

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

Tuesday, October 30, 2018
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**

2. **Introduction of Late Items**

3. **Adoption of Agenda**

4. **Adoption of Minutes:**

4.1	Minutes of the October 2, 2018 Committee of the Whole	1-2	Receive
4.2	Minutes of the October 2, 2018 Public Hearing	3-8	Receive
4.3	Minutes of the October 2, 2018 Regular Council Meeting	9-14	Adopt

5. **Consent Agenda**

15-17

5.1 Committee Minutes:

- Transportation Advisory Draft Minutes of October 17, 2018

5.2 Release of Items from Closed Meeting:

- THAT Council direct staff to execute the letter of intent for the land exchange at 275, 287, 289 Van Horne Street to facilitate the Penticton Creek restoration.

Staff Recommendation: THAT Council approve the Consent Agenda.

6. **Committee and Board Reports**

7. **Correspondence**

8. **Staff Reports:**

Ironstone	8.1	Union of British Columbia Municipalities Age-Friendly Communities Grant Proposal <i>Staff Recommendation: THAT Council support the grant application to UBCM 2019 Age-Friendly Communities Grant Program to implement the Penticton Social Activities and Fitness for Everyone program (S.A.F.E.).</i>	18-19
Siebert	8.2	Complimentary Christmas Parking Downtown <i>Staff Recommendation: THAT Council approve no charge for on-street parking in the downtown area on the five (5) Saturdays in December, 2018 which includes: December 1, 8, 15, 22, 29, 2018.</i>	20-22

Moroziuk 8.3 Land Swap Agreement – 287 Van Horne Street 23-45
Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the Land Exchange Agreement for land required as part of the Penticton Creek naturalization as contained in Attachment "A" to the report dated October 30, 2018.

9. **Bylaws and Permits:**

9.1	Zoning Amendment Bylaw No. 2017-70 Development Variance Permit PL2017-8048 Re: 1273 Government Street	46-49	Adopt Approve
9.2	Zoning Amendment Bylaw No. 2018-06 Development Variance Permit PL2017-8099 Development Permit PL2017-8100 Re: 240 Riverside Drive, 251 Wylie Street, 1140 Burnaby Avenue	50-55	Adopt Approve Approve
9.3	Zoning Amendment Bylaw No. 2018-46 Re: 125 Calgary Avenue	56-57	Adopt
9.4	Official Community Plan Amendment Bylaw No. 2018-60 Zoning Amendment Bylaw No. 2018-61 Development Cost Charges Amendment Bylaw No. 2018-62 Re: Bluffs at Skaha (boundary expansion)	58-228	Adopt Adopt Adopt
9.5	Zoning Amendment Bylaw No. 2018-65 Development Variance Permit PL2018-8211 Re: 290 Bassett Street	229-232	Adopt Approve
9.6	Zoning Amendment Bylaw No. 2018-69 Development Variance Permit PL2018-8356 Re: 1087 Dynes Avenue	233-236	Adopt Approve
9.7	Zoning Amendment Bylaw No. 2018-71 Re: Carriage House Regulations	237-238	Adopt
9.8	Bylaw Notice Enforcement Amendment Bylaw No. 2018-73 Municipal Ticketing Information Amendment Bylaw No. 2018-74 Re: Building Bylaw	239-240 241-242	Adopt Adopt
9.9	Officers and Delegation of Authority Bylaw No. 2018-75	243-248	Adopt

10. **Land Matters**

11. **Notice of Motion**

12. **Business Arising**

13. **Council Round Table**

14. **Public Question Period**

15. **Adjournment**

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

Tuesday, October 2, 2018
Recessed from the Regular Council Meeting at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:03 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on October 2, 2018 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Community Recognition**

3.1 Proclamation – World Mental Health Day

Mayor Jakubeit proclaimed October 10, 2018 as “World Mental Health Day” in the City of Penticton.

3.2 Official Community Plan Engagement and Process Update

Ben Johnson, Special Projects Manager and JoAnne Kleb, Engagement Strategist, provided Council with an update regarding the Official Community Plan engagement work to date and the feedback received.

3.3 Economic Development – Q3 Update

Jennifer Vincent, Economic Development, provided Council with the Q3 update and introduced local business owners: Larissa Russell, Henna Hut; Christina Roloff, Balance Vegetarian Shop and Teahouse; and Eric Corneau, Okanagan College.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held October 2, 2018 at 2:49 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, October 2, 2018
at 6:00 p.m.

- Present:** Mayor Jakubeit
Councillor Watt
Councillor Konanz
Councillor Martin
Councillor Sentes
Councillor Picton
- Absent:** Councillor Sayeed
- Staff:** Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
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 Bylaws No. 2018-69, No. 2018-70, No. 2018-71 and No. 2018-72. 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 development variance permits an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. "Zoning Amendment Bylaw No. 2018-69" (1087 Dynes Avenue)

The purpose of "Zoning Amendment Bylaw No. 2018-69" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 14, District Lot 3, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue from CT1 (Tourist Commercial) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct two duplexes.

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.

- No one spoke.

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.

- Daryl Richards, Paris Street, partner that owns 1087 Dynes Avenue. Their first development in Penticton, thanked City staff for the positive process, excited about project.

The public hearing for "Zoning Amendment Bylaw No. 2018-69" was terminated at 6:07 p.m. and no new information can be received on this matter.

3. "Zoning Amendment Bylaw No. 2018-70" (481 Wade Avenue East)

The purpose of "Zoning Amendment Bylaw No. 2018-70" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 16, District Lot 202 Similkameen Division Yale District Plan 933, located at 481 Wade Avenue East, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a four-unit townhouse development.

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.

- Tammy Scott, Wade Avenue East, new resident to Penticton, selling feature was single family development, view of mountain will be blocked by this development. Less lane for boulevard on Townley Street side will impact our parking situation. Our view is four garage spaces.
- Brendan Burgart, applicant, not making taller than has to be, driveways need to be off of

Townley Street and garage, six stalls on sight for four units. Don't anticipate our project adding to the parking issues in neighbourhood. We have paid attention to details, high quality project. Meets the requirements of OCP for density in that area of town.

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

- John Main, own property adjacent to Wade Avenue, concerned with parking. Intimidating building will block view, three story building, dramatic difference. Appreciate change, city is growing. Uncomfortable with the height but if that makes parking on street ok than fine with it.
- Tammy Scott, Wade Avenue, Townley Street has no back lane, completely different parking garage view, garage on Abbott Street faces laneway opposed to the project on Townley Street.

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

- Jim Rhymer, Wade Avenue, moved in a month ago, bought because thought it was a single family neighbourhood. Moved from high density to a place thought going to be quiet, spread out lawns, small houses and good neighbours. People who pay a bunch of money to live in a condo not neighbours we are going to like.
- Doug Maxwell, Norton Street, area duplex zone, has that been downgraded in proposed OCP?
- Brendan Burgart, there is another proposal for Wade Avenue, not over building for property.

The public hearing for "Zoning Amendment Bylaw No. 2018-70" was terminated at 6:22 p.m. and no new information can be received on this matter.

4. "Zoning Amendment Bylaw No. 2018-71" (Carriage House Regulations)

The purpose of "Zoning Amendment Bylaw No. 2018-71" is to amend Zoning Bylaw No. 2017-08 as follows:

Amend section 3.2 Definitions and add the following:

FLOOR AREA, CARRIAGE HOUSE (CHFA) means the total floor area in a carriage house, measured from the outside face of the exterior wall. CHFA does not include decks, balconies and covered patios or garages and other enclosed or open parking areas.

Amend section 8.2.3.2 by changing the words 'lot coverage' to 'lot area'.

Delete and replace section 8.2.3.3 with the following:

.3 Height: In FG, A and RC zones maximum height is 7.0m, In R1, R2, R3, RD1 and RD2 zones where a carriage house is accessed from a lane maximum height is 7.0m and two floors and where no lane exists maximum height is 5.0m and one floor.

Add section 8.2.3 Development Regulations

.9 Carriage House Floor Area (CHFA): Maximum CHFA in FG, A, RC zones is 150m², Maximum CHFA in R1, R2, R3, RD1 and RD2 zone is 135m².

Add section 8.2.3 Development Regulations

.10 Privacy: In the case of a carriage house having windows on a side yard within 1.5m of another property, all windows must be opaque.

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.

- No one spoke.

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

- Don Hector, Kendall Crescent, footprint and parking of carriage houses, square feet, large house, humongous building in back yard, parking per carriage house one stall plus one extra stall, regulation not clearly defined, what people planning on doing with them? Commercial operation with a carriage house?

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

- Peter Dewdney, Kendall Crescent, concerned with height, over shadowing and sight lines into peoples bedrooms, setback so don't get monstrous building next to house.
- Gary Denton, Kendall Crescent, believe carriage houses have a place in the city, need to densify, densifying into residential areas where it doesn't have same need and priority. Changes are in response of oversized carriage house. Originally called lane homes, now in front yards. No restrictions on owner occupancy, you can build a carriage house and not live in either. Commercial enterprises should not be in residential areas. No restrictions on minimum rental periods. Shouldn't have two dwellings on a residential lot. 1000 or 1100 square feet is adequate size.
- Ian Hyslop, Kendall Crescent, Carriage houses are not affordable housing, see it as a commercial business, used as vacation rentals. Live in single family residential, that's what I want, assurance used as single family, need careful rethink.
- Doug Watsik, Kendall Crescent, air b n b in Penticton, how do you monitor if it stays as one or two bedrooms? vacation rental require licence.
- Lynn Kelsey, Oakville Street, expectations, if not clear how can they be met?

The public hearing for "Zoning Amendment Bylaw No. 2018-71" was terminated at 6:51 p.m. and no new information can be received on this matter.

5. "Zoning Amendment Bylaw No. 2018-72" (Kendall Crescent/Ridgedale Avenue)

The purpose of "Zoning Amendment Bylaw No. 2018-72" is to amend Zoning Bylaw No. 2017-08 as follows:

Add to 10.1.3 Site Specific Provisions:

.8 "In the case of all properties addressed from Kendall Crescent and 1299, 1309, 1331, 1337, 1343, 1353, 1365 and 1375 Ridgedale Avenue, as identified on Schedule 'A' of Zoning Amendment Bylaw No. 2018-72, carriage houses are not a permitted use".

The Corporate Officer advised that four letters have been received since the printing of the agenda and distributed to Council.

Councillor Sentes declared a conflict of interest and left the meeting at 6:54 p.m.

DELEGATIONS

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

- Ian Hyslop, Kendall Crescent, vacation rentals are a commercial venture, contrary to spirit of carriage houses as single family house. We have a unique neighbourhood, large lots, large trees, like to preserve that. Have changed the boundaries of our petition. Have to take the neighbourhood into consideration.
- Norman Filipenko, Ridgedale Avenue, originally signed petition, surprised carriage house was happening, feel that if my property is included in no carriage house area will have negative impact on saleability and value of property. Walk out on Ridgedale Ave and my neighbour will be allowed a carriage house and I will not. At a disadvantage, five other properties in a row that felt the same as I. Signed petition to put a halt to that carriage house.
- Gary Denton, Kendall Crescent, true that meetings focus was to petition to stop construction of 3000 square foot carriage house. Understand that when saw carriage house going ahead we can't prevent it and that is the point of now. Our petition was amended to exclude and compromise, removing some from petition. 21 in boundary, 18 signed.

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

- Nathan McDermott, legal counsel speaking on behalf of Betty Jean Walls, received approval to build carriage house on property. Lots are large and well suited for carriage houses, not out of character to that neighbourhood to have higher density. Bylaw includes mandatory parking stalls. Take issue with setting boundaries and now changing due to popular vote in the neighbourhood. At risk if carriage house is damaged more than 75%, can't build back if zoning changes. Insurance costs will increase significantly. This amendment clearly does not have the full support of the neighbourhood, maintain the current bylaw.

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

- Mike Wiltse, Ridgedale Avenue, opposed to zoning amendment, no plans for a carriage house but want right to have a carriage house like other R1 residents. They can change their zoning not mine.
- Peter Dewdney, Kendall Crescent, support the amendment, sympathized with those who changed their minds after signing petition, clear what we were doing, if want to solve low cost housing use neighbourhoods better suited. Harm is permanent, degradation of our neighbourhood.
- Ian Hyslop, Kendall Crescent, revised plan of neighbourhood submitted, look at group of properties, near majority of all owners asking for this.
- Peter Dewdney, Kendall Crescent, submitted point by point rebuttal to correspondence.
- Gary Denton, Kendall Crescent, lawyer made aspersions, nimby, resent that because many have put in hours that affect the entire city, natural separation between zones. Why would you not approve this will of the people?

The public hearing for "Zoning Amendment Bylaw No. 2018-72" was terminated at 7:29 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, October 2, 2018
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Konanz
Councillor Sentes
Councillor Watt
Councillor Martin
Councillor Picton
Councillor Sayeed (left the meeting at 3:18 p.m.)

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

427/2018

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on October 2, 2018 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:49 p.m.

6. Adoption of Minutes:

6.1 Minutes of the September 18, 2018 Committee of the Whole

428/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the September 18, 2018 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the September 18, 2018 Public Hearing

429/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the September 18, 2018 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the September 18, 2018 Regular Meeting of Council

430/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the September 18, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda

431/2018

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports:

8.1 Penticton Creek & Ellis Creek Restoration Committee Minutes of September 18, 2018

432/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Penticton Creek and Ellis Creek Restoration Committee meeting of September 18, 2018.

CARRIED UNANIMOUSLY

433/2018

It was MOVED and SECONDED

THAT Council approve the amended Terms of Reference for the Penticton Creek and Ellis Creek Restoration Committee to include an Ellis Creek component and to correct the organizational title for Paul Askey from the Department of Fisheries to Fresh Water Fisheries Society of BC and to allow alternate representatives; AND THAT staff take steps to fill the vacant positions.

CARRIED UNANIMOUSLY

434/2018

It was MOVED and SECONDED

THAT Council give approval to the committee to work with staff from the Engineering and Finance Departments to develop a strategy to accept, promote and receive donations from the public for the Penticton Creek project work.

CARRIED UNANIMOUSLY

8.2 Arts, Creative and Cultural Innovations Committee Minutes of September 21, 2018

435/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Committee meeting of September 21, 2018.

CARRIED UNANIMOUSLY

436/2018

It was MOVED and SECONDED

THAT Council refer the recommendation from the Arts, Creative and Cultural Innovations Committee for funding of \$150,000 in 2019 to support the creation of a 10-year strategic plan for Arts & Culture in the City of Penticton; AND THAT \$100,000 of the budget fund a one (1) year Arts Officer contract; AND THAT \$50,000 of the budget fund the development of the strategic plan to 2019 budget cycle.

CARRIED UNANIMOUSLY

9. Correspondence

10. Staff Reports:

10.1 Bylaw Amendments and Policy related to enforcing Building Bylaw

437/2018

It was MOVED and SECONDED

THAT Council give first, second, and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2018-73";
THAT Council give first, second, and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2018-74";
AND THAT Council approve "Building Compliance Policy", a policy that outlines a fair and consistent approach to obtain compliance with the Building Bylaw.

CARRIED UNANIMOUSLY

10.2 General Election Day – Free Transit

438/2018

It was MOVED and SECONDED

THAT Council approve free transit for general election day for City elections.

CARRIED UNANIMOUSLY

10.3 Officers and Delegation of Authority Bylaw No. 2018-75

439/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Officers and Delegation of Authority Bylaw No. 2018-75".

CARRIED UNANIMOUSLY

10.4 Local Area Service (Burnaby Avenue, Wylie Street and Riverside Drive) Bylaw No. 2018-41

440/2018

It was MOVED and SECONDED

THAT Council close and abandon "Local Area Service (Burnaby Avenue, Wylie Street and Riverside Drive) Bylaw No. 2018-41", a bylaw to impose a local area service tax to offset the cost of street improvements on Burnaby Avenue, Wylie Street and Riverside Drive.

CARRIED UNANIMOUSLY

11. Public Question Period and Recess Meeting

The Regular Council Meeting recessed at 3:18 p.m.

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

Council reconvened the Regular Council Meeting at 7:30 p.m.

13. Bylaws and Permits:

13.1 Building Bylaw No. 2018-01

441/2018

It was MOVED and SECONDED

THAT Council adopt "Building Bylaw No. 2018-01".

CARRIED UNANIMOUSLY

13.2 Permissive Tax Exemption Amendment Bylaw No. 2018-63

442/2018

It was MOVED and SECONDED

THAT Council adopt "Permissive Tax Exemption Amendment Bylaw No. 2018-63".

CARRIED UNANIMOUSLY

13.3 Zoning Amendment Bylaw No. 2018-69

Re: 1087 Dynes Avenue

443/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-69".

CARRIED UNANIMOUSLY

13.4 Zoning Amendment Bylaw No. 2018-70

Development Variance Permit PL2018-8359

Re: 481 Wade Avenue East

444/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-70";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-70";
AND THAT Council approve "Development Variance Permit PL2018-8359" for 481 Wade Avenue East.

CARRIED UNANIMOUSLY

13.5 Zoning Amendment Bylaw No. 2018-71

Re: Carriage House Regulations

445/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-71";
AND THAT the carriage house regulations receive further evaluation through the Official Community Plan process.

CARRIED UNANIMOUSLY

Councillor Sentes declared a conflict of interest and left the meeting at 7:45 p.m.

13.6 Zoning Amendment Bylaw No. 2018-72

Re: Prohibit carriage houses – Kendall/Ridgedale

446/2018

It was MOVED and SECONDED

THAT Council deny the request to prohibit carriage houses on Kendall Crescent/Ridgedale Avenue; AND THAT Council close and abandon "Zoning Amendment Bylaw No. 2018-72".

CARRIED

Mayor Jakubeit, Opposed

Councillor Sentes returned to the meeting at 7:55 p.m.

14. Land Matters:

14.1 Liquor Primary Licence (for Dual Licence) – Brexit Pub (MLUK Foods Ltd.)
Re: 67 Nanaimo Avenue East

Delegations/Submissions:

- Charles Cornell, agent for Brexit Pub, requesting 3am close.
- Martyn Lewis, owner, spoke to business practice and staggered closing times.
- Chelsea Terry, spoke in support of application.
- Charles Cornell, spoke to support from Chamber of Commerce.
- David Distell, live in area, spoke in support of 3 am.
- Lucy Anderson, new resident to town, nightlife limited, spoke in support of application.

447/2018

It was MOVED and SECONDED

THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) that it supports the Dual License application, to add a Liquor Primary License to the existing Food Primary Licence for Brexit Pub (MLUK Foods Ltd.), located at 67 Nanaimo Avenue East, with hours of Liquor Primary service from 3:00 p.m. to 3:00 a.m, Sunday to Saturday.

CARRIED UNANIMOUSLY

14.2 Development Variance Permit PL2018-8283
Re: 163 Townley Street

Delegations/Submissions:

- Nil

448/2018

It was MOVED and SECONDED

THAT Council approve “Development Variance Permit PL2018-8283” for Lot 4, District Lot 202, Similkameen Division Yale District, Plan 6907, located at 163 Townley Street, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.7m; AND THAT staff be directed to issue “Development Variance Permit PL2018-8283.”

CARRIED UNANIMOUSLY

15. Notice of Motion

16. Business Arising

17. Council Round Table

18. Public Question Period

19. Adjournment

449/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, October 2, 2018 at 8:25 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Transportation Advisory Committee Meeting

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

Wednesday October 17, 2018
at 3:00 p.m.

Present: Tracy Van Raes, Chair
Daryl Clarke, Penticton Industrial Development Association Representative
Brigid Kemp, Member at Large
Kona Lynn Sankey, Member at Large
Matt Berry, Penticton Transit Representative

Staff: Tyler Figgitt, Design Supervisor
Jo Benson, Committee Clerk

1. **Call to Order**

The Transportation Advisory Committee was called to order by the Chair at 3:04 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adopt the agenda for the meeting held on October 17, 2018.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adopt the minutes of the September 19, 2018 meeting.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Sidewalk rating criteria

Committee members reviewed the rating criteria as presented by the Design Supervisor. The Design Supervisor will use this template to determine sidewalk priorities and installations within the City. A policy will be drafted by the Design Supervisor and will be presented to the committee at a later date.

