council member or former council member must advise the corporate officer, as soon as reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.*

In this regard, the *Community Charter* does not prohibit a Council member from having a contract with the municipality but it does require that the Council member disclose this information under conflict of interest and given that it is likely that the elected official would have a pecuniary interest.

Councillor Picton provided notice to the Corporate Officer on July 14, 2017 that Sun-Oak Construction Ltd., a company of which he is an owner, had been awarded a contract for work for removal of sandbags and disposal.

In accordance with Section 107 of the *Community Charter*, this is to advise that the City has entered into a contract with Sun-Oak Construction Ltd. for the Sandbag Removal and Disposal contract arising from request for proposals 2017-RFP-11 on July 14, 2017 for a contract price of \$186,998.99 plus \$2.15 per bag for removal and disposal from private properties, quantities as yet to be determined.

Financial implication

Staff expect that sandbag removal and disposal will be reimbursed by Emergency Management BC, however, any costs not covered by EMBC, will be paid from surplus.

Respectfully submitted,

Dana Schmidt, Corporate Officer

Approvals

CAO

PW

Bylaw No. 2017-20

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. 2017-20".

2. **Amendment:**

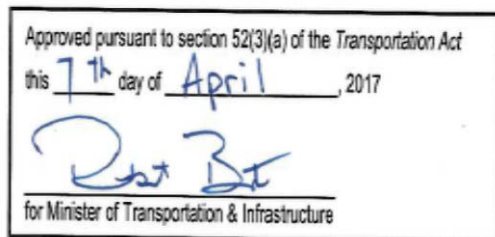
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 57, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and
Rezone Lot 56, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	21 day of	March, 2017
A PUBLIC HEARING was held this	4 day of	April, 2017
READ A SECOND time this	4 day of	April, 2017
READ A THIRD time this	4 day of	April, 2017
RECEIVED the approval of the	7 day of	April, 2017
Ministry of Transportation on the		
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.



Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 87 -



Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2017-7845

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 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District
Plan 1049 Except Plan 36620
Civic: 865 Railway Street
PID: 011-796-839
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 duplex.
 - Section 10.6.2.7.i: To decrease the minimum west interior yard from 1.5m to 1.2m.
 - Section 10.6.2.7.i: To decrease the minimum exterior yard from 3.0m to 1.6m.

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 _____, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-31

A Bylaw to Amend Zoning Bylaw 2017-08

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

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2017-31".

2. **Amendment:**

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

Rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	18 day of	April, 2017
A PUBLIC HEARING was held this	2 day of	May, 2017
READ A SECOND time this	2 day of	May, 2017
READ A THIRD time this	2 day of	May, 2017
ADOPTED this	day of	, 2017

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Development Variance Permit

Permit Number: DVP PL2017-7914

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 Lot 202, Similkameen Division Yale District Plan 26857 and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356
Civic: 352 and 398 Eckhardt Avenue E
PID: 002-099-080, 012-472-573
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 as shown in the plan attached in Schedule "A":
 - ***Section 6.5. To reduce the visitor parking requirement for a townhouse development from 6 stalls to 3 stalls***
 - ***Section 10.9.2.8 To reduce the rear yard setback from 6m to 2.69m***
 - ***Section 5.11.1 To increase balconies projection from 0.6m to 1.5m in an interior side yard***

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 , 2017

Issued this _____ day of _____, 2017

Dana Schmidt,
Corporate Officer

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:**

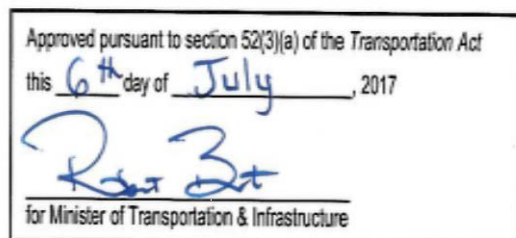
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

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	20 day of	June, 2017
A PUBLIC HEARING was held this	4 day of	July, 2017
READ A SECOND time this	4 day of	July, 2017
READ A THIRD time this	4 day of	July, 2017
RECEIVED the approval of the	6 day of	July, 2017
Ministry of Transportation on the		
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the 23 day of June, 2017 and the 28 day of June, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.



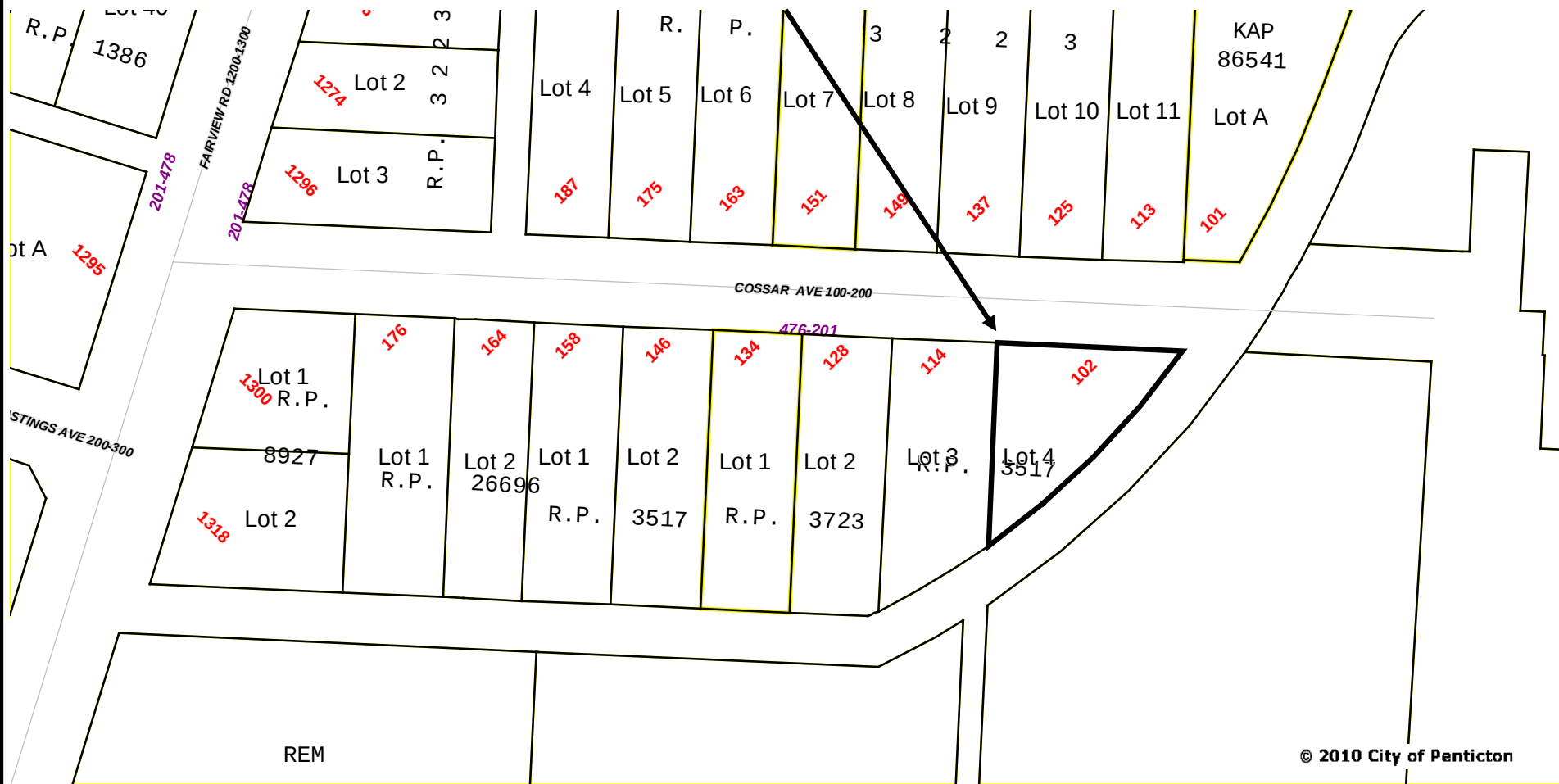
Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 102 Cossar Avenue

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From RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)



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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-42

Date: _____

Corporate Officer: _____

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

Bylaw No. 2017-38

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. 2017-38".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended 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).

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

READ A FIRST time this	23	day of	May, 2017
A PUBLIC HEARING was held this	6	day of	June, 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 26 day of May, 2017 and the 31 day of May, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

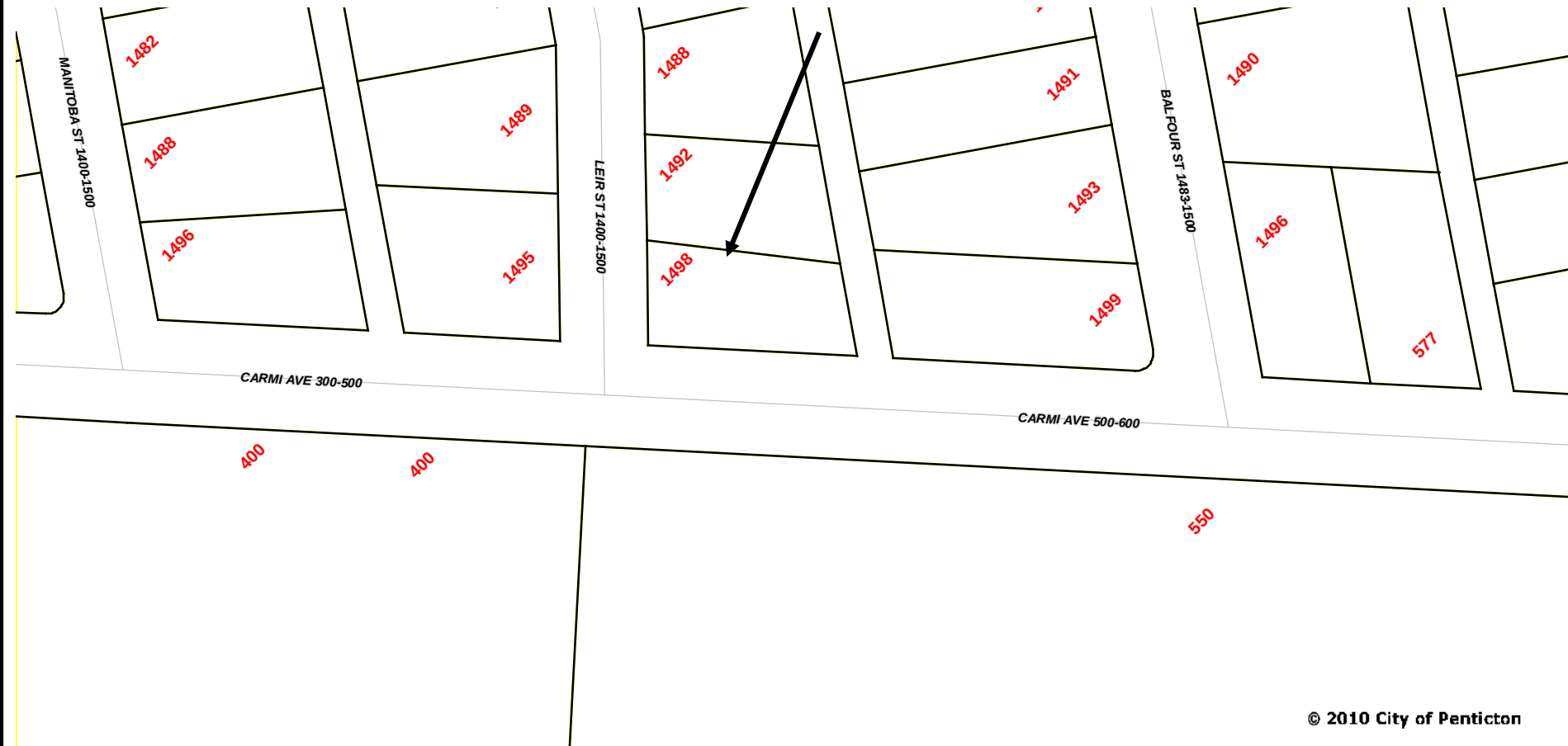
Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 1498 Leir Street

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From R1 (Large Lot Residential) To C1 (Commercial Transition)



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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-38

Date: _____

Corporate Officer: _____

Bylaw No. 2017-39

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. 2017-39."

2. **Amendment:**

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

2.1 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, as General/Tourist Commercial, identified in Schedule A of this bylaw.