4.2 Carmi School signage

The Committee suggests that the city improve the signage along Carmi Avenue, in particular, out front of the Carmi Elementary School from: No Stopping Pick Up Drop Off 15 min Parking to: Loading Zone Active Pick up and Drop Off Only 8 – 5, M to F During School hours or When School in Session. The change will provide better Bylaw Enforcement via clearer verbiage. The Design Supervisor will implement the changes discussed and will advise the school and bus company accordingly.

4.3 Update All Way Stop at Dartmouth and Okanagan Avenue

Letters went out 3 weeks ago advising local businesses of the change in traffic pattern. Reader boards to go up for a week giving notice to drivers of the change to all-way stop with smaller signs for 2 weeks. October 26, 2018 permanent change in effect. Stop bars will be moved back slightly.

5. **New Business**

5.1 Traffic signage Seniors Centre at Wade and Winnipeg

Member at large presented pics of “Seniors Centre Drive with Care” signs, that are posted in the Wade and Winnipeg area, despite there being a seniors centre in the area and asked if it was in the interest of the TAC to send a letter to BC Housing to remove the signs. The Design Supervisor suggested that the signs be reviewed by staff to see if they conform with standard city signage and to determine if any change is required. Pros and cons of the signage discussed with most agreeing that having them there does not pose any problems but rather encourages traffic to be cautious.

5.2 Slow traffic signs at Green Avenue and South Main and near Seniors Centre

The Committee requests that the City be encouraged to install or move the signage similar to the two posted near Wade and Winnipeg along South Main Street near the Seniors Drop-in Centre as nothing currently exists.

6. **Council Outcomes**

Minutes of the last meeting received by Council

7. **Next Meeting**

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

7. **Adjournment**

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adjourn the meeting held on Wednesday, October 17, 2018 at 3:43 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Jo Benson
Committee Clerk

Council Report

penticton.ca

Date: October 30, 2018 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Shaun Ironstone, Recreation Coordinator-Adults & Volunteers
Subject: **Union of British Columbia Municipalities Age-Friendly Communities Grant Proposal**

Staff Recommendation

THAT Council support the grant application to the UBCM 2019 Age-Friendly Communities Grant Program to implement the Penticton Social Activities and Fitness for Everyone program. (S.A.F.E)

Strategic priority objective

Strategic Pillars: Social Development, Community Building.

Strategy: The removal of physical and social barriers which impede the full participation of all citizens, and the investment of services and infrastructure which are fundamental to quality of life.

Background

The Age-friendly Communities grant program is intended to assist local governments in BC to best support aging populations, develop and implement policies and plans, or undertake projects that enable seniors to age in place and facilitate the creation of age-friendly communities. The Ministry of Health has committed an additional \$500,000 in funding to the program and grants are now available for 2019 community planning initiatives or community projects.

The Recreation Department has reviewed the previous work completed on Penticton's Aging Actively Strategic Plan which defined the recreational needs and wants of the older adults with a goal of increasing participation, thus engaging individuals mentally, socially, spiritually and physically. Many barriers to participation were listed in the Aging Actively Strategic Plan including costs associated with programs, feeling intimidated by fitness equipment, fear of falling or injury, and a general lack of confidence. The Recreation Department submitted a council report last year for the 2018 Age-Friendly Communities Grant and received a certified resolution from council supporting the initiative. The department was awarded the grant and that subsidy was used to create the Penticton Fit Start program, which was a free fitness program for 55-69 year olds within the community.

The Recreation Department is applying for the same \$15,000 in grant funding to create and implement a free social inclusion and exercise program for 55-69 year olds with cognitive, intellectual and developmental disabilities. The Penticton S.A.F.E program will include an array of targeted fitness, aquatic, dance, music, self-management, sport and arts and crafts programs designed to provide equal opportunities for these

individual to connect to services and supports, and to become more involved in their community. Through partnerships with the South Okanagan Brain Injury Society, the Penticton Seniors' Drop-In Centre, OneSky Community Resources, The Canadian Mental Health Association and the Penticton and District Society for Community Living, the Recreation Department will be able to target and reach out to vulnerable populations and engage them in meaningful and fulfilling recreation based activities that will ensure a higher quality of life and societal involvement.

The funds will be allocated to the purchase of several different pieces of adapted exercise equipment which will be available to all patrons, as well as going towards services rendered by independent recreation contractors, providing healthy snacks during the program, transportation, marketing and education sessions.

Financial implication

The grant application requests the maximum amount for stream 2 funding of \$15,000. No matching funds are required. Contribution of in-kind support is approximately \$1,600 for Recreation administration time and communications.

Analysis

Council's support to the grant application fulfills the grant requirement of a Council resolution. This will allow the Recreation Department to submit the application and potentially receive funding to purchase accessible pieces of adapted exercise equipment and to offer a new and innovative social inclusion and exercise program for adults 55-69 years with intellectual and developmental disabilities.

Respectfully submitted,

Shaun Ironstone
Recreation Coordinator - Adults & Volunteers

Approvals

Director	Chief Administrative Officer
BK	PW

Council Report

penticton.ca

Date: October 30, 2018
To: Peter Weeber, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor
Subject: Complimentary Christmas Parking Downtown

Staff Recommendation

THAT Council approve no charge for on-street parking in the downtown area on the five (5) Saturdays in December, 2018 which includes: December 1, 8, 15, 22, 29, 2018.

Strategic priority objective

The City of Penticton recognizes that small businesses play a vital role in Penticton's local economy by providing jobs and preserving the Downtown neighborhood. The City of Penticton and the Downtown Penticton Association strive to promote shopping local by supporting small business and encourage citizens to shop downtown. Further, by providing free on-street parking on Saturdays for the month of December, visitors and residents would showcase the 200 block Main Street revitalization efforts.

Background

For the past several years, the City has approved no charge on-street Saturday parking during the month of December in the Downtown area. This has been done as a Christmas promotion, at the request of the Downtown Penticton Association. Both Kelowna and Vernon support the requests each year from their respective Downtown Associations.

The Downtown Penticton Association has requested the City's approval for no charge parking again this year. (Attachment A).

Please note this will only apply to on-street metered parking stalls in Downtown Penticton. City parking lots and private parking lot rules remain in effect. The on street pay parking system will resume on Tuesday, January 1, 2019.

Financial implication

The total impact on downtown parking revenue for the dates indicated in December 2018 is approximately \$5,000.

2018 revenue for paid parking is trending lower than what has been budgeted, given the Bylaw Services team reprioritization to deal with other issues in the community. While the revenue lost from the proposed

Christmas season program is considered minimal, staff is bringing this to Council's attention for consideration of this financial request.

Analysis

The request submitted by the Downtown Penticton Association will assist in supporting the downtown business community, which contribute significantly to the vibrancy and vitality of our community. With the additional activities taking place downtown during the Christmas season, the addition of free parking on Saturdays will provide an additional incentive for customers to visit downtown and shop at one of our many local businesses.

Should Council support this request, staff will work with the Downtown Penticton Association in communicating the free parking on the Christmas season Saturdays including: December 1, 8, 15, 22, and 29, 2018.

Attachments



Attachment A – Letter of Request from Downtown Penticton Association

Respectfully submitted,

Tina Siebert

Bylaw Services Supervisor

Concurrence

Director 	Chief Financial Officer 	Chief Administrative Officer PW
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Attachment A- Letter of Request from Downtown Penticton Association



Monday October 15, 2018

City of Penticton
171 Main Street
Penticton BC V2A 5A9

Attention: Anthony Haddad, Director of Development Services

RE: Free Parking on Saturday's throughout December 2018

The Downtown Penticton Association would like to request free parking on streets and city parking lots on Saturday's only throughout the month of December. Dates we are requesting are Dec 1, 8, 15, 22 and 29th.

We recognize this ask will have impact on parking revenue earned and appreciate your consideration as having free parking will inspire people to shop, dine and enjoy the downtown core when preparing for the holiday season.

This parking request was approved last year and it was definitely a big part of a successful holiday 2017 shopping season!

When we have received your approval we will embark on a social media, print media and radio campaign to get the word out on city parking lot locations and the dates free parking is available.

Thank you very much for your consideration of our request.

Kindly,

Lynn Allin
Executive Director
Downtown Penticton Association



Date: October 30, 2018
To: Peter Weeber, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure
Subject: Land Swap Agreement - 287 Van Horne Street

File No: Address 287 Van Horne Street

Staff Recommendation

THAT Council authorize the Mayor and Corporate Officer to execute the Land Exchange Agreement for land required as part of the Penticton Creek naturalization as contained in Attachment "A" to the report dated October 30, 2018.

Strategic priority objective

Community Building – Invest in the attractiveness, streetscape and beautification of the community.

Environmental Sustainability- Ensure the sustainability of the environment and the ecosystems within our community.

Background

As part of the reconstruction and naturalization of Penticton Creek, Reach 3A Lower as illustrated in Figure 1, it was necessary to swap land with the owner of 287 and 295 Van Horne Street. The City agreed to a Letter of Intent to exchange land with the owners of 287 and 295 Van Horne Street. Subsequent to entering into the Letter of Intent, the City has prepared a Land Exchange Agreement that has been executed by the owner of 287 and 295 Van Horne Street.

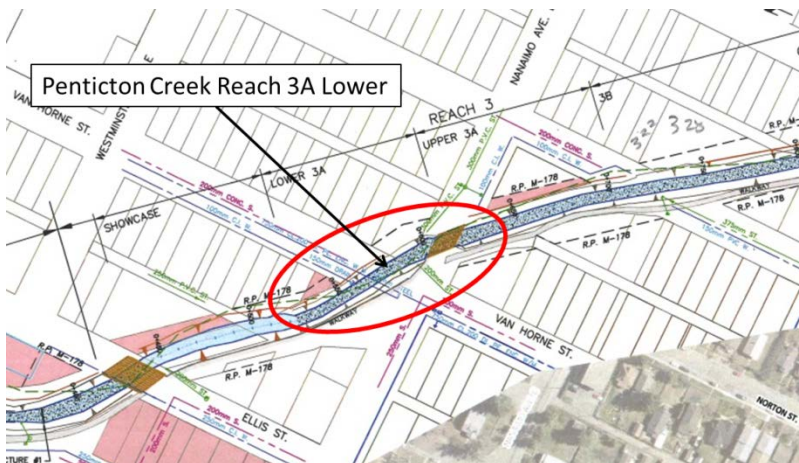


Figure 1

The Agreement will see the City swapping 93.3 square meters of land as outlined in red for 85.4 square meters of land as outlined in green all as shown on Figure 2. In addition the owner of Lot 287 and 295 Van Horne Street will also be providing the City with an Easement to protect the berm and vegetation at the rear of the lots, blue cross hatched area in Figure 2.

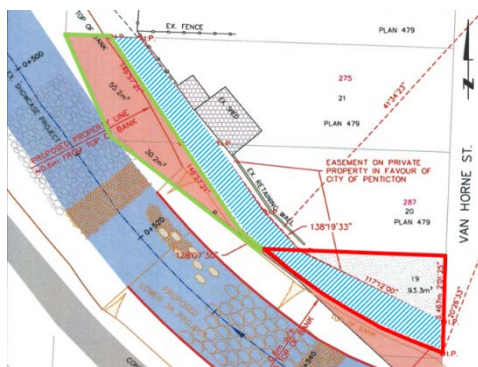


Figure 2

Financial implication

The City has incurred or will incur the following costs: Legal costs to prepare the agreement; Survey costs to create the easement plan; Tree removal and planting costs. These costs are estimated at \$7,000 and will be funded from the Penticton Creek Reach 3A Lower Naturalization account.

Analysis

The agreement was prepared by Gilchrist and Company and has been executed by the owner of lots 287 and 295 Van Horne Street. The Agreement is now ready for the consideration of Council.


Attachments

Attachment "A" – Land Swap Agreement

Respectfully submitted,

Mitch Moroziuk, P.Eng. MBA
 General Manager of Infrastructure

Approvals

CFO 	Chief Administrative Officer PW
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LAND EXCHANGE AGREEMENT

THIS AGREEMENT is dated for reference the 16th day of October, 2018.

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON

171 Main Street, Penticton, BC,
V2A 5A9

(herein called the "**City**")

OF THE FIRST PART

AND:

MARGARETA ELIZABETH SCHROEDER,

287 Van Horne Street, Penticton, BC,
V2A 4K3

(herein called the "**Margareta**")

OF THE SECOND PART

WHEREAS:

A. The City is the registered owner in fee simple of those parcels of land legally described as:

PID 011-891-718

Lot 18, BI 25, DL 202, SDYD, Plan 479 Except Plan B1057 and

PID 011-891-726

Lot 19, BI 25, DL 202, SDYD, Plan 479 Except Plan B1057

(collectively, the "**Lands**" and individually, "**Lot 18**" and "**Lot 19**", respectively);

B. Margareta is the registered owner in fee simple of those parcels of land legally described as:

PID 007-479-476

Lot 20, BI 25, DL 202, SDYD, Plan 479 Except those parts coloured red on Plan B1057; and

PID 007-479-492

Lot 21, BI 25, DL 202, SDYD, Plan 479 Except those parts coloured red on Plan B1057;

(collectively, "**Margareta's Lands**" and individually, "**Lot 20**" and "**Lot 21**", respectively);

- C. The City has agreed to transfer and consolidate that portion of Lot 18 and Lot 19 outlined in red as shown on the sketch plan attached hereto as Schedule "A" (the "**Sketch Plan**") comprising approximately 93.3 square meters more or less (the "**Transfer Lands**"); and
- D. Margareta has agreed to transfer by way of road dedication a portion of Lot 20 and Lot 21 comprising approximately 85.4 square meters, more or less and shown outlined in green as shown on the Sketch Plan (the "**Dedicated Lands**"),

IN CONSIDERATION of the mutual promises contained in this Agreement (the receipt and sufficiency of which are hereby acknowledged by the parties), the City and Margareta covenant and agree as follows:

Transfer of Transfer Lands, Dedication of the Dedicated Lands, Grant of Easement and Additional Consideration

1. By way of road dedication, Margareta will transfer, by way of road dedication, the Dedicated Lands to the City.
2. By way of transfer and consolidation with Lot 20, the City will transfer the Transfer Lands to Margareta.
3. As additional consideration to the City for transferring the Transfer Lands to Margareta, Margareta will grant to the City a specific easement in the form attached hereto as Schedule "B" for a berm to be constructed on the area cross-hatched in blue as shown on the Sketch Plan (the "**Easement**").
4. As additional consideration for Margareta transferring the Dedicated Lands to the City, the City will install a black coated chain link fence around the perimeter of Lot 21 and consolidated Lot 20, complete with sliding gate across

the existing driveway. The City will undertake to re-seed the Transfer Lands. In addition, the City will remove the fruit tree located behind the shed as shown on the Sketch Plan, as soon as reasonably possible.

5. Neither party will pay any purchase price to the other in connection with the transfer of the Dedicated Lands and the transfer of the Transfer Lands (collectively, the “**Transfers**”)

Completion Date

6. The Transfers will occur concurrently on January 31, 2019 (the “**Completion Date**”. Provided however, the City may elect, on or before January 31, 2019 to extend the Completion Date to February 28, 2019 in the event the necessary documentation to facilitate the Transfers in the Kamloops Land Title Office have not been completed.

Preparation and Registration of the Road Dedication and Consolidation Plan, and the Easement

7. The City will be responsible for all costs relating to the Transfers, including, but not limited to, the following:

- (a) Survey costs;
- (b) Reasonable legal costs of Margareta;
- (c) Property Transfer Tax;
- (d) GST;
- (e) Appraisal fees; and
- (f) bank charges (except any requirement for a payment of interest or capital) with respect to obtaining a partial mortgage discharge, as may be required as provided herein.

Conditions Precedent

8. Margareta’s obligation to transfer the Dedicated Lands to the City is subject to the following:

- (a) the road dedication plan and the consolidation plan with respect to the Transfers have been consented to and approved by any

financial or non-financial chargeholders of Margareta, the City's Approving Officer and any other person whose approval is required for Land Title Office registration purposes of the Transfers and the Easement on or before January 15, 2019; and

- (b) the transfer of the Transfer Lands is completed concurrently on the Completion Date.

9. The above conditions in paragraph 8 are for the benefit of Margareta and may not be waived. If Margareta has not delivered express written notice to the City that these conditions are satisfied on or before the dates stated above, then the Margareta's obligation to transfer the Dedicated Lands is at an end.

10. The City's obligation to transfer the Transfer Lands is subject to the following condition precedents:

- (a) the City Council of the City has approved this Agreement on or before November 15, 2018;
- (b) Margareta delivers to the City, on or before November 15, 2018, in acceptable form a letter from the holder of any mortgage registered against Margareta's Lands that the said mortgagee(s) will grant a partial discharge of their mortgage against the Dedicated Lands;
- (c) the Transfers will have been approved by the City's Approving Officer on or before January 15, 2019; and
- (d) the transfer of the Dedicated Lands is completed concurrently on the Completion Date.

11. The above conditions in paragraph 10 are for the benefit of the City and may not be waived. If the City has not delivered express written notice to Margareta that these conditions are satisfied on or before the dates above, then the City's obligation to transfer the Transfer Lands is at an end.

Closing Procedure

12. The City will prepare and deliver the following documents to Margareta for reference and execution:

- (a) Survey Plan Certification for the Dedicated Lands;
- (b) Application to Deposit the Road Dedication Lands;
- (c) Survey Plan Certification for the consolidation plan consolidating the Transfer Lands with Lot 20 (the “**Consolidation Plan**”);
- (d) Application to Deposit the Consolidation Plan;
- (e) GST Certificate confirming that the City will attend to the payment of any GST payable;
- (f) the Easement;
- (g) a partial discharge of Mortgage CA5969095 in favor of Canadian Imperial Bank of Commerce whereby the said Mortgage is discharged from Lot 20 and Lot 21 and in particular, from the Dedicated Lands;
- (h) a mortgage extension agreement (if required), whereby Mortgage CA5969095 in favor of Canadian Imperial Bank of Commerce is extended over the Transfer Lands; and
- (i) all other appropriate documents, acts, things and assurances as may be requisite for more perfectly and absolutely assigning, transferring, and assuring to, vesting title to the Dedication Lands free and clear of all encumbrances except as otherwise hereinbefore provided;

(collectively, the “**Margareta Closing Documents**”)

13. Upon receipt, Margareta will arrange for the Margareta Closing Documents to be executed, and will return executed originals to the City in a timely manner.

14. The City will prepare and arrange for the following documents to be executed by the City’s authorized signatories and Approving Officer, as the case may be:

- (a) Survey Plan Certification of Transfer Lands;

- (b) Application to Deposit plan of the Transfer Lands;
- (c) GST Certificate confirming that the City will attend to the payment of any GST payable;
- (d) Property Transfer Tax Return;
- (d) Survey Plan Certification for the Consolidation Plan;
- (e) Application to Deposit Plan of the Consolidation Plan;
- (f) the Easement; and
- (g) all other appropriate documents, acts, things and assurances as may be requisite for more perfectly and absolutely assigning, transferring, and assuring to, vesting title to the Dedication Lands free and clear of all encumbrances except as otherwise hereinbefore provided;

(collectively, the “**City Closing Documents**”).

15. On the Completion Date the City will submit all of the Margareta Closing Documents and the City Closing Documents which are required to be registered in the Kamloops Land Title Office, in order to complete the Transfers, on a concurrent, all-or-nothing basis.

Risk

16. The Dedicated Lands will be at Margareta’s risk until the acceptance of the Application to Deposit the Road Dedication Plan for registration in the Land Title Office, and thereafter, at the City’s risk.

17. The Transfer Lands will be at the City’s risk until the acceptance of the Application to Deposit the Transfer Lands for registration in the Land Title Office, and thereafter, at Margareta’s risk.

Condition of Areas

18. The City is transferring the Transfer Lands and Margareta is transferring the Dedicated Lands on an “as is” basis, with no representations or warranties as to the condition environmentally, geotechnically or otherwise, or suitability for any purposes.

Site Profile

19. The parties waive any entitlement they may have to receive an environmental site profile of the Dedicated Lands or the Transfer Lands pursuant to the *Environmental Management Act* of British Columbia.

Survival of Covenants, Representations and Warranties

20. None of the provisions of this Agreement will merge on the completion of the Transfers. All representations, warranties, covenants and agreements made by Margareta and the City will survive the Completion Date.