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

READ A FIRST time this 23 day of May, 2017

A PUBLIC HEARING was held this 6 day of June, 2017

READ A SECOND time this day of , 2017

READ A THIRD time this day of , 2017

ADOPTED this day of , 2017

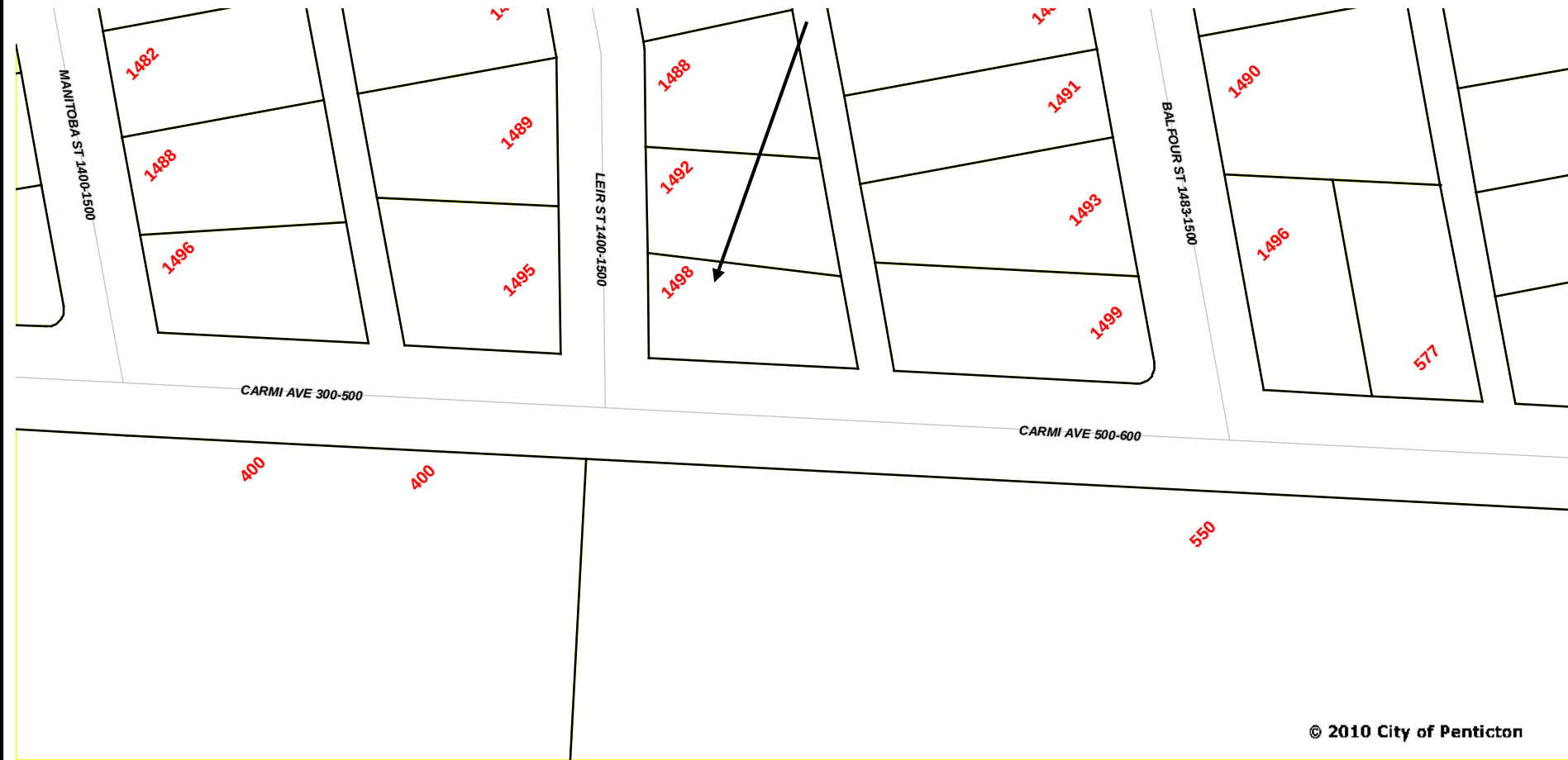
Notice of intention to proceed with this bylaw was published on the 26 of May, 2017 and the 31 of May, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend Schedule 'H' Development Permit Area Map to designate 1498 Leir Street as General/Tourist Commercial

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City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-39

Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2017-7900

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818

Civic: 1498 Leir Street,

PID: 009-784-845

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:

- **Section 5.3. Table 5.2** To reduce the minimum width of the landscape buffer abutting a residential zone from 1.5m to 0m along the parking area

And to vary the following section of Subdivision and Development Bylaw 2004-81:

- **Schedule "G" 12.0 Driveways/Crossovers Section 12.7 Driveways to corner lots must be located a minimum 10m where the flanking street is classified a collector and Section 12.8 Driveways must be a minimum of 0.5m from a property line**

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-45

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. 2017-45".

2. **Amendment:**

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

Rezone Lot 2, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	4	day of	July, 2017
A PUBLIC HEARING was held this	18	day of	July, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 7 day of July, 2017 and the 12 day of July, 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

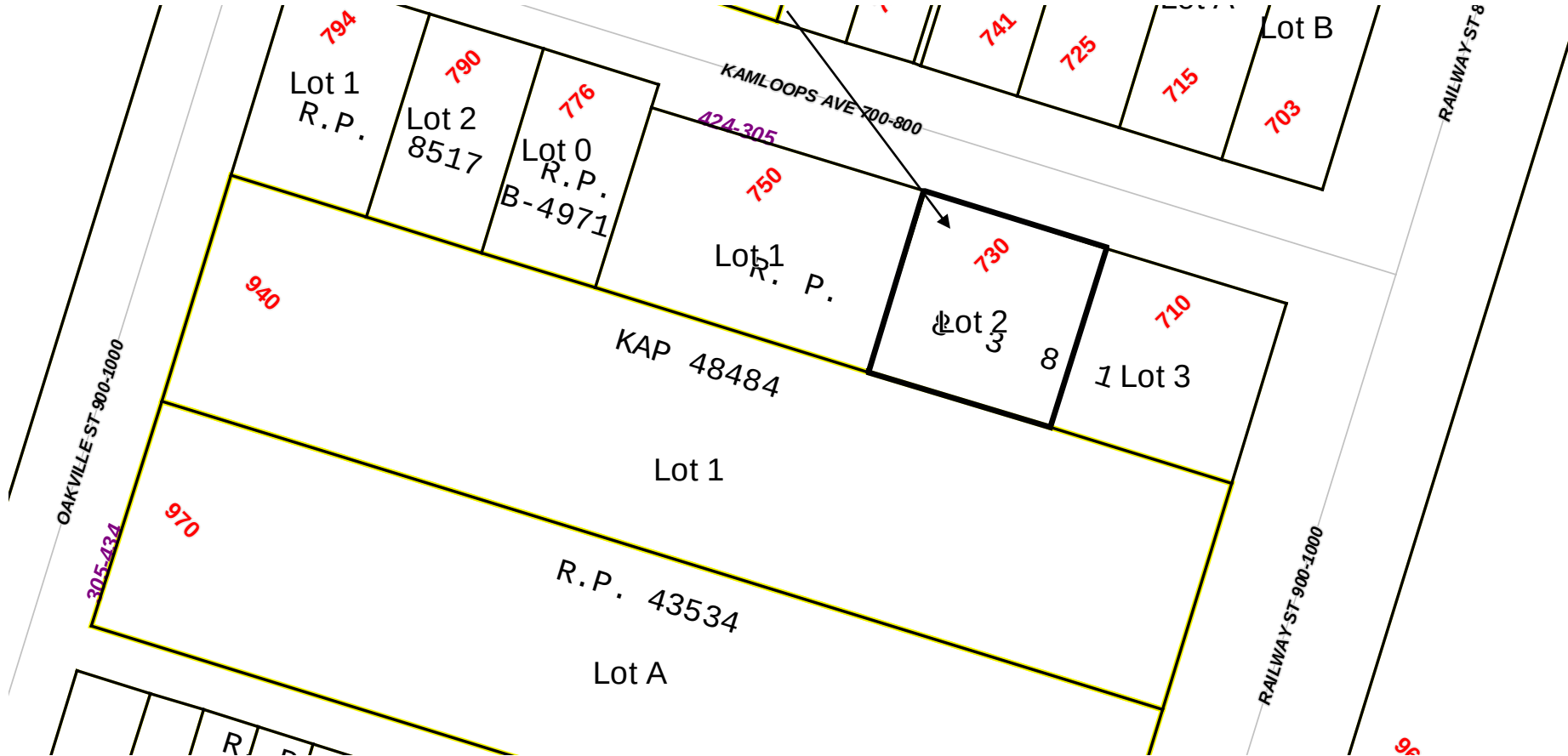
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 730 Kamloops Avenue From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-45