Enurement

21. This Agreement shall enure to the benefit of and be binding upon Margareta and the City and their respective heirs, executors, successors, assigns, elected officials, officers, employees and servants, as the case may be.

Adjustments

22. There shall be no adjustments for property taxes or utilities with respect to the Transfers.

Further Assurances

23. Margareta and the City will, with reasonable diligence, do all such things and provide all such reasonable assurances as may be required to consummate the transactions contemplated and each party shall provide such further documents or instruments required by the other party as may reasonably be necessary or desirable to give effect to the terms and purpose of this Agreement and carry out its provisions, before or after the Completion Date.

Independent Legal Advice

24. This Agreement has been prepared by Gilchrist & Company as Solicitors for the City and Margareta acknowledges before her execution of this Agreement that she should obtain independent legal advice and that Margareta has obtained independent legal advice with regard to this Agreement or Margareta has of her own free will declined to obtain such advice as the case may be.

Governing Law

25. This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.

Execution

26. This Agreement may be executed in counterpart and delivered by email, facsimile or electronic mail, each of which shall be deemed to be an original, but all of which together shall constitute one and the same document.

IN WITNESS WHEREOF the parties hereto have hereunto executed this Agreement the day and year first above written.

**The Corporation of the City of Penticton
by its authorized signatory(ies):**

Name:

Name:

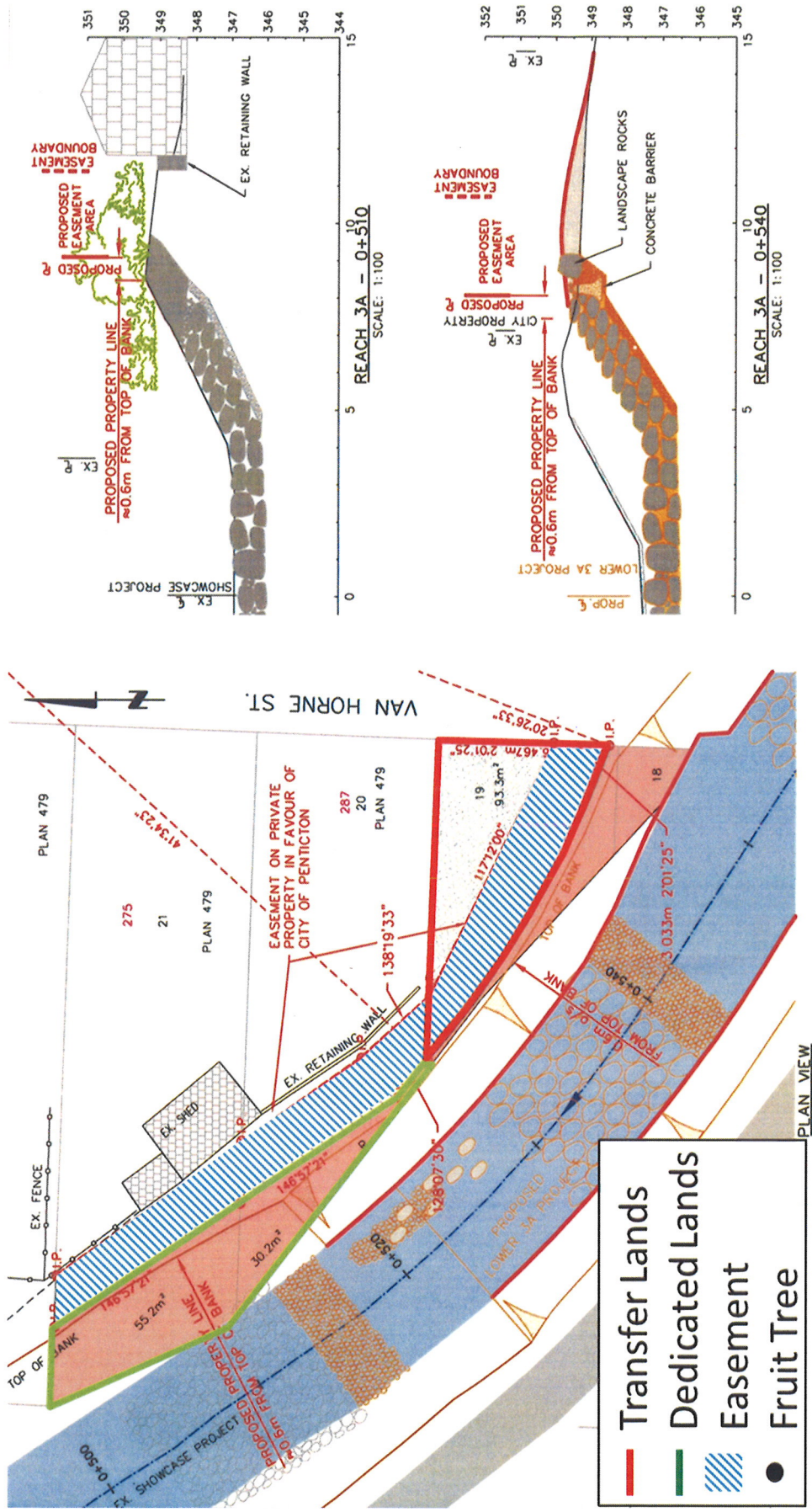


Margareta Elizabeth Schroeder

17000001(029)/rpt

L:\W5\city\AGREEMENTS\Land Exchange Agrmt\287 Van Horne St SCHROEDER Clean Oct 16 2018.doc/nn

Schedule "A"



SCHEDULE "B"
FORM OF EASEMENT

TERMS OF INSTRUMENT - PART 2

THIS AGREEMENT dated for reference the ____ day of _____, 2018

BETWEEN:

MARGARETA ELIZABETH SCHROEDER
287 Van Horne Street
Penticton, BC, V2A 4K3

(hereinafter called "the Transferor")

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF PENTICTON,
171 Main Street
Penticton, BC
V2A 5A9

(the "Municipality")

OF THE SECOND PART

WHEREAS:

A. The Transferor is the registered owner of those lands situate in the City of Penticton, in the Province of British Columbia, more particularly known and described as:

P.I. 007-479-492
Lot 21, Block 25, DL 202, SDYD, Plan 479 Except Those Parts
Coloured Red on Plan B1057

P.I. *****
***** (new legal for consolidated Lot 20)
(collectively the "Lands");

B. There has been prepared a reference plan of Statutory Right of Way by _____, B.C.L.S., and certified correct on the ____ day of _____, 2018 whereon that part of the Lands required for the statutory right of way is shown in heavy black outline on

the said plan and more specifically referred to as "Easement Area", a true copy of which is attached hereto as Schedule "A" (the "Statutory Right of Way Area") and registered in the Kamloops Land Title Office under filing number EPP _____.

- C. The Municipality requires and the Transferor agrees to grant to the Municipality a statutory right of way pursuant to section 218 of the Land Title Act for the construction and maintenance of a berm; and
- D. The Statutory Right of Way, as referred to herein, is necessary for the operation and maintenance of the Municipality's undertaking.

NOW THEREFORE in consideration of the premises contained in this Agreement, \$1.00 paid by the Municipality to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. The Owner hereby grants and conveys in perpetuity and at all times to the Municipality the full, free and uninterrupted right, licence, liberty, privilege, easement and right of way in common with the Owner over the Statutory Right of Way Area:

- a) To enter over, on, in, and under the Statutory Right of Way Area to:
 - (i) conduct surveys and examinations;
 - (ii) if required as a result of the works described in paragraph
 - (iii) below, dig up, remove and replace soil with clean fill;

- (iii) construct, install, operate, maintain, renew, inspect, replace, remove, plant and replant soil, materials and vegetation (all of which are collectively called the "Works");

for the purposes of constructing a berm. For the purposes of this Agreement "berm" means a flat strip of land, raised bank, terrace, ridge or embankment separating two areas. It can serve as a border or separation barrier;

- b) to bring on the Statutory Right of Way Area all materials and equipment the Municipality requires or desires for the Works;
- c) to clear the Statutory Right of Way Area and keep it clear of anything which in the opinion of the Municipality constitutes or may constitute an obstruction to the use of the Statutory Right of Way Area or to the Works;
- d) to do all acts which in the opinion of the Municipality are incidental to the foregoing;

2. The Owner shall:

- a) not construct or place anything, including trees or vegetation, on the Statutory Right of Way Area nor do or permit to be done any act or thing on the Statutory Right of Way Area which in the opinion of the Municipality might interfere with, injure, impair the operating efficiency of, or obstruct access to or the use of the Statutory Right of Way Area or the Works;

- b) execute all further documents and things for the better assuring unto the Municipality of the grant herein; and
 - c) permit the Municipality to peaceably hold and enjoy the rights granted by this Agreement;
3. The Municipality shall:
- a) plant the Statutory Right of Way Area with Ministry approved plants;
 - b) carry out the construction and maintenance of the Works in a good and workmanlike manner in order to cause no unnecessary damage or disturbance to the Owner, the Lands or any improvement on the Lands;
 - c) not bury, without the prior written consent of the Owner, debris or rubbish in excavations or backfill;
 - d) remove shoring and like temporary structures as backfilling proceeds;
 - e) rake up all rubbish and constructions debris it creates in order to leave the Lands in a reasonably neat and clean condition;
 - f) exercise care not to damage the Lands or any improvements on the Lands and if the Municipality should cause any such damage, restore the same to as close to their pre-damaged condition as is reasonably practical with reasonable dispatch or where the Municipality deems restoration to be impractical, reimburse the Owner for all damage the Municipality has caused but not restored; and

- g) not to be unreasonable in its opinions herein.
4. No right granted to or reserved by the Municipality in this Agreement shall require the Municipality to clean, repair, or maintain the Works within the Statutory Right of Way Area unless the Municipality is expressly required in this Agreement to perform such cleaning, repairing or maintenance.
 5. All chattels, equipment, supplies, fixtures or other materials comprising the Works or otherwise installed by the Municipality over, on, in or under the Statutory Right of Way Area are and shall remain the property of the Municipality, any rule of law or equity to the contrary notwithstanding.
 6. Should the Owner omit, fail or neglect to carry out one of its obligations contained in this Agreement or do some act contrary to its obligations contained in this Agreement, the Municipality may give the Owner fourteen (14) days written notice in the manner provided in this Agreement requiring the default to be cured; if the Owner fails to cure such default to the satisfaction of the Municipality within the time specified, the Municipality may enter onto the Lands and rectify such default to the extent considered necessary by it and the cost of doing so shall be a debt due and owing to the Municipality by the Owner.
 7. The Owner shall at all times and does hereby indemnify, save harmless, release and forever discharge the Municipality, its elected and appointed officials and employees from and against all manner of actions, causes of action, claims, debts, suits, damages, demands and promises, at law or in equity, whether known or unknown, including without limitation for injury to

persons or property including death, of any person directly or indirectly arising or resulting from, or attributable to, any omission, negligence or default of the Owner in connection with or in consequence of this Agreement, save and except to the extent caused by any act, omission, negligence or default of the Municipality, in which case the Municipality shall indemnify the Owner under section 9 of this Agreement.

8. The Municipality shall at all times and does hereby indemnify, save harmless, release and forever discharge the Owner from and against all manner of actions, causes of action, claims, debts, suits, damages, demands and promises, at law or in equity whether known or unknown, including without limitation for injury to persons or property including death, of any person directly or indirectly arising or resulting from, or attributable to, any act, omission, negligence or default of the Municipality in connection with or in consequence of this Agreement, save and except to the extent caused by any omission, negligence or default of the Owner, in which case the Owner shall indemnify the Municipality under section 8 of this Agreement. Notwithstanding any other provision of this Agreement, in no event shall the Municipality be liable for any special, indirect, consequential or incidental damages from any cause whatsoever (even if it has been advised of the possibility thereof), including without limitation, lost profits, lost revenues, failure to realize expecting savings or other commercial or economic losses of any kind.
9. This Agreement runs with the Lands.

10. Whenever it is required or desired that either party shall deliver or serve a notice on the other, delivery or service shall be deemed to be satisfactory if and deemed to have occurred when:
 - a) if to the Municipality:

in accordance with the Local Government Act;
 - b) if to the Owner:

mailed by prepaid registered mail, on the date received or on the sixth day after receipt of mailing by any Canada Post office, whichever is the earlier, so long as the notice is mailed to the party at the address provided in this Agreement or to whatever address the party may from time to time provide to the other party.
11. Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.
12. Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party wherever the context so requires or allows.
13. Any opinion which the Municipality is entitled by virtue of this Agreement to form may be formed on behalf of the Municipality by the General Manager of Infrastructure, or such other person as may be designated from time to time by the Municipality, in which event the opinion of the General Manager of Infrastructure, or such other person which may be

designated from time to time by the Municipality, shall be deemed to be the opinion of the Municipality for the purposes of this Agreement.

14. If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.
15. This Agreement shall enure to the benefit of and be binding upon the parties notwithstanding any rule of law or equity to the contrary.
16. This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.
17. Notwithstanding anything contained in this Agreement, neither the Owner named herein nor any future owner of the Lands or any portion of the Lands shall be liable under any of the covenants, agreements and indemnities contained herein where such liability arises by reason of an act or omission occurring after the Owner named herein or any future owner ceases to have a further interest in the Lands.

IN WITNESS WHEREOF the parties acknowledge that this agreement has been duly executed and delivered by the parties executing Part 1 of Form C attached to and forming part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

Given that **CANADIAN IMPERIAL BANK OF COMMERCE** (the "Chargeholder") is the holder of a mortgage registered against the Lands legally described (the "Lands") in the Statutory Right of Way to which this Agreement is attached (the "Statutory Right of Way") which charge is registered in the Kamloops Land Title Office under instrument number CA5969095 (the "Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the transferee described in item 6 of Part 1 of the Form C to which this Agreement is attached (the "Transferee"), the Chargeholder agrees with the Transferee as follows:

1. The Chargeholder consents to the granting and registration of the Statutory Right of Way and the Chargeholder agrees that the Statutory Right of Way binds its interest in and to the Lands.
2. The Chargeholder grants to the Transferee priority for the Statutory Right of Way over the Chargeholder's right, title, and interest in and to the Lands and the Chargeholder postpones the Charge, and all of their right, title and interest thereunder to the Statutory Right of Way as if the Statutory Right of Way had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.
3. The Chargeholder agrees that in the event of the enforcement or realization of the Charge comprised in its Charge or any collateral security thereto, the proceeds of such enforcement or realization will be dealt with in such a way as to give effect to the foregoing provisions of this

Agreement and the priorities created or intended to be created and established hereby; and the Chargeholder agrees that they will not take any steps or do any act or thing whereby such priorities might be defeated or impaired.

As evidence of its agreement with the Transferee to be bound by this Consent and Priority Agreement, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

File 17000001(029)/rpt

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ATTACH PLAN AS SCHEDULE "A"

Bylaw No. 2017-70

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. 2017-70".

2. **Amendment:**

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

Rezone Lot 63, District Lot 250 Similkameen Division Yale District, Plan 881, located at 1273 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	3 day of	October, 2017
A PUBLIC HEARING was held this	17 day of	October, 2017
READ A SECOND time this	17 day of	October, 2017
READ A THIRD time this	17 day of	October, 2017
ADOPTED this	day of	, 2017

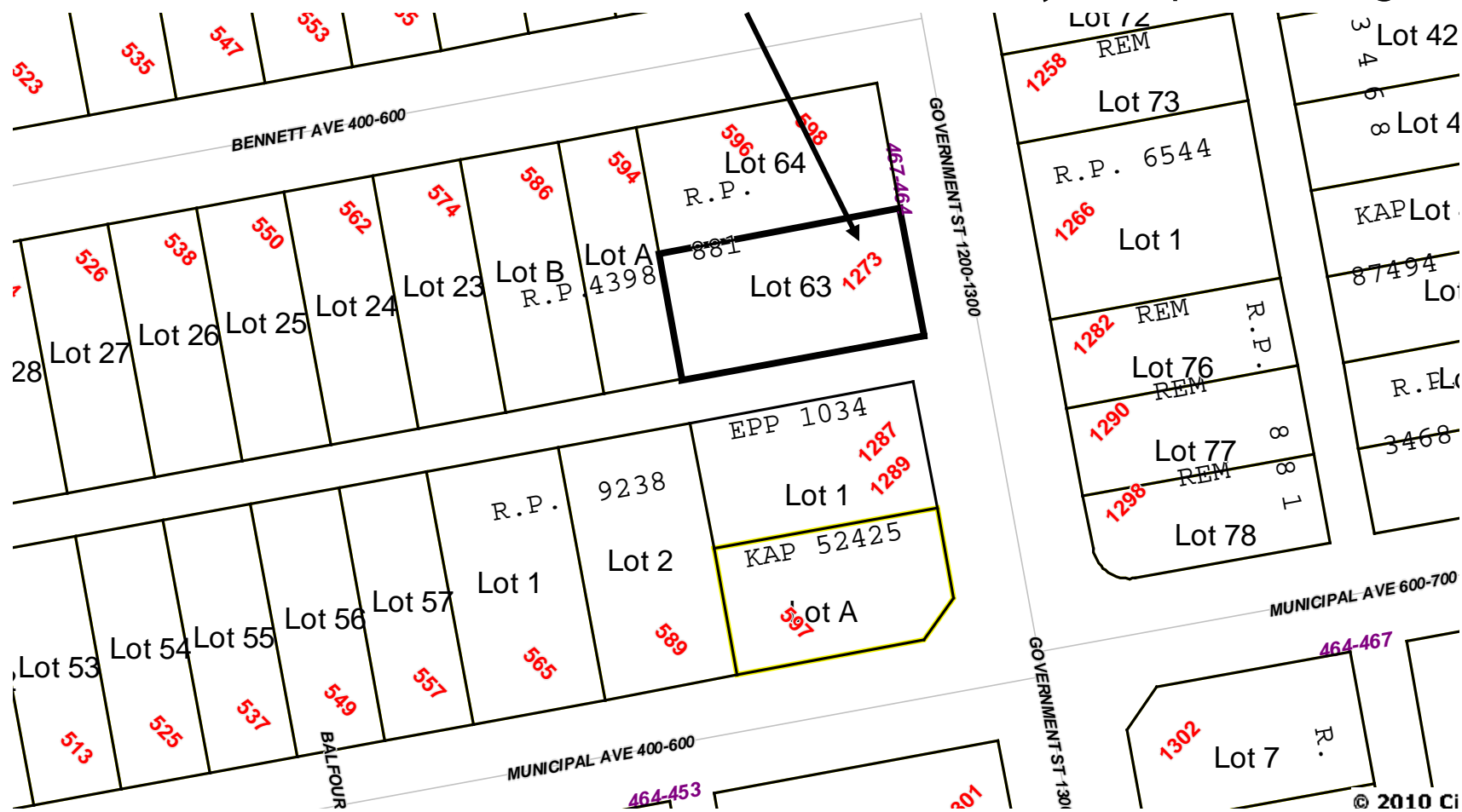
Notice of intention to proceed with this bylaw was published on the 6 day of October, 2017 and the 11 day of October, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 1273 Government Street

From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-70

Date: _____ Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2017-8048

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 63 District Lot 650 Similkameen Division Yale District Plan 881
Civic: 1273 Government Street
PID: 011-992-255
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 construct of a four-unit townhouse.
 - Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
 - Section 10.8.2.9: to reduce the minimum rear yard from 6.0m to 3.0m.

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 _____ 2017

Issued this ___ day of _____, 2017

Dana Schmidt,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2018-06

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. 2018-06".

2. Amendment:

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

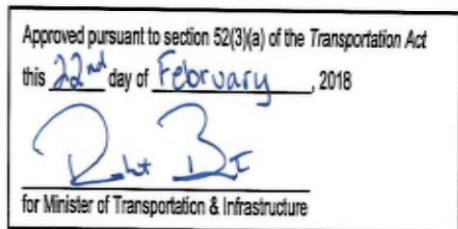
a) Rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and Lot 2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 251 Wylie Street from CT2(Campground Commercial) to RM3 (Medium Density Multiple Housing).

b) Rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 14177, located at 1140 Burnaby Avenue, identified in Schedule A of this bylaw, from CT1(Tourist Commercial) to RM3(Medium Density Multiple Housing).

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

READ A FIRST time this	6	day of	February, 2018
A PUBLIC HEARING was held this	20	day of	February, 2018
READ A SECOND time this	20	day of	February, 2018
READ A THIRD time this	20	day of	February, 2018
RECEIVED the approval of the	22	day of	February, 2018
Ministry of Transportation on the			
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 9 day of February, 2018 and the 14 day of February, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.



Andrew Jakubeit, Mayor

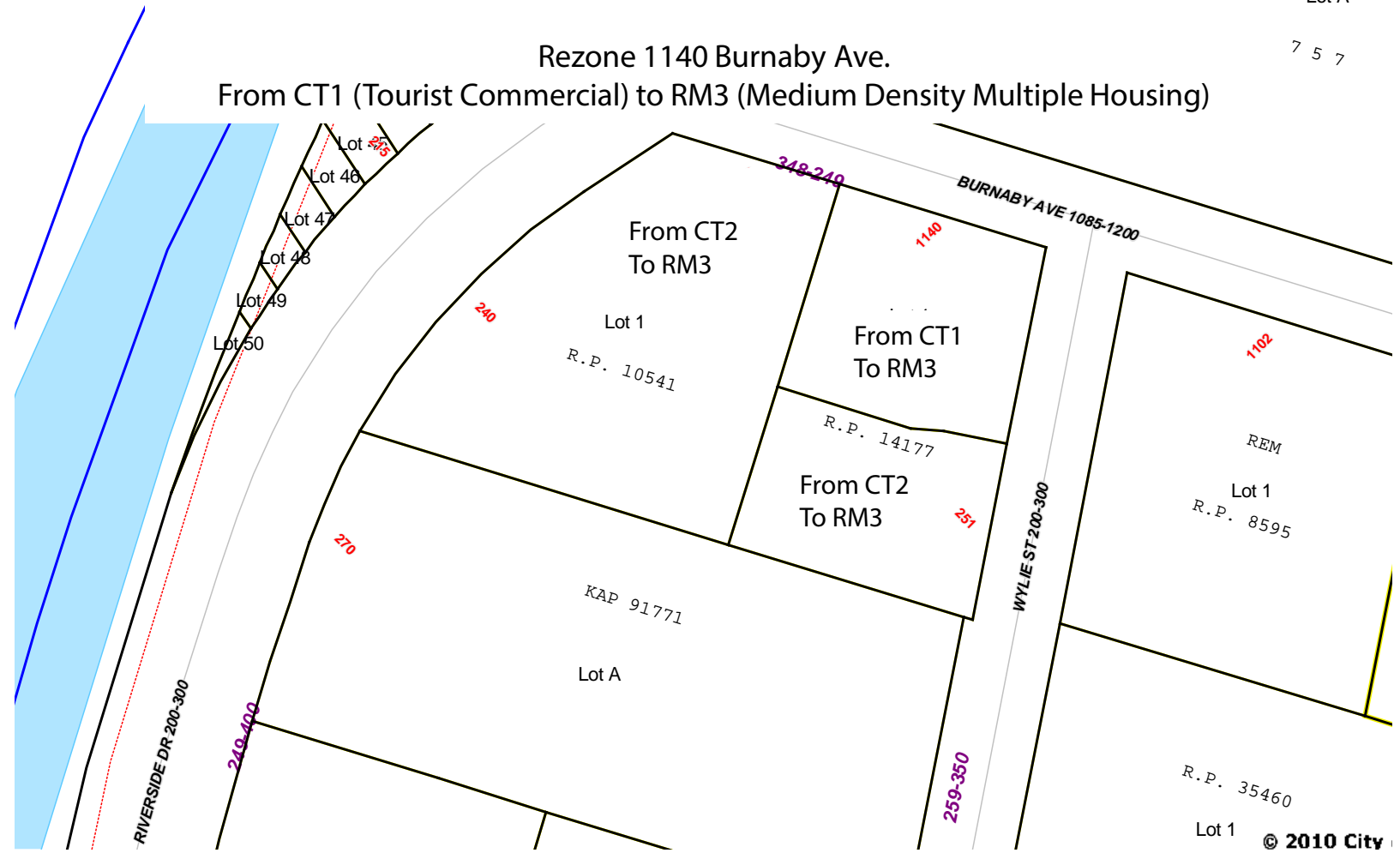
Dana Schmidt, Corporate Officer

Rezone 240 Riverside Dr. and 251 Wylie St.
From CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing)

- 51 -
Lot A

7 5 7

Rezone 1140 Burnaby Ave.
From CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-06

Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2017-8099

Conditions of Permit

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

Legal: Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541 and Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177
Civic: 240 Riverside Drive, 1140 Burnaby Avenue, and 251 Wylie Street
PID: 009-542-647, 004-395-077, 009-038-582
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:
 - decrease the front yard setback from 3m to 1.5m
 - decrease the rear yard setback from 6m to 3m
 - decrease the exterior yard setback from 4.5m to 1.5m

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the day of 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Development Permit

Permit Number: DP PL2017-8100

Conditions of Permit

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

Legal: Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541 and Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 **Civic:** 240 Riverside Drive, 1140 Burnaby Avenue, 251 Wylie Street
PID: 009-542-647, 004-395-077, 009-038-582
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 35 units 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 total amount of \$196,824 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 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 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Bylaw No. 2018-46

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. 2018-46".

2. **Amendment:**

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

Rezone Lot 4 District Lot 250 Similkameen Division Yale District Plan 1164 Except Plan B5473, located at 125 Calgary 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	19	day of	June, 2018
A PUBLIC HEARING was held this	3	day of	July, 2018
READ A SECOND time this	3	day of	July, 2018
READ A THIRD time this	3	day of	July, 2018
ADOPTED this		day of	, 2018

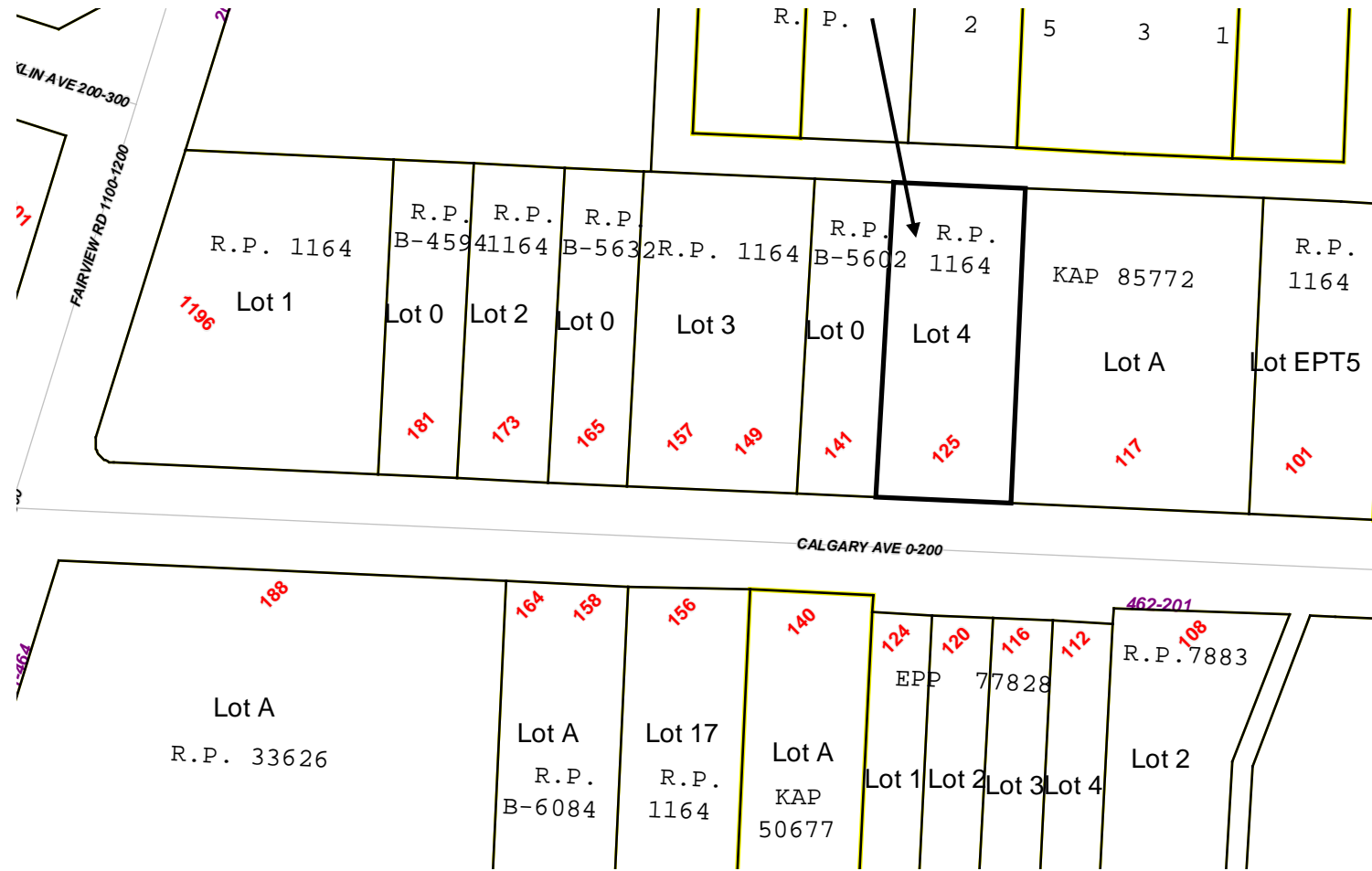
Notice of intention to proceed with this bylaw was published on the 22 day of June, 2018 and the 27 day of June, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 125 Calgary Avenue

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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-46

Date: _____

Corporate Officer: _____

Bylaw No. 2018-60

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. 2018-60."

2. **Amendment:**

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

- 2.1 Amend Schedule 'B' Future Land Use map and designate Lot 1, District Lot 190 and 2710, Similkameen Division Yale District Plan KAP7449 located at 3200 Evergreen Drive, identified in Schedule 'A' of this bylaw, as Low Density Residential (LR), Medium Density Residential (MR), Parks & Recreation (PR) and Forestry Grazing (FG).
- 2.2 Amend Schedule 'H' Development Permit Area Map and include Lot 1, District Lot 190 and 2710, Similkameen Division Yale District Plan KAP7449 located at 3200 Evergreen Drive, identified in Schedule 'B' of this bylaw, in the General Multiple Family Development Permit Area, Hillside Hazard DP Area and Environmental Sensitive DP Area.
- 2.3 Replace Schedule 'E' Hazard Lands in its entirety with the attached Schedule 'E'.
- 2.4 Replace Schedule 'M' Upper Wiltse Area Structure Plan in its entirety with the attached Schedule 'M' Wiltse Area Structure Plan.
- 2.5 Schedule 'A', Schedule 'B', Schedule 'E', and Schedule 'M' attached hereto forms part of this bylaw.

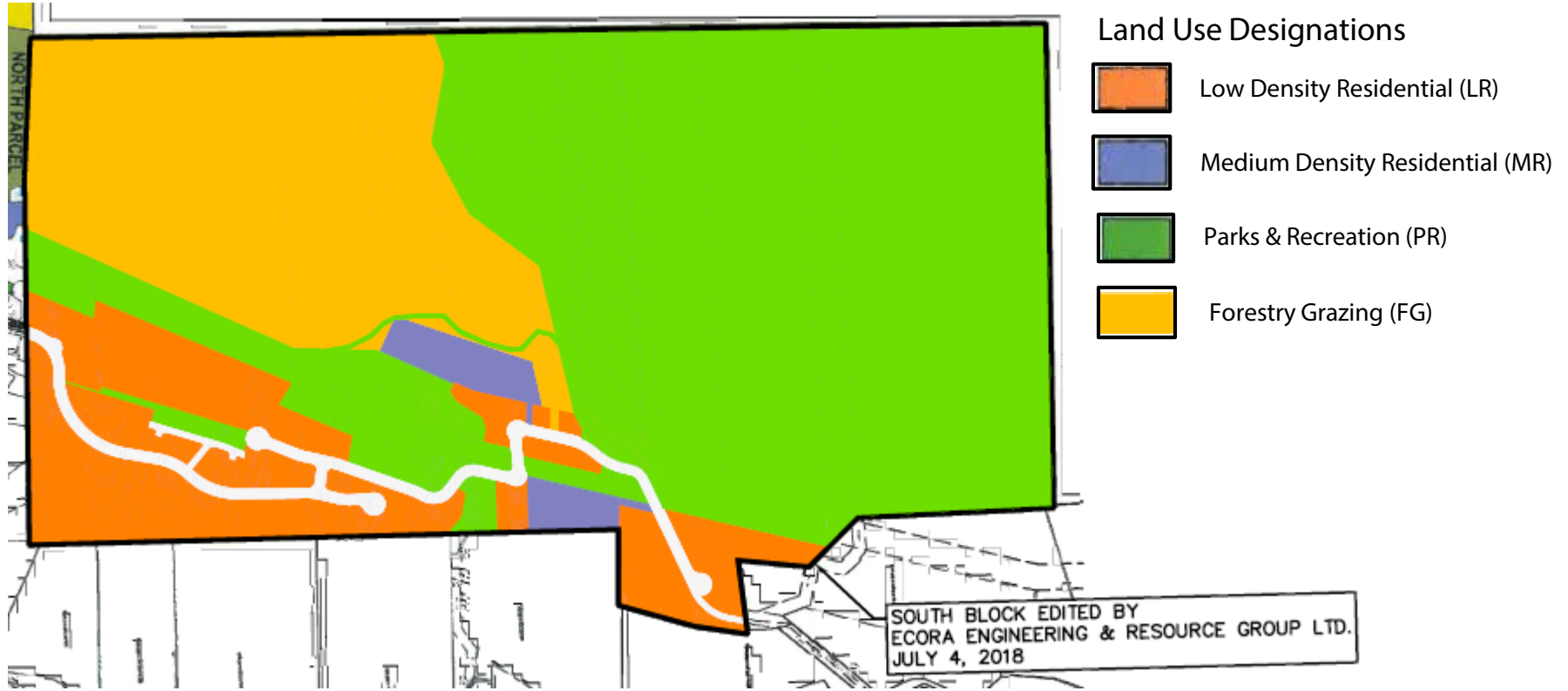
READ A FIRST time this	21	day of	August, 2018
A PUBLIC HEARING was held this	4	day of	September, 2018
READ A SECOND time this	4	day of	September, 2018
READ A THIRD time this	4	day of	September, 2018
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 24 of August, 2018 and the 29 of August, 2018 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend Schedule 'B' Future Land Use Map of OCP Bylaw 2002-20 to designate portions of Lot 1, DL 190 and 2710, SDYD, Plan KAP7449 (3200 Evergreen Dr) as 1) Low Density Residential (LR), - 60 -
2) Medium Density Residential (MR), 3) Parks & Recreation (PR), and 4) Forestry Grazing (FG)



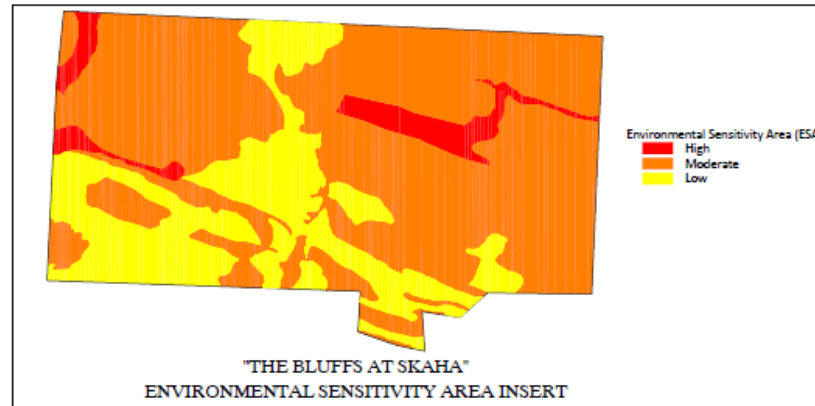
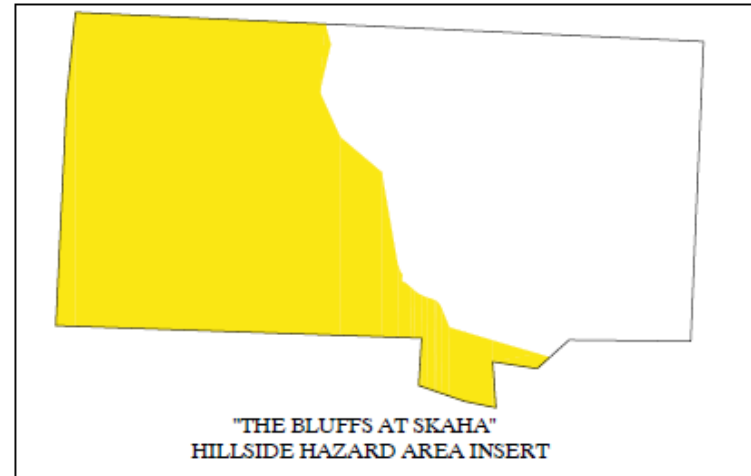
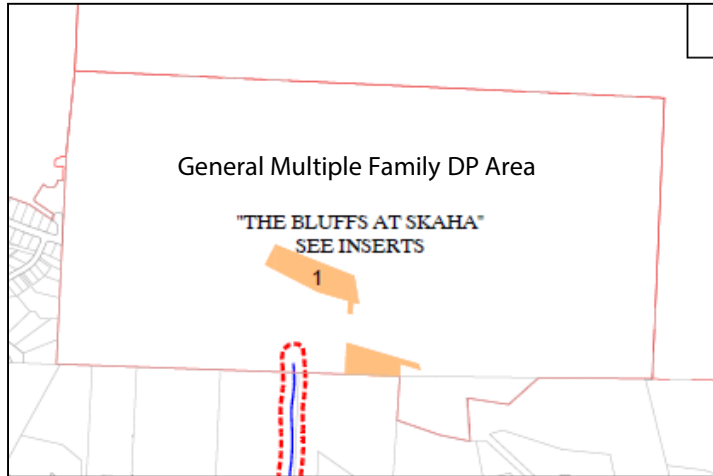
City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-60

Date: _____

Corporate Officer: _____

Amend Schedule 'H' Development Permit Area Map of OCP Bylaw 2002-20 to include portions of Lot 1, DL 190 and 2710, SDYD, Plan KAP7449 (3200 Evergreen Dr) in 1) General Multiple Family DP Area, 2) Hillside Hazard DP Area, and 3) Environmental Sensitive DP Area.