Date: _____

Corporate Officer: _____

Bylaw No. 2017-46

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. 2017-46."

2. **Amendment:**

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

- 2.1 Amend Section 2.1.2 The Downtown and Urban Villages to include "A five storey high density format would be an option in the Downtown Commercial (DC) designated area of 103, 111, 117 and 123 Front Street."

READ A FIRST time this	4	day of	July, 2017
A PUBLIC HEARING was held this	18	day of	July, 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 7 of July, 2017 and the 12 of July, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Development Variance Permit

Permit Number: DVP PL2017-7933

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: on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269

Civic: 103, 111, 117 and 123 Front Street,

PID: 012-441-929, 012-441-953, 012-441-970, 012-441-988, 012-441-953

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:

Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 18.97m

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: July 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 190, 196 Bassett Street

Subject: **Zoning Amendment Bylaw No. 2017-48**
Development Variance Permit PL2017- 7944
Development Permit PL2017-7945

File No: RZ PL2017-7943
DVP PL2017-7944
& DP PL2017-7945

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-48," a bylaw to rezone Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street, and to rezone Lot 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the August 1, Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-48," the following conditions are met:

1. a 0.9m road dedication along Westminster Ave West and 5.0m x 5.0m south west corner cut are registered with the Land Title Office.
2. the subject lots are consolidated and registered with the Land Title Office;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7944" for Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street, and Lot 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street, a permit to increase the maximum lot coverage from 40% to 49%, decrease the minimum exterior yard from 4.5m to 3.0m and to decrease the minimum rear yard from 6.0m to 0m, be heard at the August 1, 2017 public hearing.

AND THAT Council consider "DVP PL2017-7944" following the adoption of "Zoning Amendment Bylaw No. 2017-48".

Development Permit

THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2017-48,” approve “Development Permit PL2017-7945” for Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street, and Lot 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street, a permit that allows for the construction of a seven-unit townhouse development.

Strategic priority objective

N/A

Background

The subject properties (Attachment A) are zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan as MFMD (Multi Family Medium Density Residential). Photos of the sites are included as Attachment D. The subject properties are a combined 1,113m² (11,980ft²). The surrounding properties are primarily zoned R2 (Small Lot Residential), C2 (Neighbourhood Commercial), CT1 (Tourist Commercial) and RM2 (Low Density Multiple Housing). Surrounding properties are designated by the OCP as Multi Family and Tourist Commercial.

Proposal

The applicant is proposing to construct a seven-unit townhouse development. Since the proposed use is not permitted in the R2 (Small Lot Residential) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

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

- Section 10.8.2.3: To increase the maximum lot coverage from 40% to 49%.
- Section 10.8.2.8.i: To decrease the minimum exterior side yard from 4.5m to 3.0m.
- Section 10.8.2.9: To decrease the minimum rear yard from 6.0m to 0m.

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

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Through this process, it was determined that a 0.9m road widening along Westminster Avenue W will be obtained by the City to achieve the desired 20m width of Westminster Avenue along with a 5.0m x 5.0m corner cut in the south east portion of the property. As part of the building permit process, sidewalk with curb and gutter will be required along the frontage of Bassett Street. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The

developer has been advised that a transformer will be required on site. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement RM2 zone	Proposed
Maximum Lot Coverage:	40%	48.3% (variance required)
Maximum Density:	0.8 FAR	0.764 FAR
Minimum Lot Width:	19.5m	28.7m
Minimum Lot Area:	540m ²	1115m ²
Vehicle Parking:	1 space per dwelling unit + 0.25 per unit for visitors (9 total)	15 spaces
Required Setbacks		
Front yard (west, Bassett Street):	3.0m	4.5m
Rear Yard (east)	6.0m	0m (variance required)
Interior yard (north):	3.0m	3.0m
Exterior yard (south, Westminster Ave W):	4.5m	3.0m (variance required)
Maximum Building Height:	12.0m	11.9m
Amenity Area:	20m ² per unit (140m ² total)	150m ²
Other Information:	Subject property is located within the Downtown Multiple Family Development Permit Area, thus a development permit is required.	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2017-48"

The site is situated in an area experiencing some densification. The OCP designation for this site is MFMD (Multi Family Medium Density Residential), which supports a seven-unit townhouse development. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to downtown, schools and nearby services encourages more walking and active forms of transportation.

- The current proposal will convert two single family dwellings into seven units in a time with low vacancy rates.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The proposal has 15 parking spaces which is significantly higher than the 9 required by the bylaw. The development also provides an adequate landscape buffer from the property to the north. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-48" and forward the application to the August 1, 2017 public hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Support Variances

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

Section 10.8.2.3: To increase the maximum lot coverage from 40% to 49%.

- The proposed development will result in 48.3% lot coverage. Without the carports, the development covers 37% of the lot. The additional coverage will be at the rear of the property along the lane. The carport will have no walls. The proximity to the property line has been reviewed by the building department to address any spatial separation issues. The developer will be required to contain the storm water on-site and not allow it to drain into the lane. Although the proposed lot coverage is 9% higher than the bylaw allows, the carports will benefit future residents of the property with little impact on the surrounding neighbourhood.

Section 10.8.2.8.i: To decrease the minimum exterior side yard from 4.5m to 3.0m.