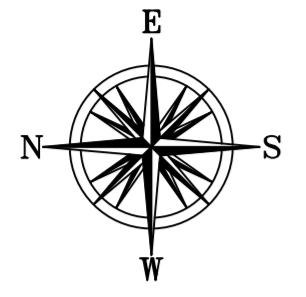


City of Penticton – Schedule 'B'

Official Community Plan Amendment Bylaw No. 2018-60

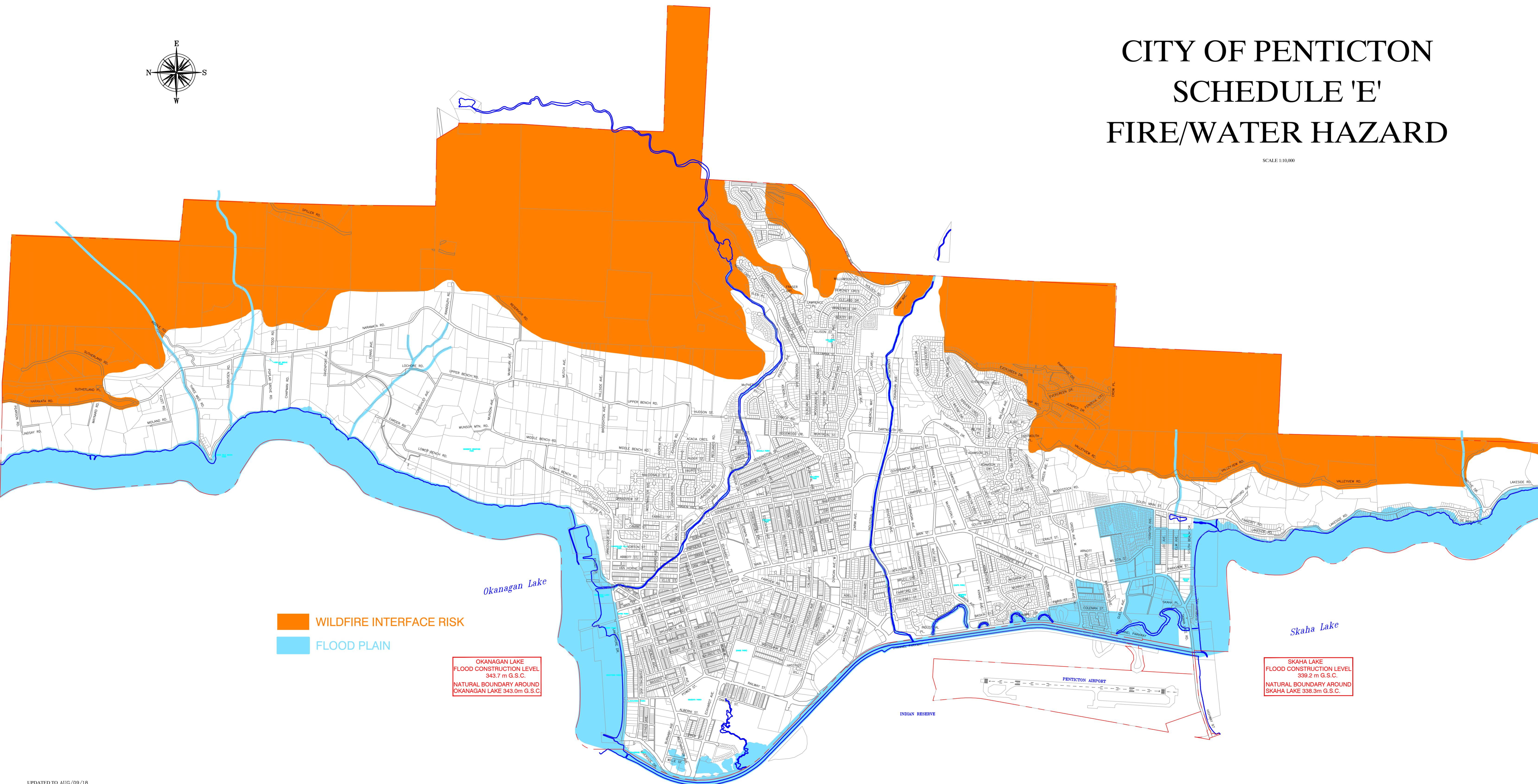
Date: _____

Corporate Officer: _____



CITY OF PENTICTON SCHEDULE 'E' FIRE/WATER HAZARD

SCALE 1:10,000



WILDFIRE INTERFACE RISK
FLOOD PLAIN

OKANAGAN LAKE
FLOOD CONSTRUCTION LEVEL
343.7 m G.S.C.
NATURAL BOUNDARY AROUND
OKANAGAN LAKE 343.0m G.S.C.

SKAHA LAKE
FLOOD CONSTRUCTION LEVEL
339.2 m G.S.C.
NATURAL BOUNDARY AROUND
SKAHA LAKE 338.3m G.S.C.

Wiltse Holdings Ltd.

Wiltse Area Structure Plan – Final Report

Prepared for:

Wiltse Holdings Ltd.
Attention: Mr. Don Wiltse
2995 Valleyview Road
Penticton, BC V2A 8W8

Prepared by:

CTQ Consultants Ltd.
#500 – 1708 Dolphin Avenue
Kelowna, BC V1Y 9S4
Tel: (250) 979-1221
Fax: (250) 979-1232

Our File: 06067-40

Presented to City of Penticton – June 2014

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Appendix D – Geotechnical Assessment of Lands

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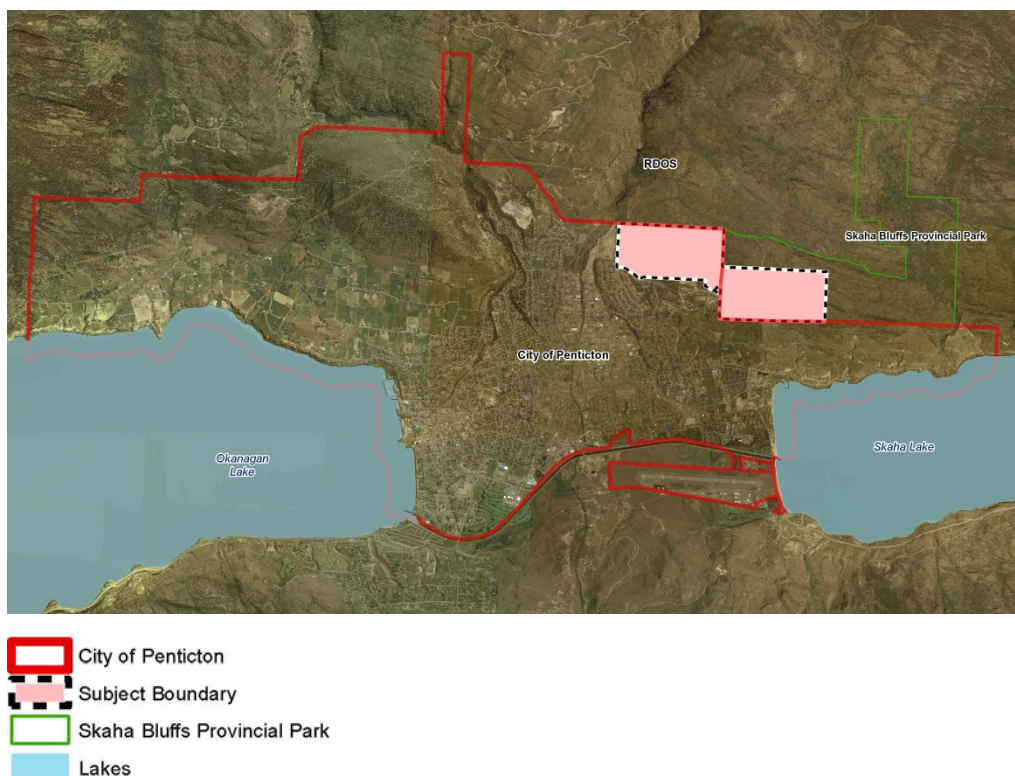
- Water
- Stormwater
- Sanitary Sewer

Appendix G – Correspondence

- FortisBC
- School District #67

1.0 Introduction

The Upper Wiltse Area Structure Plan (ASP) focuses on lands located on the Eastern Hillside of the City of Penticton. The area is known as the Wiltse Plateau (or “Flats”) and has long been recognized as a critical long-term supply of land to accommodate new housing for Penticton. The Upper Wiltse land is considered a logical extension of the existing residential area and an opportunity to add a new neighbourhood to Penticton. The area consists of two main parcels of land accounting for approximately 630 acres (255 hectares). Both parcels are in the City of Penticton, the South Block subject to a boundary expansion in June 2018. Although of equal size, the majority of the southern parcel is subject to steep slope terrain and environmental values. The northern parcel is considered to be the land that will accommodate the largest portion of the new development. The entire subject property forming the ASP is owned by Wiltse Holdings of Penticton, BC. Refer to Figure 2 ‘Context Map’ and Figure 3 ‘Air Photo’, in Appendix A.



Prior to any development being considered, the City of Penticton requires the preparation of an Area Structure Plan (or Neighbourhood Plan) to formulate a comprehensive guide for development of these (and potentially adjacent) lands. In 2008/2009 Wiltse Holdings Ltd. commissioned CTQ Consultants Ltd. (Engineers, Planners, and Landscape Architects) to prepare such a plan. During 2009 and 2010 CTQ worked with the City's Planning Department to prepare the Terms of Reference that would address all of the City's planning and development requirements for the Area Structure Plan (ASP). City Council approved the scope of work and Terms of Reference, with some minor changes, in 2010 and 2011.

The original Area Structure Plan is subject to amendments due to annexation of the South Block into the City of Penticton along with new ownership and a revised development plan.

1.1 Intent of the Area Structure Plan (ASP)

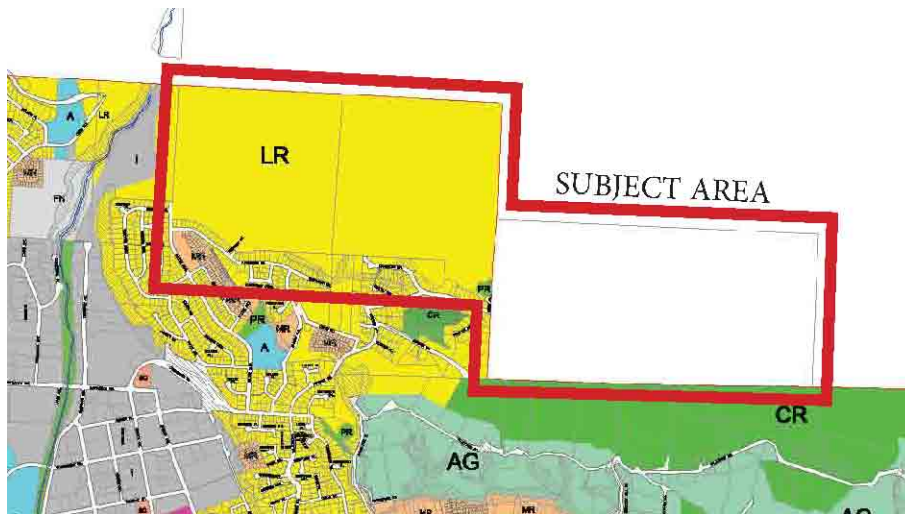
The Area Structure Plan is considered to be a planning document that provides a comprehensive but high level type of planning guide for future development and more detailed planning in a particular area or neighbourhood of the city. Paramount with this level of planning is the need to set an overall direction for land use allocation and general distribution for the lands in question. It is also necessary for the plan to offer guidance in the provision of utility services that will allow for the amount, type and location of the uses that are proposed. The ASP provides the necessary background context to the series of land use options and what is ultimately appropriate for the lands and its relationship to the remainder of the City.

The overall intent of the ASP is to give City Council the confidence to move forward with an amendment to the Official Community Plan and subsequently rezoning to permit the land uses and development pattern as proposed. The ASP takes many factors into consideration, allowing a very comprehensive evaluation by Council and the public to ensure that it will meet the planning principles of the City of Penticton. A series of policies have been formulated to address these principles and establish a framework for development. Some of the many policy areas that are included are as follows:

- Residential Development
- Commercial/Neighbourhood Centre
- Parks, Open Space, Trails, and Natural Features
- Urban Design

- Environmental Protection
- Transportation and Mobility
- Servicing and Utilities
- Grading and Hillside Development

Recommendations for Zoning and Implementation of the Plan are also included.



Refer to Figure 1, Appendix A 'Future Land Use Plan' for full mapping.

1.2 Contents of the ASP

The following sections of the document have been organized to help inform and for ease of consideration towards approval of the Plan.

Section 2.0 – Current City of Penticton Policy

This is an introductory section that defines the municipality's policy direction to permit and encourage urban development in this area of the city. The ASP largely takes its direction from the City's Official Community Plan (OCP) that has called for the Upper Wiltse Flats to accommodate a new neighbourhood in the form of medium density multiple family residential development. Various studies and other plans have been conducted by the City in recent years and formally supported the policy directives of the OCP.

Section 3.0 – Site Conditions and Location

This section provides an evaluation of the site and its merits or opportunities for development relative to many factors such as the following:

- Location
- Size and Context
- Adjacent Uses
- Roads and Access
- Existing and Former Uses
- Topography and Terrain
- Environmental Properties
- Geotechnical Properties
- Infrastructure
- Views
- Proximity to Schools and Services
- Fortis Transmission Line
- Parks and Open Space
- Wildfire Risk

A series of specialist studies were conducted to address many of the above noted factors, including the following:

- Biophysical Inventory and Environmental Sensitivity Analysis
- Geotechnical Assessment
- Wildland Urban Interface Fire Hazard Assessment
- Traffic Impact Analysis

This information forms part of the Appendix to the document.

Section 4.0 – Area Plan Description

This section generally describes the key components of the Area Plan, as follows:

- The Vision
- Sustainability Features

- Land Use
- Residential Build Out/Projected Population
- The Commercial or Neighbourhood Centre
- Parks, Open Space, and Trails System
- Roads, Mobility and Transit
- Institutional/Schools
- Recreation

Section 5.0 – Residential Policies

The residential policies help define the various types of residential development forms and densities, including the following:

- Single Family Homes
- Multi Unit Homes
- Cluster Development
- Mixed Use (Residential and Commercial)
- Future Planning Area

Section 6.0 – Commercial/Neighbourhood Centre Policies

This section defines the policy direction for development to be contained in a neighbourhood centre, and will address items such as the following:

- Urban Design
- Commercial, including Local Service and Retail, Health and Related Services
- Care and Seniors Facilities
- Higher Density Residential

Section 7.0 – Parks, Open Space, and Trails

This section describes the policies for an integrated system of parks, open space and trails that will complement this residential community and form a backdrop to a growing livable and sustainable city.

Section 8.0 – Urban Design

This section addresses some of the critical urban design elements such as the following:

- Hillside Development
- Residential Design
- The Commercial/Neighbourhood Centre
- Special Conditions Related to Certain Areas and Site Features
- Visual Impact Considerations
- Integration of Natural Features
- Stormwater Detention Ponds

Section 9.0 – Environmental Protection Policies

This section presents policies that are intended to protect the integrity of specific biophysical features and environmental sensitivity of the site, allowing for a livable and sustainable neighbourhood to be enjoyed by future residents. Policies have been informed by significant review and analysis of the biophysical inventories and environmental sensitivity work conducted by specialist consultants in environmental sciences, and best management practices and standards provided by the RDOS, the City of Penticton and other relevant legislation and regulations.

Section 10.0 – Transportation and Mobility

This section addresses the transportation and mobility policies of the plan, including some of the key elements as follows:

- On-site Roads Standards
- Off-site Roads
- Traffic Management (reflecting traffic impact analysis findings)
- Transit
- Parking
- Pedestrian and Hiking Facilities
- Bicycle Facilities

Section 11.0 – Servicing and Utilities

This section addresses the major municipal infrastructure and utilities that will be required to be upgraded, installed or planned in more detail to allow a significant greenfield residential development in Penticton. Any on-site and off-site water supply and distribution facilities, sanitary sewer and stormwater/drainage infrastructure will ultimately be managed by the City of Penticton. Potential off-site road works upgrading are also noted. The policy directives of this plan address the ability to supply services to the 850 households and other facilities over a phased development timeframe.

Section 12.0 – Grading and Hillside Development

It is implicit in this Plan that the natural terrain of the Upper Wiltse area will require some grading to accommodate the new neighbourhood and attendant infrastructure and roads. Nevertheless, site design is expected to take advantage of the prominent views, natural features, sun exposure and other benefits of this prominent site. This section presents a general grading plan of where natural topography may be affected and where hillside development guidelines can be applied to protect the integrity of some of the steeper slopes and natural features.

Section 14.0 – DPA’s

This section describes the Development Permit Areas designated in accordance with Section 491 of the Local Government Act, as follows:

- Environmental Protection
- Hillside Hazard

Section 15.0 – Implementation

This final section of the document describes a series of key implementation steps that will allow the development to proceed in accordance with this Plan. The main items are as follows:

- **Parks dedication and conservation** of lands not to be developed.
- **Design Guidelines** for particular DPAs.
- **Phasing** of development relative to servicing, roads and access, and incremental development of various housing forms, commercial services and other uses or community facilities.
- **Environmental Monitoring** that will need to be conducted in accordance to identified standards, BMPs and during each phase of development.

1.3 Formulation of the ASP

The formulation of the Area Structure Plan has involved a very comprehensive approach and sequence of events that allowed a full understanding of the properties, development of various land use scenarios and ultimately a Plan that can proceed with support from the proponent and the City of Penticton.

Key steps in the process have involved at least the following:

1. Collection and analysis of existing site conditions, city policies, studies and plans.
2. Several meetings with the proponent regarding market, land use planning and development scenarios.
3. Preparation of Terms of Reference with City Staff.
4. Support from City Council to proceed with the ASP and defined scope of work/terms of reference.
5. Agency input such as BC Parks, Regional District and Fortis BC (included re-routing of the Transmission Line).
6. Preparation of a chosen land use plan, discussions with City staff and amendments to preliminary plan.
7. Conducted a series of specialist studies to address terms of reference:
 - Environmental Assessment (Biophysical Inventory)
 - Geotechnical Assessment
 - Wildfire Hazard Assessment
 - Traffic Impact Assessment
 - Stormwater Master Plan
8. Review of preliminary plans with two major adjacent land owners, to the north and to the west.
9. Preparation of site conditions report and mapping; slope analysis, power line, environmental conditions, geotechnical, access, views, and infrastructure.
10. Refinement of land use plan and build out scenarios.
11. Preparation of the Draft ASP Policies.
12. Review of the ASP with City of Penticton Planning and Engineering Staff.
13. Public Consultation (Early 2013 and Spring 2014).
14. Finalize ASP (Spring 2014).
15. Adoption of ASP/OCP Amendment (Mid 2014).
16. Application for Rezoning (Mid 2014)

2.0 City of Penticton Policy

The Upper Wiltse Area Structure Plan has respected the City’s Official Community Plan policy direction in its entirety. The Wiltse area has been identified for two decades as one of the most convenient directions to proceed with future growth of the city. This was recognized in the Comprehensive Development Plan (CDP) of the early 1990s and in subsequent amendments and updates in 2005, which assessed the 20 year development capacity of the City. Since then, servicing studies, planning policies, financial strategies and other initiatives have all recognized the potential of the Upper Wiltse area.

The South Block was included in the Wiltse Area Structure Plan in 2014 that envisaged its annexation. City expansion into the South Block has been considered for many years prior to the Area Plan, in the Comprehensive Development Plan and often in the context of the Skaha Bluffs Provincial Park.

The following are critical statements of support for the principles of this Area Structure Plan; they have been extracted from the City of Penticton Official Community Plan (Bylaw 2002-20).

1. With respect to the community consultation that occurred during the formulation of the OCP:

“The community emphasized that future growth needs to be well planned, considerate of the neighbourhood, and contribute to the overall livability of the City.”

“Neighbourhoods should include low rise and townhouse residential structures and should include other neighbourhood amenities such as parks, schools and commercial opportunities.”

2. With respect to growth management criteria and policies that the City would like to instil:

“...development of a wide range of housing forms will meet the needs of a diverse community and address the changing demographic structure of the City”

“...principles of community sustainability and philosophy of livable communities will be part of the thought and design process in development

proposals...”

“...densification of the residential areas and mixed use development will occur....in designated Medium Density Residential areas as well as new growth neighbourhoods on the eastern hillsides.”

“.....it is anticipated that lower density residential development will continue to occur.....in the new areas ofUpper Wiltse”

“...efficient use of existing public investment in infrastructure...”

“Continue to plan complete neighbourhoods in the desired growth areas in the City”

3. With respect to Phasing of Development, the OCP calls for:

“...infrastructure including sewer, storm drainage, water lines, and roads have been constructed to service the Wiltse Flats area in the south-east portion of the City which is both a current and future development area.”

“...to efficiently utilize existing infrastructure, the City will continue to support and promote continued development of the Wiltse area.”

4. With respect to the type of housing being forecast for Penticton, the OCP reveals the following:

“... on average, over the past 20 years (from 2002), 60% of the residential construction has been multiple family, the other 40% being single family (34%) and duplex (6%). It is expected that with the higher proportion of seniors in Penticton, and the relatively low household size, this will (continue) to be responsible for the relatively high demand for multiple family (unit) dwelling construction.”

5. With respect to the Land Use Designations proposed for the City, the following policies are noted:

“....In theUpper Wiltse Flats growth area(s), the City shall encourage the development of medium density multiple family units;

“Encourage a wide range of Medium Density Residential housing forms, including the following:

Triplexes, fourplexes, townhouses, cluster housing, compact housing, apartments, and other innovative housing forms...”

“...direct the following types of residential accommodation to areas designated Medium Density Residential: retirement homes providing intermediate or extended care services, community care housing, seniors and special needs housing.”

It is recognized that many other policies of the Official Community Plan must be respected, to ensure a livable and sustainable neighbourhood. The ASP has embodied these as carefully as possible to create a plan that has some flexibility for market variation while still achieving the goals of environmental, social and economic sustainability.