- The proposed building will be setback 3.0m from the street after the 0.9m road widening is obtained. Locating the building closer to Westminster Ave W than the minimum setback required creates private yard space in the middle of the development and enables the developer to provide a 3.0m landscape buffer area along the north property line. Council has approved similar variances in the past and staff feel that a 3.0m setback on Westminster Ave W is adequate especially considering that the current building sits closer to the street than what is being proposed. (Figure 7).

Section 10.8.2.9: To decrease the minimum rear yard from 6.0m to 0m.

- The proposed townhouses sit 6.0m from the east property line, but the variance request is to locate the carports 0m from the property line. The added carports will benefit the future owners with little impact on the neighbours to the east as it a roof structure with no walls. In the RM2 zone there is no provisions for accessory buildings, thus the applicant is required to vary the rear yard from 6.0m to 0m.

Supporting the variances listed above would help to maximize the living space of the townhouses while creating private outdoor space, landscape buffering and carports to protect vehicles. Staff consider that the variances requested will have little impact on the neighbourhood 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 due to the reduced setbacks and increase in lot coverage. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit

The subject properties are located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although these Development Permits can be staff-issued, they have been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods." The proposed development meets the intent of the bylaw as explained below:

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.
- The transformer, garbage and parking areas are screened through landscaping.
- The garages and carports provide sheltered parking spaces for residents.

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 deny first reading of "Zoning Amendment Bylaw No. 2017-48" and deny support for DVP PL2017-7944 & DP PL2017-7945.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-48" but deny support for DVP PL2017-7944 & DP PL2017-7945.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-48" and support DVP PL2017-7944 & DP PL2017-7945 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:	Landscape Plan
Attachment H:	Letter of Intent
Attachment I:	Development Variance Permit PL2017-7944
Attachment J:	Development Permit PL2017-7945
Attachment K:	Zoning Amendment Bylaw No. 2017-48

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>AH</i>	<i>PW</i>

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

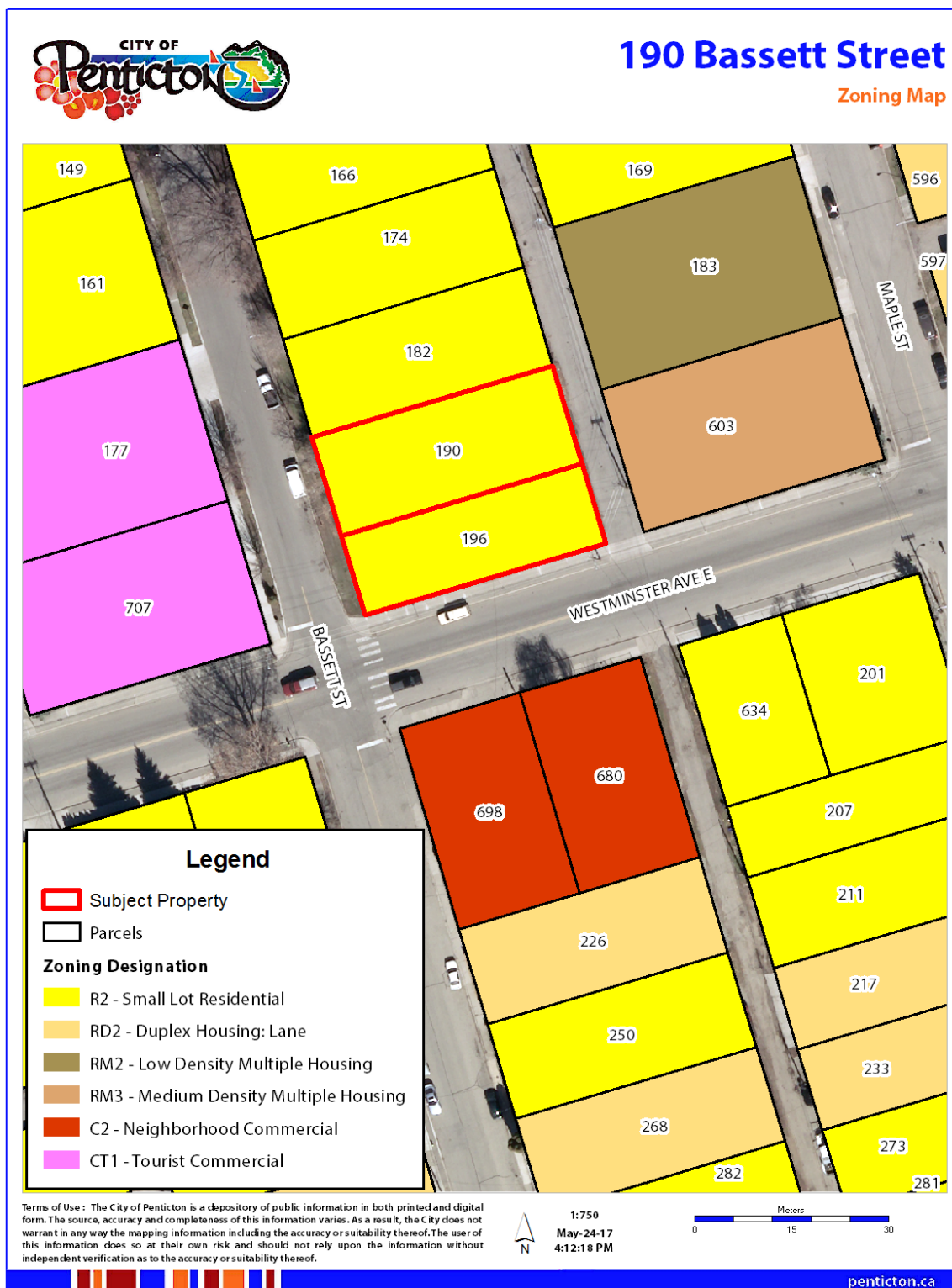


Figure 2: Zoning Map

Attachment C- OCP Map

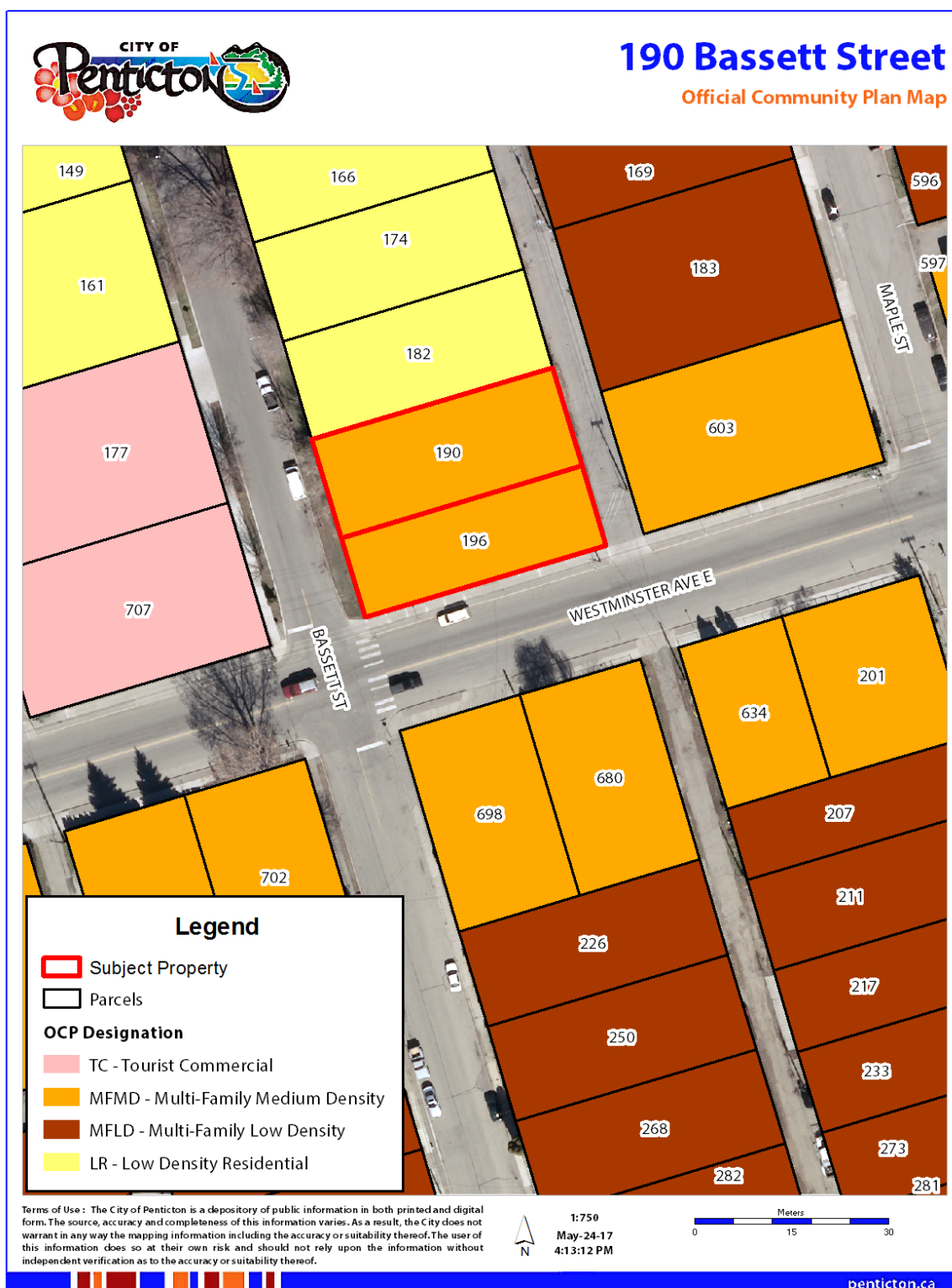


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View (from lane)



Figure 5: West View (from Bassett Street)



Figure 6: South View (from Westminster Ave West)

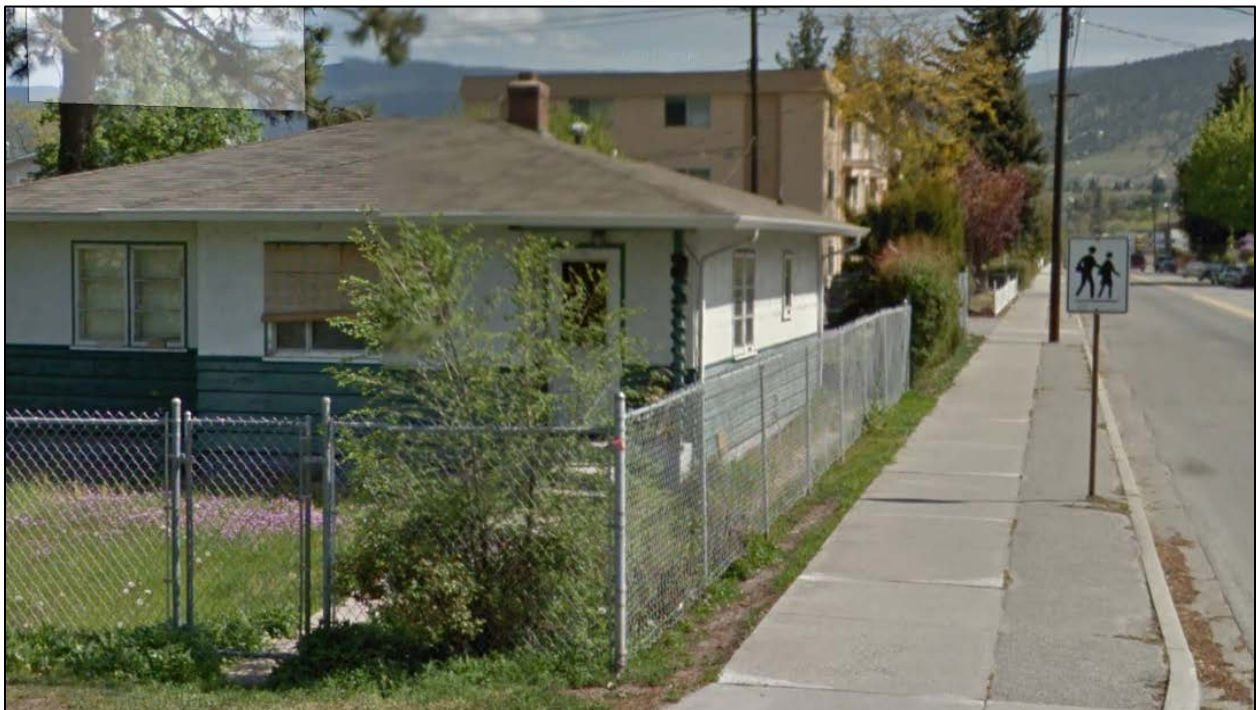


Figure 7: Proximity of Existing Dwelling to Westminster Ave W (looking East)