It is understood that the Regional District of Okanagan-Similkameen Regional Growth Strategy will be respected regarding development at the edge of the City of Penticton.

3.0 Site Conditions and Location

This section provides an evaluation of the site and its merits or opportunities for development relative to many factors such as the following:

- Location, Land Area, Context
- Adjacent Uses
- Roads and Access
- Existing and Former Uses
- Topography and Terrain
- Environmental Properties
- Geotechnical Properties
- Infrastructure
- Views
- Proximity to Schools and Services
- Fortis Transmission Line
- Parks and Open Space
- Wildfire Risk

A series of specialist studies were conducted to address many of the above noted factors, including the following:

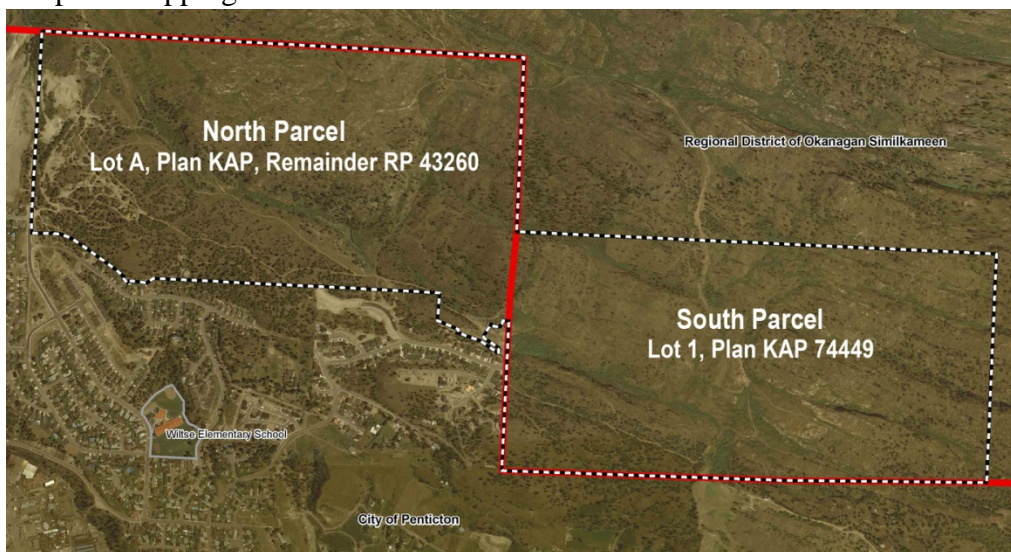
- Biophysical Inventory and Environmental Sensitivity Analysis
- Geotechnical Assessment
- Wildland Urban Interface Fire Hazard Assessment
- Traffic Impact Analysis

This information forms part of the Appendix to the document.

3.1 Location, Land Area, and Context

: “The Upper Wiltse lands are located on the eastern hillsides of Penticton, overlooking both Skaha Lake to the south and Okanagan Lake to the north. The area consists of two main parcels accounting for about 630 acres. Lot 1 Plan KAP 74449, of about 300 acres was recently the subject of a boundary expansion to the City. This area was identified as having growth potential in the former Comprehensive Development Plans. Lot A, KAP Remainder RP 43260 is the northerly parcel of 300 acres that has been designated in the City’s Community Plan as a residential growth area for many years”.

Refer to Figure 2 ‘Context Map’ and Figure 3 ‘Air Photo’, in Appendix A for complete mapping.



Due to the topographic constraints and terrain of these two parcels, development potential is most prevalent in the lower elevations on both parcels, and especially on the more gentle slopes below the existing Fortis Transmission Line. (See Section 3.5) Although there is opportunity to cross the Transmission Line with future development, the highest concentration of development will occur below or to the west of the line and generally to the toe of the slope that rises just to the east of the Transmission Line. The northern parcel does contain additional pockets of gently sloping and flatter lands on the higher elevations, whereas the southern parcel is much more constricted with severe terrain and slopes in the higher elevations.

The developable lands for the Upper Wiltse Area are immediately accessible and serviceable from the existing (lower) Wiltse area neighbourhood. At the northern end, Wiltse Boulevard and Westview Drive have been planned to provide immediate access. The most proximate urban areas for the north parcel are the Evergreen Drive residential, Westview Drive residential, and the Upper Pineview/Juniper Drive residential neighbourhoods. Large lot residential and agricultural uses abut the southern block to the west.

3.2 Adjacent Uses

The main surrounding uses are as follows:

North: The Cantex Gravel Quarry and asphalt plant and associated works/undeveloped lands.

East: Crown Land above the entire north parcel; Crown land and Skaha Bluffs Provincial Park adjacent to the south parcel.

South: Crown land and Skaha Bluffs Provincial Park adjacent to the south parcel.

West: Evergreen Drive Residential Area below the north parcel; large lots above Valleyview Drive (Country Residential/ALR/Undeveloped); Pockets of undeveloped lands occur above Evergreen Drive and along the western boundary of the north parcel. These lands should also be considered for development that may be contiguous with the development of the subject parcels.

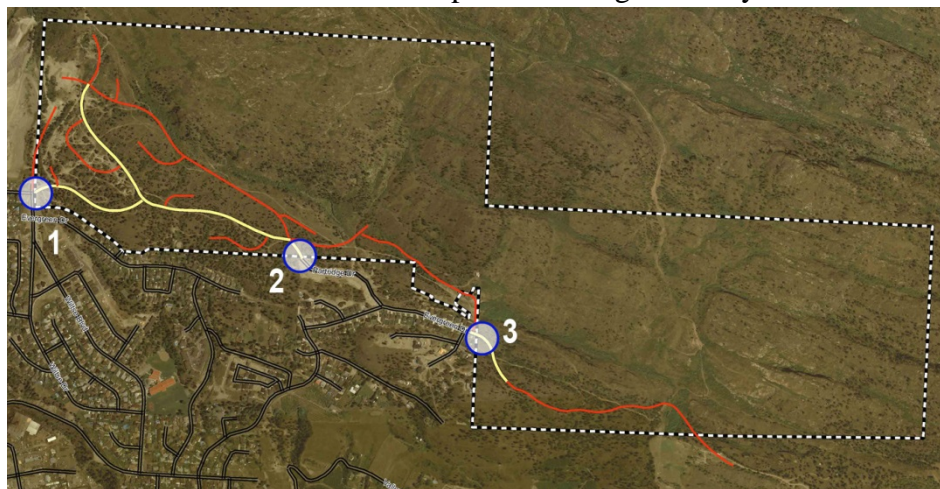


Refer to Figure 4 ‘Adjacent Land Uses’, Appendix A for complete mapping.

3.3 Roads and Access

The subject lands are generally located above (east of) Evergreen Drive. Primary access is currently off Wiltse Boulevard located at the north end of the two properties (1), with secondary access points off the south end of Evergreen Drive/Crow Place (2). An unimproved dirt road/trail running along the northern boundary provides access to the Fortis transmission line road that extends along much of the two properties. Access is also available from Partridge Drive for the southern portion of the north parcel (3)

The southern portion of the property (south parcel) has access via a dirt road/trail from Crow Place to the power line right of way. A dirt road/trail then runs through the western portion of the property. The dirt road is located at the bottom of several small canyons with steep, rocky sides. A dirt road also provides access from the south to the power line right-of-way.



Refer to Figure 5 ‘Roads/Access’, Appendix A for complete mapping.

3.4 Existing and Former Uses

There has been limited use of the site other than a small amount of quarrying activity that has taken place on the northern portion of the site. Hiking, mountain bike and ATV/dirt bike trails have been established over time without the consent of the property owners. Many of these trails and fire lines were also established during the 1994 Garnet Wildfire. This fire was known to severely affect the forest cover on much of the property.



Unauthorized rock climbing activity does occur in portions of the southern parcel which is immediately adjacent to the Skaha Bluffs Provincial Park. Refer to Figure 1 ‘Area Context Map’, Appendix A for location of Skaha Bluffs.

The Fortis Transmission Line crosses through both properties from north to south. In recent years, the route was partially altered at the extreme north end as a result of the expansion project to meet power requirements in the Okanagan. Refer to Section 3.11.

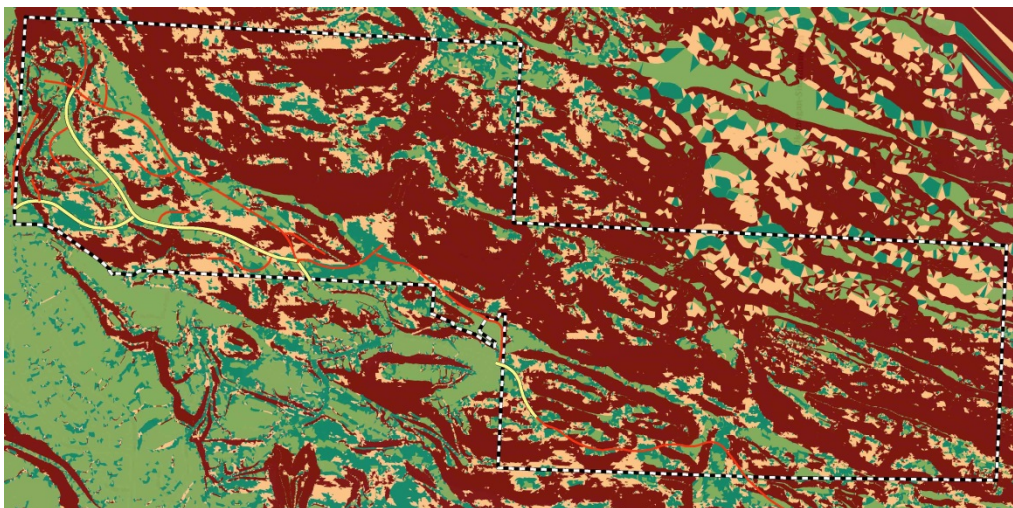


3.5 Topography and Terrain

The subject property has rolling terrain in the northern portion of the development with steep rocky terrain in the southern portion. The elevation varies from 490 to 720 meters with variable aspects due to the size of the property. Most of the property has a west to south west aspect. There are some areas along the eastern portion of the property with rolling terrain with side slopes of 0-15%.



The property above and to the east of the transmission line is open with scattered tree cover and open rock. This area has low use and poor access due to the lack of trails and steep, rocky terrain. The south west portion of this part of the development has steep, rocky terrain and limited access. There is a small canyon with very steep sidewalls in the southwest portion.



Refer to Figure 6 ‘Topography’ and Figures 7A-7C ‘Slope Analysis, in Appendix A for complete mapping.

3.6 General Environmental Characteristics

Garnet Fire Impacts

The lands experienced a major fire in recent time that eliminated most of the trees from the site, and has since induced regeneration of snowbrush.

Lot A, Plan KAP, Remainder R.P. 43260 - The forest to the east of the hydro line was partially burned in the 1994 Garnet Fire, leaving most of the forest cover removed from the land.

Lot 1, Plan KAP 74449 - There is a forest interface located along the western boundary, with large residential lots to the west. Most of the property to the east of the hydro line was burned in the Garnet Fire. There are small patches of the area where the forest has not been burned.

Flora

This property is located within the Okanagan Very Dry Ponderosa Pine (PPxh1) bio-geo-climatic sub-zone. Due to the western aspect, most of the property is within the sub-xeric to sub-mesic site, or drier series of this sub-zone. Open forest conditions are found on the property. There is a forest interface along the western portion of the property with a residential development to the west.

The average number of trees for the property is less than the 200 trees/ha commonly found in this sub-zone. Most of the property has no forest cover, with moss covered or bare rock exposed. There are small pockets of trees with ponderosa pines the dominant tree species and some scattered Douglas-fir trees in the wetter site series. The crown closure consists of scattered small groups of trees in the non-rocky areas where there is enough soil and moisture to sustain tree cover and vegetation. A crown closure of 20-30% is found in these forested pockets. The open rocky areas have less than 1% crown closure. These trees found on the property vary in height from 1 to 28 meters. The crown height varies from 1 to 5 meters on the larger pines. There are some bare areas visible that show mineral soil exposed. The duff layer is thin or non-existent, on most of the property, as is common in these ecosystems. There are some thicker duff layers, up to 15 cm in depth made up of pine needles, under the larger pines. Coarse woody debris is scattered or non-existent and does not increase the fire hazard risk. Crown heights and ladder fuels vary from 0.5 meters from the ground surface on some of the smaller trees, to 2 to 3 meters on the larger trees. The ladder fuels are scattered for most of the forest area. Blue bunch wheat grass, arrow-leafed balsamroot, Idaho fescue, kinnikinnick

and yarrow are the dominant herb species. Saskatoon bushes, common snowberry, Nootka rose and tall Oregon grape are common in the shrub layer. The moss layer is present.

Fauna

The preliminary environmental assessment identified incidental observations or indirect evidence of wildlife. Mammals noted included Big Horn sheep, mule deer, coyote, northern pocket gopher, and black bear. Bird species included Black-billed Magpie, Mountain Chickadee, Clark's Nutcracker, Cooper's Hawk, Northern Harrier, among others. The environmental assessment determined the core habitat and ecological buffer to be mainly on steeper rocky slopes on the eastern side of the property.

Reptiles

Two (2) records of the endangered desert night snake (*Hypsiglena chlorophaea deserticola*) occur within the Property (Polygon 65). The night snake locations occur within close proximity to areas planned for development and must be given careful consideration to avoid conflicts with this rare and sensitive species. Connectivity between occurrence locations and suitable habitats must be maintained within the Property, as shown on Figure 8, Appendix A 'Core Sensitive Areas and Connectivity'. This will prevent the arbitrary buffering of potentially less important habitat and instead focus on critical habitats required to sustain the species within or adjacent to the Property, such as talus slopes and rocky outcrops that provide hibernacula and denning areas and other areas suitable for migratory and dispersal corridors. The conservation of these areas will also benefit other sensitive reptile species, such as rattlesnakes, gopher snakes, and western skinks, which were also observed within the Property and have similar habitat requirements (SIRART 2008a; SIRART 2008c).

For the detailed Environmental Report please refer to Appendix B.

Refer to Figure 8, Appendix A 'Core Sensitive Area and Connectivity' for additional mapping.

3.7 Geotechnical Considerations

The Geotechnical Assessment was conducted during Spring and Summer of 2011. This assessment has investigated potential hazard areas and general stability of the lands to permit development. Caliber Geotechnical engineers retained Polar Geoscience Ltd. to conduct a geological map review and air photo interpretation to determine any signs of instability, hazard, rock fall, talus slopes and water seepage areas. An on-site investigation was also carried out by Albert Losch, P.Eng. and his staff in August 2011.



Conclusions of the assessment confirm that the only visible signs of instability are rock fall from many of the canyon walls.

(Please see Appendix 'D')

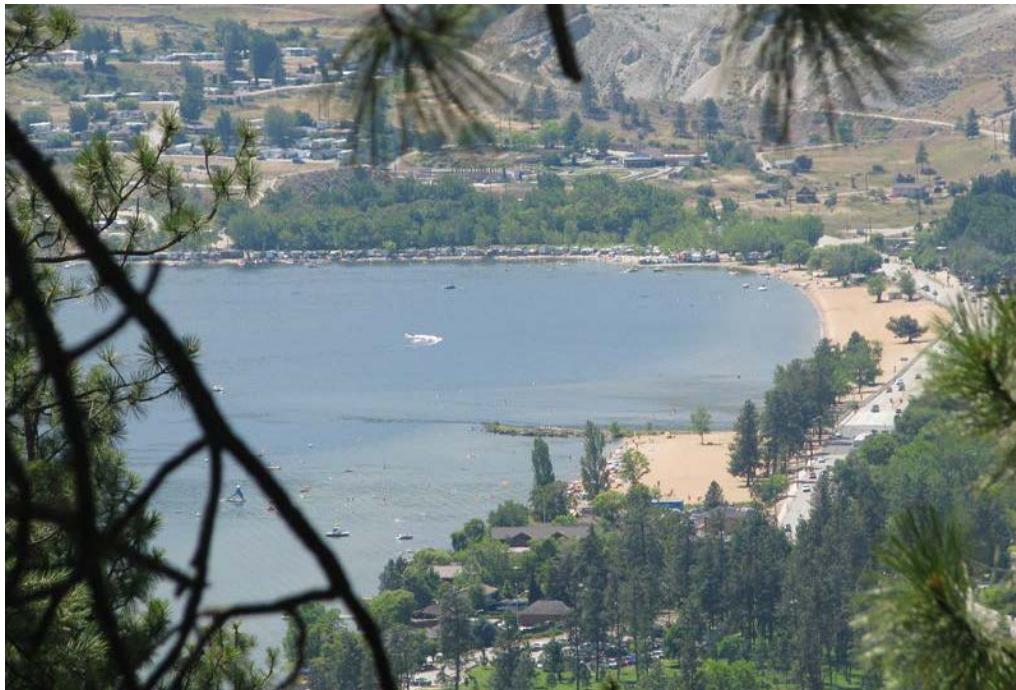
3.8 Infrastructure

Please see Section 11 and referenced City of Penticton Water and Sanitary Sewer Studies for a full account of the infrastructure that addresses the ability to supply services (water and sewer) to approximately 850 units and other facilities over a phased development timeframe. A Stormwater Management Plan was prepared specifically to address development of the Upper Wiltse Lands. It is contained in Appendix E.

Refer to Figure 9 'Infrastructure', Appendix A for complete mapping.

3.9 Views

Due to the western aspect and the elevation of the property, the land commands spectacular views of the City and Okanagan and/or Skaha Lakes from most locations. Views to the east are limited by a defined steep rock slope which follows the approximate location of the new Fortis Transmission Line.



3.10 Proximity to Schools and Services

The Upper Wiltse area is currently served by the following key services and institutional facilities:

- Wiltse Elementary School is approximately 900 meters down Wiltse Boulevard. The site also has play fields/local park, and the school is offered as a community meeting facility. There is reportedly, capacity to add more students at the existing school. Refer to Figure 3 ‘Air Photo’ in Appendix A for detailed location.
- The closest convenience store (commercial zoned land) is located at Wiltse Boulevard and Dartmouth Drive, approximately .85 km down Wiltse Boulevard from the proposed north entrance to the new neighbourhood.
- The Main Street commercial precinct where many convenience, services, retail and restaurants are located is approximately 1.36 miles or 2.2 km from the proposed north entrance to the project.
- Fire Hall #2 is located closest to the project site. It is approximately 1.7 miles or 2.7 km away from the proposed entrance, just off Dawson Avenue. Refer to Figure 3 ‘Air Photo’ in Appendix A for detailed location.



3.11 Fortis Transmission Line

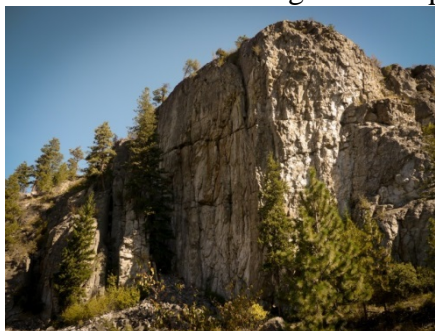
Other than the challenging terrain on much of the site, the main encumbrance is a high voltage (230KV) FortisBC Power Transmission Line and right-of-way. Unfortunately some of the most desirable land has been impacted and led to loss of significant development opportunities. The right-of-way follows the toe of the steeper slopes for much of the extent through the two blocks of land.

Refer to Figure 10 ‘Fortis Transmission Line’, Appendix A for complete mapping.



3.12 Parks and Open Space

Skaha Bluffs Provincial Park is located to the south of the subject property on the southeast perimeter of the City of Penticton on the east side of Skaha Lake. The newly established park is 178 hectares in size and is comprised of fairly rugged terrain, riparian areas and some shrub-steppe grasslands in a coniferous forest setting. The bluff area is also known to include California bighorn sheep and several species of wildlife at risk. The Skaha Bluffs are a very popular rock climbing destination in British Columbia. The climbing routes through the bluffs have been clearly defined in maps and various books and are internationally known as a world-class climbing destination.