Attachment E - Site Plan

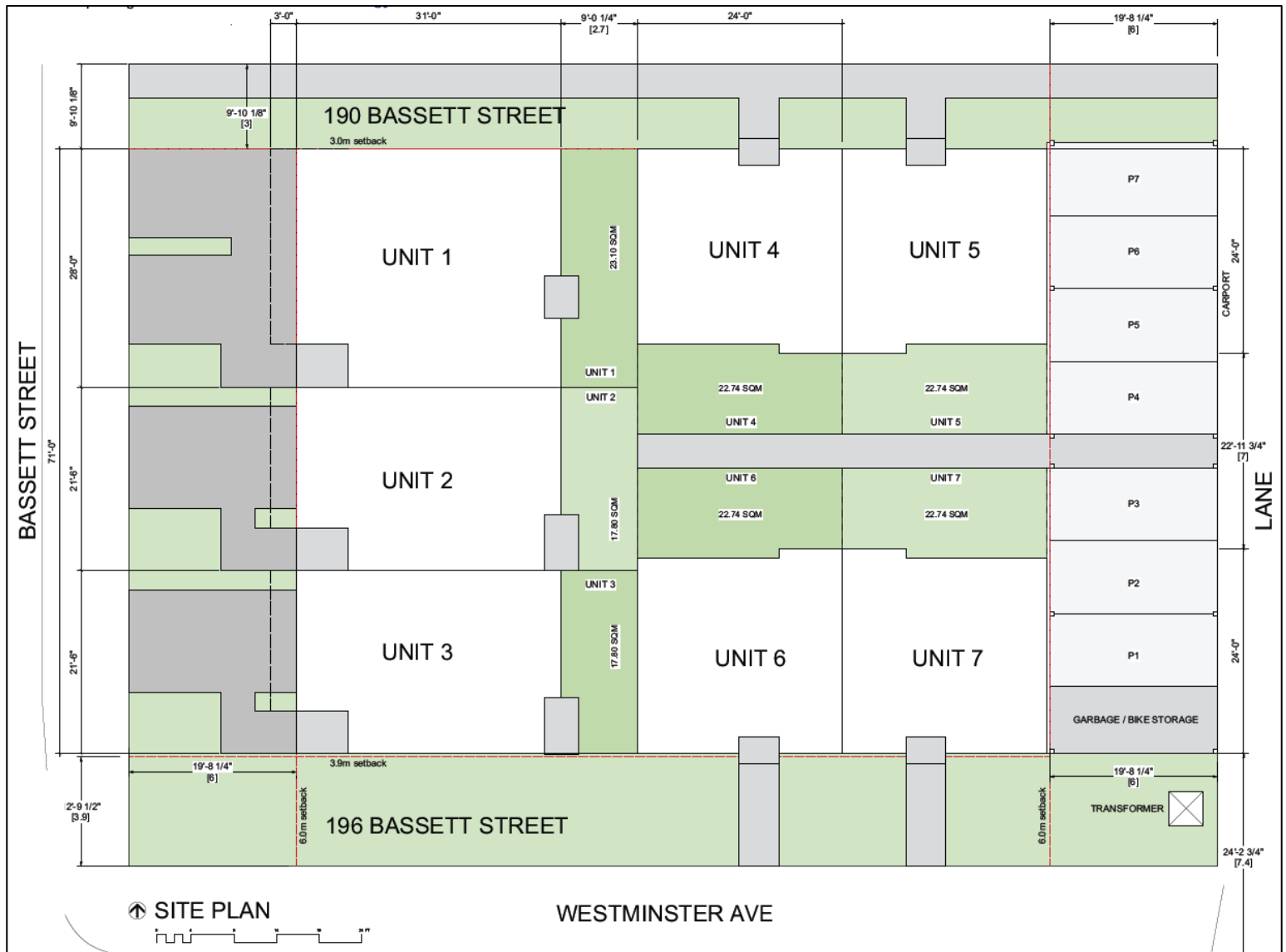


Figure 8: Site Plan

Attachment F – Elevations



Figure 9: South Elevation (from Westminster Ave W.)



Figure 10: West Elevation (from Bassett St.)



Figure 11: North Elevation



Figure 12: East Elevation (from Lane)

Attachment G – Landscape Plan

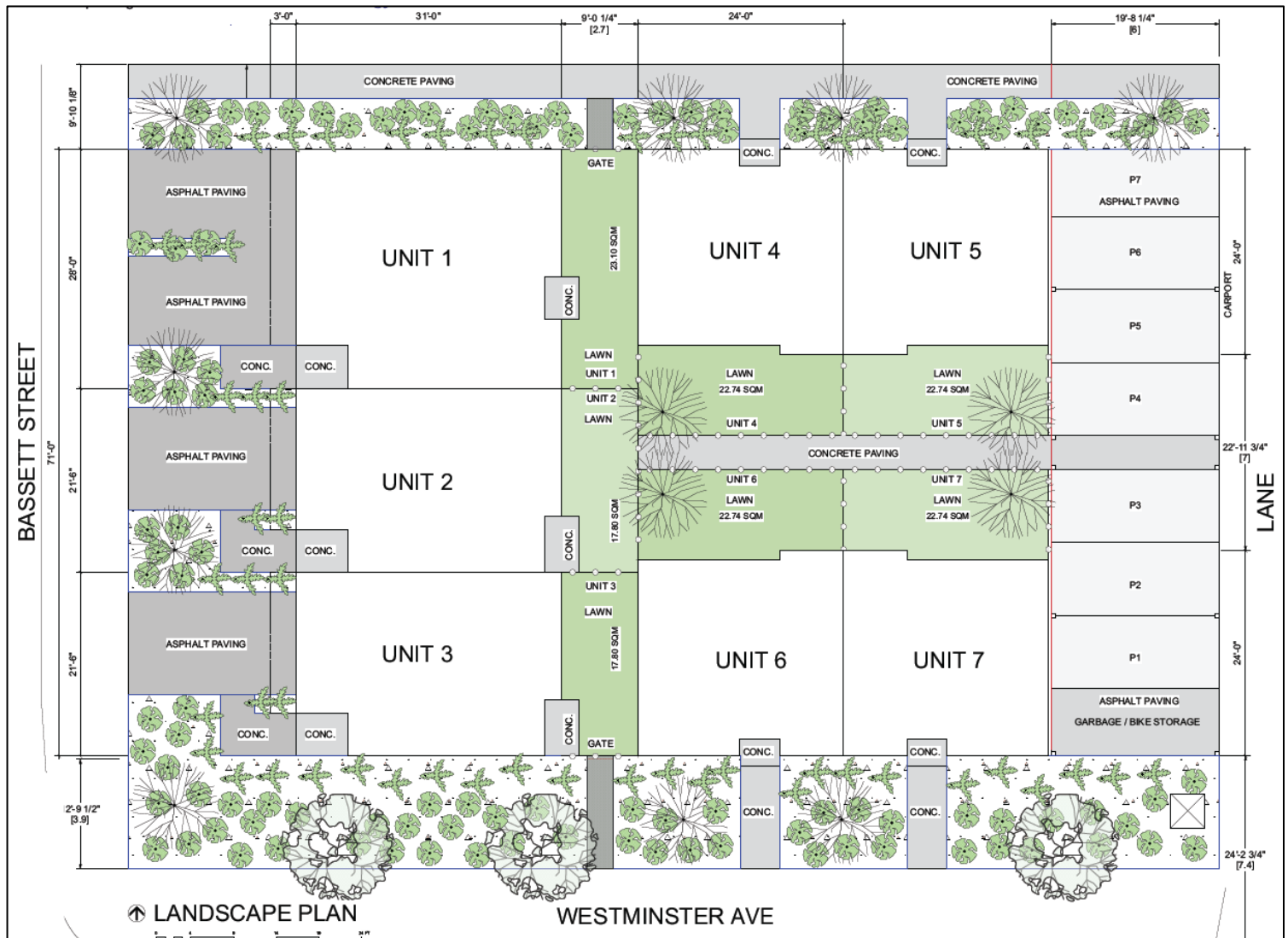


Figure 13: Landscape Plan

Attachment H- Letter of Intent



Figure 14: Letter of Intent

Attachment I - Development Variance Permit PL2017-7944



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

Development Variance Permit

Permit Number: DVP PL2017-7944

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 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467
Civic: 196 Bassett Street
PID: 010-843-973

Legal: Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467
Civic: 190 Bassett Street
PID: 001-733-443
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 seven-unit townhouse development as shown in the plans attached as Schedule A.
 - Section 10.8.2.3: To increase the maximum lot coverage from 40% to 49%.
 - Section 10.8.2.8.i: To decrease the minimum exterior side yard from 4.5m to 3.0m.
 - Section 10.8.2.9: To decrease the minimum rear yard from 6.0m to 0m.

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

Attachment J - Development Permit PL2017-7945



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

Development Permit

Permit Number: DP PL2017-7945

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 16 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467

Civic: 196 Bassett Street

PID: 010-843-973

Legal: Lot 15 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467

Civic: 190 Bassett Street

PID: 001-733-443

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a seven-unit townhouse development, 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 \$8500 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:

- a. correct an unsafe condition that has resulted from a contravention of this permit,
- b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
- c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

- a. the permit has lapsed as described under Condition 8, or
- b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

A Bylaw 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:

This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2017-48”.

2. **Amendment:**

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

Rezone Lot 15, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 190 Bassett Street and to Rezone Lot 16, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3467, located at 196 Bassett Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this _____ day of _____, 2017

A PUBLIC HEARING was held this day of , 2017

READ A SECOND time this _____ day of _____, 2017

READ A THIRD time this _____ day of _____, 2017

RECEIVED the approval of the day of , 2017

Ministry of Transportation on the
ADOPTED this _____ day of _____, 2017

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

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

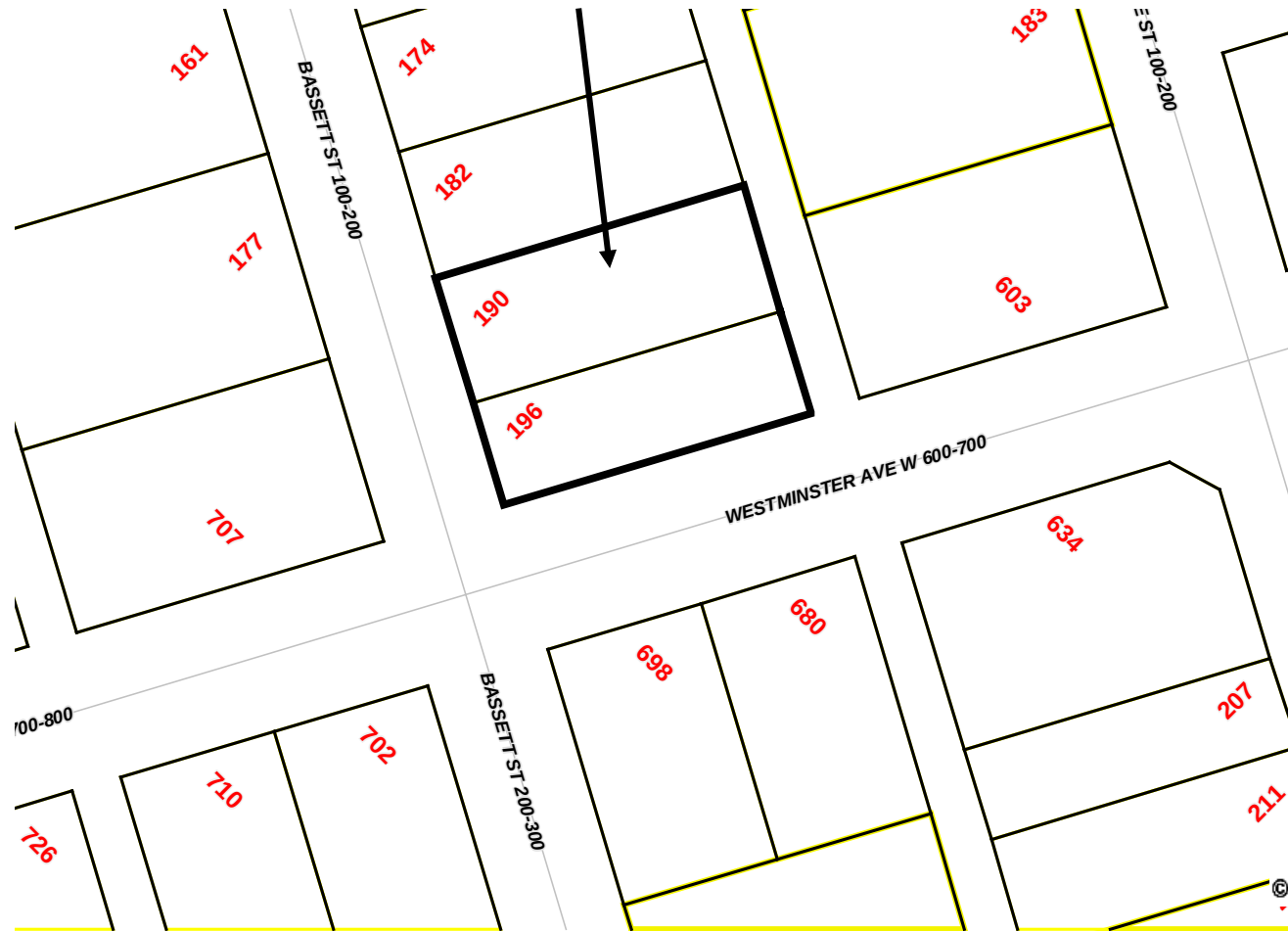
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 130 -

Rezone 190 and 196 Bassett Street From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-48

Date: _____

Corporate Officer: _____