In 2010 an interim Management Statement outlined the direction for a protected area until such time that a full management plan is prepared. The statement suggests that an additional 307 hectares to the south (Sub-Lot 18) would become part of the Provincial Park. This land currently incorporates private land jointly owned by The Land Conservancy of British Columbia, the Nature Conservancy of Canada and the Ministry of Environment. The management statement suggests that although it is currently held as ‘undivided interest’ amongst the owners, it will be transferred to the Ministry of Environment in the near future.

BC Parks and the current owners of the subject property have previously discussed opportunities for park expansion on the subject property.



Municipal parks are contained in nearby locations, including adjacent to Wiltse Elementary School. (see photo – right)

Refer to Figure 11A ‘Existing Parks/Open Space’, Appendix A for complete mapping.

3.13 Wildfire Risk

A Wildland Urban Interface Fire Hazard Assessment was completed by Richard Swanson, RPF of Swanson Forestry Services in February of 2011. The assessment addressed the following:

1. Utilized the BC Ministry of Forests supported assessment methodology.
2. Considered and integrated relevant findings and recommendations from other studies completed or underway that relate to the site.
3. Inventoried forest interface and proposed development.
4. Assessed Wildland fire hazard severity.
5. Established priorities for mitigating the dangers from wildfire.
6. Determined mitigation measures for vegetation, other combustibles and construction criteria.

The report concludes with recommendations to reduce the risk from wildfire, including emergency access standards from the National Fire Protection Association and building construction, landscape, and fuel management recommendations from BC FireSmart Manual.



(The full report is included in Appendix B)



4.0 Area Plan Description

This section generally describes the key components of the Area Plan, as follows:

- The Vision
- Sustainability Features
- Land Use
- Residential Build Out/Projected Population
- The Neighbourhood Centre
- Parks, Open Space, and Trails System
- Roads, Mobility and Transit
- Institutional/Schools
- Recreation

4.1 Neighbourhood Vision

The primary goal of the Wiltse Area Structure Plan is to create a vibrant and livable neighbourhood. Although it is seen as a physical extension of the lower Wiltse area, it is envisioned as a unique community with a high quality of living for its residents. This will be a place where you know not just your neighbours but your entire neighbourhood. It is a place that fosters diversity – cultural, social and economic, especially through a carefully designed mix of housing types, lot sizes, densities, recreational opportunities and public amenities. There should be the potential to age in place with seniors and assisted living facilities forming an integral part of the community. The community will foster a healthy mix of residents that will help ensure the vibrancy of the neighbourhood. This will be attained by offering housing product with smaller units and secondary suites, offering affordability to a cross section of residents and family demographics.

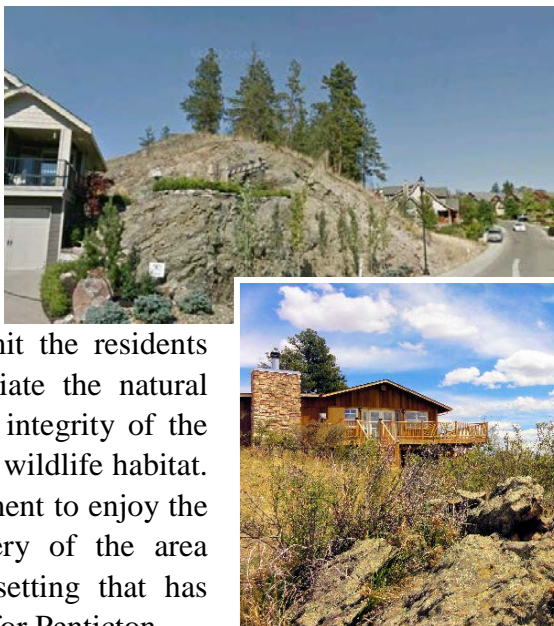
A small but vital component of the Area Structure Plan will be a Neighbourhood Centre that fosters sustainability. The Neighbourhood Centre is envisioned to provide residents, visitors and workers with basic retail needs, learning, social and cultural activities, and economic opportunities to pursue a healthy



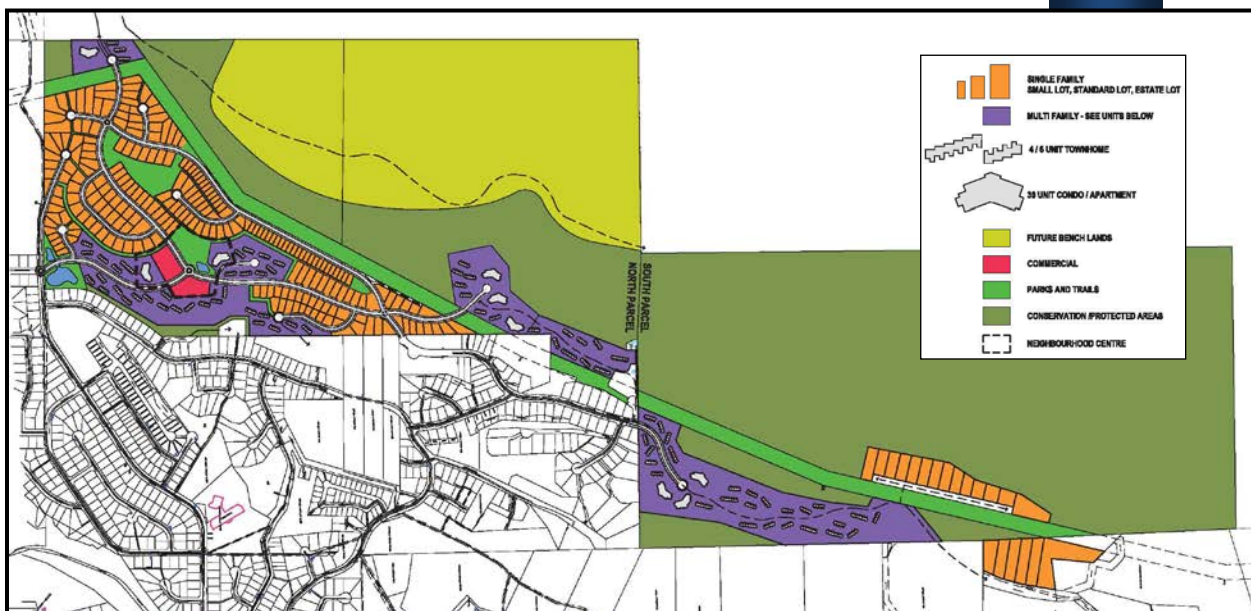
Wiltse Area Structure Plan – Final Report Wiltse Holdings Ltd.

lifestyle. It will be an area that will develop over time as the community grows, and eventually become the central hub for community events and social interaction.

A key principle of the vision for this new neighbourhood is the integration of the development with the natural environment. Steep slopes, natural features and open spaces will form a backdrop and be connected to the residential pods. A series of open spaces, trails and parks will permit the residents opportunities to access or appreciate the natural environment, while protecting the integrity of the more sensitive natural features and wildlife habitat. The intent is to allow the development to enjoy the natural beauty, views, and scenery of the area without compromising the very setting that has helped create this new community for Penticton.



Refer to Figure 12, Appendix A ‘Concept Plan’ for complete mapping.



4.2 Sustainability

The Wiltse Area Structure Plan has embodied sustainability in several forms and dimensions. It is the intent to see that as many of the following principles are implemented through ultimate planning approvals and at building permit stage.

1. Planning and Design Process



The approach for the Wiltse ASP has used an iterative process where planning, design, environmental and engineering members worked together as a team from the outset. Decisions were influenced by a broad group of professionals, and holistic thinking resulted in the discovery of synergies and the optimization of existing resources; all of which are necessary outcomes to achieve projects that are more sustainable. It is hoped that future planning and more detailed design will continue to respect this type of approach to truly achieve a sustainable community.

2. Land use

Efficient land use in appropriate locations and contexts, and at appropriate densities, is a critical component of sustainable community development. The Wiltse ASP set out to achieve these objectives in the following manner:

- A progressive community located adjacent to existing municipal services, and growth area that does not threaten agricultural lands.
- A complete mixed use community that includes townhouses and multi-unit residential (including mixed use, apartments and live-work spaces) and that is adjacent to single family residential.
- Compact development that promotes walkability and livability through higher residential densities.



- A compact community that situates homes in relative close proximity to potential places of employment (Penticton Hospital, Industrial area and South Main Street).
- Includes schools within walking distances of residential component of the development.
- Includes basic shops and services within walking distance of the residential component.
- Avoid gated areas and enclaves.
- To be developed in a dense manner that will allow the preservation of adjacent open space.
- Conserves and/or restores a segment of native wildlife habitat and connectivity corridors throughout the community.

3. Transportation

The location and variety of particular transportation modes has a large impact on three aspects that have important consequences for sustainable living: land use, air quality and climate change. To maximize sustainable living from a transportation perspective, the Wiltse Area Structure Plan took the following into consideration:

- Provide as many alternatives to the automobile as possible.
- Provide transit service connections to downtown, employment and shopping nodes of Penticton.
- Utilize a bicycle/trail network to make key areas such as schools/commercial accessible for non-auto modes of travel.
- Install bike racks at trail heads and in the Neighbourhood Centre.
- Provide a percentage of bicycle and/or car pool parking spaces of total auto parking for non residential and multi-unit residential buildings.



- Reduce road widths and impervious surfaces.
- Reduce parking spaces.
- Increase pervious spaces on roads, parking lots, etc by using permeable materials.



4. Water

Water plays a critical role in all life processes. It is also a resource that is under increasing stress due to competing needs between various sectors such as agriculture, industry, and urban development. In addition, water infrastructure, which includes facilities for treatment, storage, and distribution, is increasingly costly to build and to maintain. To address these issues, the Wiltse Area Structure Plan promotes the following:

- Locate the development within a planned water and wastewater servicing area of the city.
- Minimize the amount of distribution infrastructure.
- Develop in a manner that utilizes density to offset per capita infrastructure costs.
- Detain rainwater flows in detention ponds where appropriate.
- Reuse a percentage of the rainwater that is generated by the project.
- When appropriate, make use of grey water and water saving devices.
- Use household and commercial/institutional digital meters to record water use in real time.
- Use indigenous plants that are non-invasive and tolerant of local rainfall and climate conditions (i.e. minimize additional watering needs).



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5. Material and Waste Flows

The development of livable neighbourhoods requires significant quantities of various construction materials. The extraction of virgin materials (wood, ore, etc.) is harmful to the ecosystem integrity and species diversity, and is energy intensive. Where possible, the following is suggested for the Wiltse ASP:

- Utilize crushed blast rock (from on-site grading work) for subgrade material.
- Use recycled materials to reduce environmental impact.
- Incorporate a percentage of recycled asphalt into new pavement.
- Incorporate a percentage of recycled aggregate materials into aggregate base and aggregate sub-base.
- Incorporate Waste Management Plans for all new construction projects.

6. Site Landscaping

Landscaping can play multiple roles, such as aesthetic, hydrological, ecological, wayfinding, sense of place, carbon sequestration, or mitigation of the ‘urban heat island’ effect. Consequently, it is recommended that the Wiltse ASP consider the following:

- Use native plants on a substantial part of the site.
- Cover a percentage of the impervious surfaces with shade to reduce the heat island effect and reduce cooling and heating energy requirements.
- Use paving materials that will allow rainwater to percolate through the underlying soil.
- Design to preserve mature tree stands and existing topographic site features.
- Ensure that a percentage of the tree species mix should vary over time



to respond to the Pine Beetle or other epidemic infestations.

7. Food and Community Gardens

Food production is energy intensive, water intensive and typically uses pesticides, and is transported great distances, thereby contributing to GHG and other pollution emissions. It is recommended that the ASP consider the following:

- Plan for affordable locally grown food, potentially in community gardens dedicated on public open space.
- Relax bylaws that prohibit growing food in park space, on balconies, patios or rooftops, or other appropriate public/private spaces.
- Consider the feasibility of establishing a farmer's market in the Neighbourhood Centre.
- Consider creating multifunctional space that can also accommodate public gatherings and activities.
- Consider the development of a food store and restaurants in the Neighbourhood Centre.



8. Parks, Trails, and Open Space

Parks, trails and open space provide aesthetic, ecological and recreational opportunities. It is therefore recommended that the ASP consider the following:

- Greenway and wildlife corridors that connects the natural open space from



the north to the south, especially along the steeper slopes of the site.

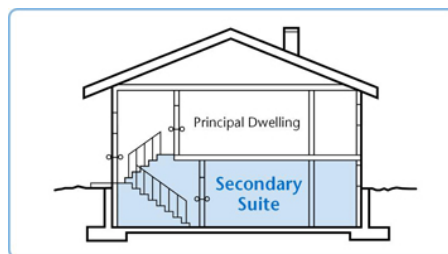
- Develop the lands to a density such that significant amount of the adjacent lands can be designated as open space.
- Provide public park space for active community use.
- Provide pedestrian and bicycle connectivity throughout the site and into adjacent open space.
- Provide accessibility for peoples with diverse abilities, be it physical, age-related, or otherwise.



9. Attainable Housing

Appropriate affordable housing, with the flexibility to meet changing needs (such as low to moderate incomes, physical and mental illness, different age groups) is an important part of social sustainability. The ASP should therefore consider the following concepts:

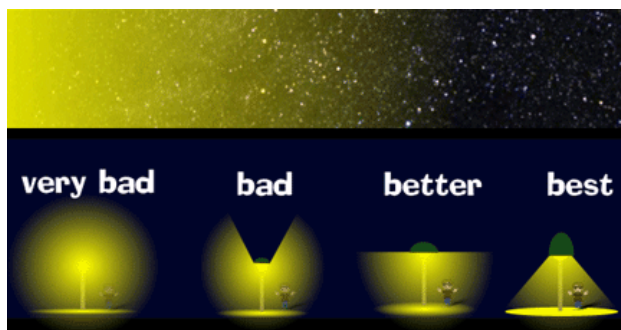
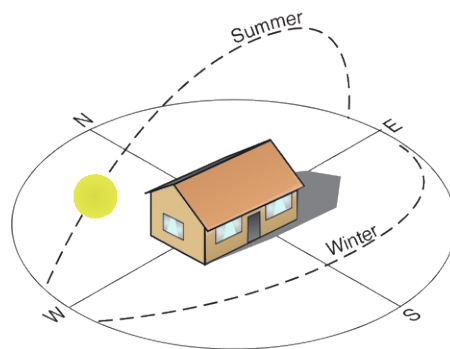
- Provide a residential environment that can support a wide range of socio-economic levels and age groups.
- Keep the cost of infrastructure and development low enough to allow a portion of the residential households earning up a certain percentage of the area’s median income to buy or rent in the area.
- Supply a range of housing types and sizes that allows the diversity of ownership, accommodating young families, singles, seniors as well as special needs as key components of the market mix.



10. Built Form

The built form affects our sense of place, the aesthetics of the community, and the ability of the project to practice energy, material and water conservation, reduction, and even generation. It is therefore recommended that the ASP consider the following:

- Orient a percentage of the buildings such that the longer axis of each is within 15° of geographical east/west.
- Orient a percentage of the project's buildings such that the longer axis of each building is at least 1.5 times as long as the shorter axis.
- Minimize light trespass from the site, reduce sky glow to increase night sky access, reduce glare and reduce development impact on nocturnal environment.
- Adjust light standards to reflect and differentiate between park and rural settings, residential areas, commercial and high density residential areas.
- Consider public safety through the use of CPTED (Crime Prevention Through Environmental Design) principles.



11. Economic Development

Economic development that is socially and environmentally responsible is an important component for achieving more sustainable communities. Secure employment that offers meaningful wages provides families with the opportunity to: i) raise their standard of living and ii) the free time to provide volunteer services for their community. It is therefore

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recommended that the ASP consider the following:

- Offer a (small) range of commercial facilities (retail, local office, etc.) to maximize the working and shopping opportunities associated with the neighbourhood.
- Encourage the development of employment opportunities appropriate for the area.
- Promote the inclusion of live/work spaces that are flexible enough to respond to changing economic opportunities.
- Provide small inexpensive commercial spaces for artisans and entrepreneurs



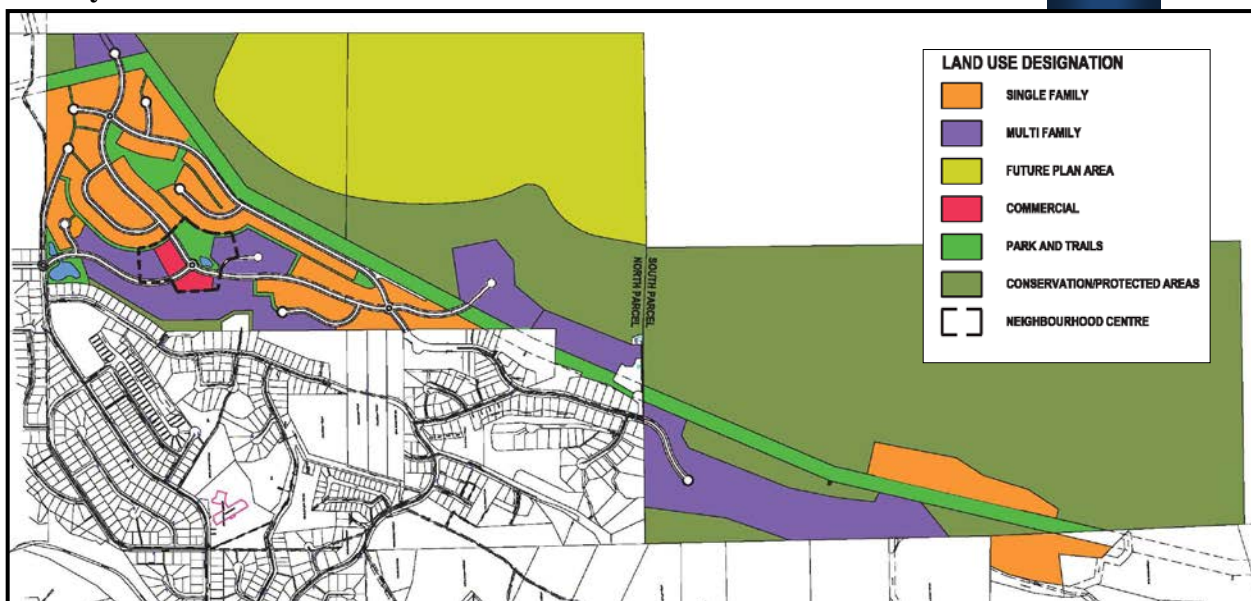
4.3 Land Use

The land use concept for the Wiltse Area Structure Plan is embodied in the following designations:

- Residential – Low Density Single Family
- Residential – Multi-Unit
- Neighbourhood Centre
- Parks and Trails
- Conservation and Open Space
- Future Plan Area (Benchland Residential)
- Forestry Grazing

LAND USE	LAND AREA			NET DENSITY		
	Ha	Ac	% OF LAND	UNITS PER HA	UNITS PER AC	% Unit Type
Single-Family	23.98	59.23	9.3%	10.4	4.2	34.0%
Multi-Family	25.41	62.76	9.9%	23.8	9.6	66.0%
Future Plan Area	49.95	123.38	19.4%	1.00	0.4	
Commercial	0.90	2.23	0.4%			
Parks and Trails	16.02	39.57	6.2%			
Conservation/Protected	131.92	325.84	51.2%			
Road ROW	9.82	24.26	3.8%			
TOTALS	258	636.94	100%			

Density Table



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Refer to Figure 13, Appendix A ‘Land Use Designation’ for full mapping.

1. Residential – Low Density Single Family

The *Residential – Low Density Single Family* Designation will encourage low density single family uses, accommodating both conventional and small lot development. The small lots may occur in areas fronting (or backing) public spaces and trail systems, in areas where significant natural features are to be retained, and in areas where public amenities and/or commercial spaces are located. It is expected that many of the small lot opportunities may be close to the Fortis Transmission Line.



Sizes for both conventional and small lots will be dictated by zoning. The main objective is to provide a diversity of lot sizes that will address the demand for a variety in homes and buyer demographic.

The majority of the conventional single family residential will be located towards the north end of the subject property. Due to topography, a multitude of housing styles will accommodate various user groups: single level bungalows, two storey walk-in, and two storey walk-out. The potential for legal secondary suites will provide supplemental income for homeowners as well as the provision for extended families to be accommodated.

Preliminary plans suggest approximately 340 units may be located within this designation.

2. Residential – Multi-Unit

The *Residential Multi-Unit* Designation is intended to encourage a mixture of medium density residential uses, largely in the form of townhouses and apartments. The townhouse product is envisioned as a mix of three to six unit buildings; the apartment (condominiums) product is envisioned as approximately three and



four storeys, 30 unit buildings with resident parking supplied underground. The height and location of this product will vary due to topographic constraints or opportunities, view corridors and other site implications.



The Multi-Unit designation is concentrated near the neighbourhood centre and closer to the north entrance of the development project, with other clusters on the east side the Power Line R/W and on the south parcel below the Power Line R/W. All multi-unit developments are buffered from the low density residential use by green space and parks.

Preliminary plans suggest approximately 600 units, with a 50/50 split between townhouse product and apartment condo product, may be located within this designation. Duplex and single family would be permitted with zoning.

3. Neighbourhood Centre/Commercial



The *Neighbourhood Centre/Commercial* Designation is intended to encourage a mixture of commercial retail and service, multi-family housing, mixed use commercial and residential use buildings and a seniors care and/or assisted living facility. Design guidelines will play a major role in the establishment of this centre so that it forms a distinct and cohesive character within the neighbourhood.

Beyond the commercial precinct, the adjacent central park will complement the neighbourhood centre.

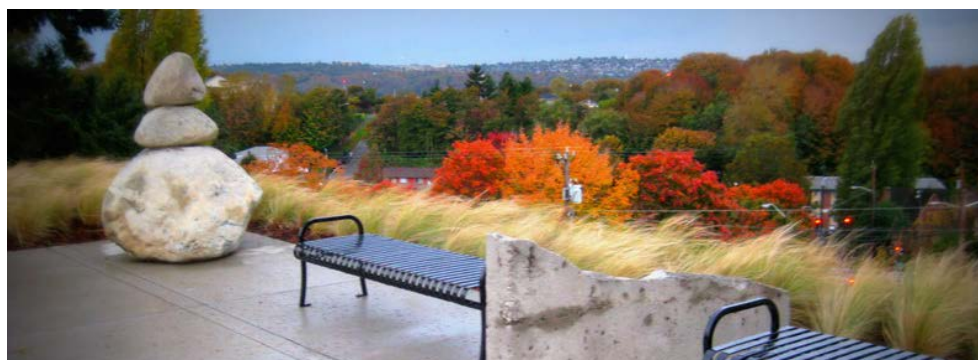


4. Parks and Trails

The *Parks and Trails* Designation is intended to encourage community outdoor recreational activity space, passive use and enjoyment and connectivity within the neighbourhood. The trails may vary from paved walkways to gravel footpaths. A major donation of land in the southern portion of the Plan Area will increase the size of Skaha Bluffs Provincial Park by 159 acres.

The Transmission Line easement offers an incredible walking and biking trail, with opportunities for equestrian and Nordic skiing.

Stormwater management ponds, lookouts, trailheads and interpretive sites will also afford opportunity for additional green space and parks.



5. Conservation and Open Space

The *Conservation and Open Space* Designation is intended to protect the major steep slopes, hazard areas, sensitive natural areas and the integrity of wildlife corridors from development. Other means of protection such as Development Permit Area guidelines, interpretive education or other conservation measures may also be required beyond the land use designation. It is recognized that the Skaha Bluffs Provincial Park is immediately adjacent to the south block of the subject lands. A major component of the South Block development is the donation of 159 acres to



provide for the expansion of Skaha Bluffs Provincial Park and retain conservation values. Future Plan Area (Benchland Residential)

The *Future Plan Area* Designation is intended to promote the use of particular sites where topography will permit development in the form of residential clusters or acreages, while protecting the integrity of the steep slopes and environmentally sensitive lands. Development is recognized for this area subject to further detailed planning, access and servicing parameters that will meet City requirements.



4.3.7 Forestry Grazing

The Forestry Grazing designation is for a large part of the South Block, with rugged topography and a small area for development. Most of the area will be retained in a natural state, with development limited to 2 dwellings and potential for up to a 20 room lodge / resort.

4.4 Residential Build Out (Units)

	North Block	South Block
Low Density – Single Family 230		
Small Lot Residential	40	0
Conventional Lot	190	106
Bare Land Strata		17
Multi-Unit Residential 600		
Townhouse	290	57
Apartment	160	0
Mixed Use	50	0
Other (Seniors Care, Assisted Living)	20	0
Suites	?	
Future Plan Area	?	

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TOTAL	670	180
Population (Build Out)	1,600 - 1,785 (Assumed Av Household Size = 2 or 2.1)	Total Units 800 - 850

Notes:

As size of seniors housing rises, total units of other multi-unit residential (apartments, etc.) may be decreased.

Unit build out is not representative of equivalent units.

4.5 The Neighbourhood Centre

A Neighbourhood Centre is proposed as a small but important hub to the development. This centre is envisioned to provide the basic retail and service needs for this sector of the city and especially the neighbourhood. It is not expected to detract or compete with business located in downtown Penticton or other major commercial precincts. The intent is that any retail or service in this location will encompass basic needs in order to promote a more sustainable community and limit vehicle trips to downtown Penticton for day to day goods and services.



The following suggests the makeup of the Neighbourhood Centre:

- Local and Convenience Retail and Service Commercial on Ground Floor.
- Local Office and Health Care.
- Mixed Use Commercial and Residential with Commercial on Ground Floor.
- Live/Work Uses/Studios.
- Higher Density Multi-Unit Residential to Support the Commercial Centre.
- Potential for Seniors, Care and Assisted Living Facilities.
- School (Private or Public).
- Public Space/Amenities.

Key considerations to establish this centre so that it is compatible with the neighbourhood will be the following:

- Architecture, urban design and landscape guidelines that will address streetscape, facades and entryways making the area accessible to passing pedestrians, cyclists, and motorists, and also to make the ground floor of the buildings visibly transparent to promote interaction between building and street.
- A cohesive character (and consistency) for the neighbourhood centre, relative to materials, colors, scale, signage, building setbacks, retaining walls, furnishing, landscape and lighting.
- Sensitive integration of any multi-unit residential buildings through design and siting.
- Sensitive integration of any special use buildings, including institutional or health related, through design and siting.



4.6 Parks, Open Space, and Natural Features

The Area Plan incorporates a network of parks, trails and open spaces that will be designated for the enjoyment and active lifestyle of the residents.



Refer to Figure 11B, Appendix A ‘Proposed Parks/Open Space’.

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In keeping with the City of Penticton Official Community Plan guidelines for the provision of parks, the Area Structure Plan allocates the following:

- Neighborhood Park: 10.6 Ac
- Community Park (include trails/greenways): 28.8 Ac
- Conservation/Protected Areas: 325.8 Ac

ASP Parks Allocation		City Guidelines
Neighborhood Park	13.6 Ac/5.5 Ha	4-5 Ac (@ 2.5 ac/1,000 pop.)
Community Park	28.8 Ac/11.65 Ha	12-13 Ac (@ 7.5 ac/1,000 pop.)
Total (rounded)	39Ac/15.8 Ha	16 – 18 Ac
Conservation/Protected Area	325 Ac/131.5 Ha	-N/A
Total all parks/reserved area (rounded)	364 Ac/147 Ha	-N/A

Neighborhood parks include the larger blocks within the central aspect of the neighborhood, and tot lots, all accessible by walking or cycling. The neighborhood parks typically provide a broad range of recreation opportunities for the entire neighborhood.

Community Parks include the significant expansion of the Skaha Bluffs Provincial Park and other natural areas, linear parks and trails. Although the City’s guidelines include major recreation parks and athletic parks (sports fields) within the community park category, this ASP acknowledges the challenges of the sloped lands and therefore limits large playing fields that would avoid major grading requirements.

At time of development, should it be warranted that additional lands are required for community park facilities, the City may invoke their cash-in-lieu for park land and policy as compensation so that the City can purchase land to create community parks in a more suitable area.



Much of the open space will be protected due to the steep slopes and environmental sensitivity of the lands. Significant portions of the two parcels of land will be protected for conservation use due to known wildlife or endangered species and natural features that are prominent in certain locations. Where feasible, the network of greenspaces will contribute to stormwater management of the development, as well as corridors for wildlife movement, hiking trails and local parks or interpretive sites. The Fortis Transmission Line through the site is also a prominent feature that will be incorporated into the overall linear parks, trails and open space network.



4.7 Roads, Mobility, and Transit

The transportation and mobility network respects the fact that much of this new neighbourhood is located on a hillside. A series of local roads, sidewalks, pathways for pedestrians and cyclists, and transit connections, will provide opportunities for efficient neighbourhood movement as well as connections to locations beyond the neighbourhood. The system of roads incorporates narrow local roads, short cul-de-sacs, and potential strata roads to accommodate the nodes of multi-unit residential development. Traffic calming for any through roads should consider the use of roundabouts where feasible, along with curvilinear design that will respect the terrain and the establishment of pockets of residential development.



Preliminary concepts suggest a series of interconnected greenways that will accommodate pedestrian and cycling trails throughout the neighbourhood where terrain will permit. The greenways will also allow the circulation to connect with the central park, numerous pocket parks and the adjacent undeveloped lands and crown lands beyond the City.

A transit connection and route is assumed to be able to service the Upper Wiltse area in the future. A convenient transit stop would be at the Neighbourhood Centre. As the project is phased and roads are constructed, an appropriate transit route should be chosen to service both north and south ends of the Upper Wiltse neighbourhood.

4.8 Institutional and Schools

Institutional uses such as fire halls and schools may not be required in the Upper Wiltse area for many years into the future as current nearby facilities provide capacity for growth in population. However, School District #67 has expressed interest in further participation in the development planning process and investigation of setting aside land for a school site in the (Upper Wiltse) area.

Fire Hall #2 is very close to the subject area, but confirmation may be required regarding additional fire protection. It is also assumed that all multiple unit structures would be built to code with fire resistant exterior and roofing materials. Furthermore, apartment structures would be required to have sprinkler systems throughout the buildings, in accordance with BC Building Code. Covenants could also be used to ensure such protection is enshrined in the plan.

Churches, community halls or key public amenity spaces would be permitted in convenient locations in the neighbourhood. Opportunities to group the facilities within or close to the Neighbourhood Centre would certainly be encouraged.

4.9 Recreation and Culture

The Area Plan promotes the use of outdoor spaces and activity areas to add to the quality of life for the residents. The natural terrain of the site lends itself to walking, hiking, cycling, and of course, rock climbing in the nearby Skaha Bluffs. Outdoor recreation facilities such as parks and trails can also be complemented by indoor recreation and sports. Public and private facilities are encouraged in or near the Neighbourhood Centre and in affiliation with Community Parks or schools.



The Neighbourhood Centre is proposed to be a social gathering area where a plaza, outdoor square or private spaces can be programmed for public use throughout the year. Both public and private spaces should be designed to support public art, music events, small markets, displays and outdoor dining. It is also expected that the area's municipal parks can be programmed for recreation, competitions, education, environmental interpretation and cultural events.

5.0 Residential Policies

This section describes the policies for a variety of residential uses ranging from single family units to low and medium density multi-unit residential forms. Opportunities for clustered residential and acreages on the upper bench of the north block are also provided in a Future Planning Area. Very limited development is provided for in the large Forestry Grazing parcel in the South Block. The diversity in housing form is intended to address the challenging topography, while offering housing product that will address family size, life cycle, income levels and affordability and tenure types.

5.1 Goals

1. Provide for a diversity of housing types and densities in keeping with the Official Community Plan.
2. Develop residential areas that will respect steep slopes and environmental sensitivity.
3. Plan for a mixture of housing that will accommodate various income levels and demographics.
4. Create a neighbourhood that will encourage ease of access to public spaces such as parks and trails.
5. Promote a strong sense of design and siting of residential development to avoid interruption of views in the hillside environment.
6. Promote a mixture of residential and commercial uses in mixed use buildings in the neighbourhood centre.

5.2 General Policies

1. The Area Structure Plan will accommodate a diversity of housing product to address family size, life cycle, income levels, affordability and tenure types.
2. The Area Structure Plan has been prepared to accommodate a neighbourhood of approximately 850 residential units with predominantly low density multiple family housing form (townhouses and low rise apartment condominiums). Using equivalent unit calculations, this implies

that ultimate build out for this ASP would be less than the forecast allocation related to the servicing capacity for this part of the Eastern Hillside. This further implies potential for some infill and further densification in the distant future.

3. Clustering of residential will be used to address hillside and sensitive environments where appropriate and necessary.
4. Medium density, ground oriented multiple family (unit) residential uses will offer a range of housing type and affordability.
5. The single family residential uses will provide a variety of larger lot, (duplexes permitted with zoning approval) conventional and small lot development areas, respecting suitable location and relationship to the higher density residential areas.
6. Low density multiple residential forms (townhouses) will be carefully integrated into hillsides and comprehensive pockets or pods of development (planned unit development) to form compact sub-neighbourhoods while achieving economic efficiencies and quality living environments.
7. Apartments will be focused in select locations and in close proximity to the neighbourhood centre; mixed use buildings with residential above commercial uses will be encouraged in the neighbourhood centre.
8. The development of all residential will work with the opportunities and constraints of the site, relative to the following: highest and best use/marketability of lands, slopes, views, relationship to the Fortis Power Transmission Line and the Cantex Gravel Quarry, roads/access and protection of the environmental integrity of the site.
9. Gated communities will not be permitted.

5.3 Single Family Residential Policies

The following policies are intended to encourage and control a diversity of housing forms and lot sizes:

Small Lot Housing

1. Encourage a significant proportion of small lot development that will address affordable housing demand.
2. Ensure that small lot development has access to public spaces such as

- parks, trails and amenities.
3. Require appropriate transition and integration between larger conventional lots and small lot development through use of local streets, parks, trails and green space, as well as urban design (DPA) guidelines for intensive development.
 4. Lot sizes will be in accordance to densities in the City of Penticton Zoning Bylaw.
 5. Housing types to be supported include but are not limited to bungalows, manufactured homes, cottage homes as well as regular walk out and walk-in houses.
 6. Garages and other structures will be permitted subject to allocated site coverage and dependent on terrain. In difficult terrain, on-site parking (over one parking space) may be addressed with roadside cluster parking.
 7. Secondary suites will only be permitted subject to zoning.

Conventional/Large Lot Housing

1. Encourage a significant proportion of conventional/large lot development that benefits from the site views and other attributes of the location.
2. Ensure that conventional single family residential areas have immediate or easy access to parks, trails and green space.
3. Housing types to be supported include but are not limited to bungalows, walk-ups and walk-ins, duplexes, secondary suites, carriage houses, and special housing forms subject to zoning. Low density multiple family residential (e.g. threeplex and fourplex townhouses) may be permitted subject to rezoning.
4. Lot sizes will be in accordance to densities in the City of Penticton Zoning Bylaw.
5. Development may require covenants to address steep slope portions of a lot and protection of environmental sensitivity of an area. Integration of covenant areas with open space corridors, trails, and parks where necessary is encouraged.

Future Planning Area

The following policies are intended to support and control appropriate development of the Benchlands of the North Block of the Upper Wiltse Area. Either acreages or clustered single family residential development is expected to achieve the main goals of avoiding steep slopes and protecting the integrity of any environmentally sensitive lands and wildlife corridors.

Acreages

1. Large lot estate homes are supported in appropriate locations of the upper bench. Lot sizes will be a minimum of 2.5 acres/1.01 hectares and no greater than 20 acres/8.09 hectares.
2. Large lot development will be planned and designed with topographic features in mind.
3. Cross slopes of 30% or greater will be subject to covenants and/or development permit guidelines within a steep slope DPA.
4. The overall footprint of built form (houses, paddocks, garages, outbuildings and other structures, and hard surface driveways) will be limited by zoning/lot coverage provisions.
5. Development of this area will only be permitted once servicing and roadway access is confirmed with the City's approval.
6. Hobby farms, Bed and Breakfasts, Equestrian facilities, wineries, and small resorts may be permitted subject to zoning.

Cluster Housing

1. Clustered home development is supported in appropriate locations of the upper bench. The main intent is preserving the integrity of large open spaces and environmentally sensitive areas.
2. Amenities in the form of planned unit area parks, public spaces, club houses, community facilities should be considered in comprehensive plans for all cluster home developments.
3. Average density factors for planned unit/cluster developments shall be determined by zoning.
4. Single family residential or low density multi-family development (threeplex and fourplex townhouses) will be permitted in cluster home

developments.

5. Development of this area will only be permitted once servicing and roadway access is confirmed with City's approval.



5.4 Multi-Unit Residential Policies

1. The area designated as Multi-Unit Residential on the Land Use Schedule will accommodate predominantly low density multiple family residential and some medium density residential housing forms (including triplexes, fourplexes, townhouses, compact housing, apartments and other innovative forms of housing, in keeping with the direction imposed by the Official Community Plan. Single family residential may be permitted in accordance with Zoning provisions.
2. Low Density Multiple Family Residential forms will be contained in three to six unit buildings.
3. The Medium Density Residential forms of townhouses and apartments will be at a maximum net density of 40 units per acre. Ground oriented apartments will be four storeys maximum with approximately 30 units per building.
4. Other forms of housing such as compact housing, seniors and care facilities will be subject to Zoning provisions.
5. Placement of multi-residential forms of housing will respect the protection of views and view corridors from up-hill homes.
6. Buffering between single family residential and any multi-unit residential uses shall be achieved with the use of open space, parks, trails and distance separation.

7. Multi-unit residential development is encouraged to be developed in close proximity to and within the neighbourhood centre to achieve critical mass and design objectives for the mixed use centre.
8. Parking is required to be within or under structure of the principal building to avoid expansive surface parking area.
9. All multi-unit residential development will be located in close proximity to or within easy access of, parks, trails or an open space system.
10. Grouping of multi-unit developments is encouraged either within a single development site or aggregated sites (node) to avoid impacts on sensitive natural areas and steep slopes.
11. The greatest concentration of multi-unit residential use is encouraged at the extreme north end and south end of the subject lands to avoid through traffic in the low density residential areas.
12. All multi-unit residential developments will be subject to Development Permit Area Design Guidelines that will address form and character.
13. The south block multi-unit residential area will be subject to both Multi-Family Residential DPA and Environmental Protection DPA upon annexing the land into the City of Penticton.

5.5 Forestry Grazing

1. The area designated as Forestry Grazing on the Land Use Designation Map will accommodate a large parcel characterized by steep rugged topography with limited development potential.
2. Development on the Forestry Grazing site will only occur in the area identified as “Development Area” on Figure 13, the Land Use Designation Map. The remainder of the site is to be maintained in a natural, undisturbed condition, except for low impact trails.
3. The development will have a minimum parcel size of 25 ha and a maximum density of 2 single family dwellings. A tourist commercial lodge / resort of up to 20 room is permitted, subject to zoning, within the “Development Area”. The lodge / resort is to offer a unique visitor experience with an eco or agri-tourism focus.

6.0 Neighbourhood Centre Policies

The following policies are intended to encourage and control development in a mixed use neighbourhood centre that will permit minor commercial uses, mixed use residential/commercial buildings, care and seniors facilities, and a concentrated node of high density multi-unit residential buildings.

Sub-components of this designation are as follows:

- Mixed Use Development
- Commercial Core
- Care and Seniors Complex
- Higher Density Residential

6.1 Goals

1. Provide an opportunity for neighbourhood convenience commercial retail and services.
2. Create a sense of place and neighbourhood focus with appropriate attention to design, uses and siting of the centre.
3. Accommodate Seniors Care and Assisted Living facilities so that they are integrated with the neighbourhood through design and siting.
4. Promote higher density residential and mixed commercial/residential uses in and near the Neighbourhood Centre.

6.2 Mixed Use Development

1. Blended mixed use buildings with residential uses above commercial (retail and office) on the ground floor will be encouraged in the neighbourhood centre.
2. Live/work opportunities will be promoted where studio or office space is made available in or within close proximity to residential buildings and mixed use buildings. Zoning will permit transition from residential to commercial use of units over time.



3. Parking is required to be within or under structure of the principal building or shared with adjacent buildings.
4. Urban design will promote pedestrian oriented character and amenities such as outdoor and street level activity, landscaping and site features.
5. Residential Unit sizes are encouraged to be small to assist with affordability and attraction of consumers to support the commercial enterprises.
6. Commercial uses will be limited to local convenience retail, recreation and fitness, health care professionals and related services such as a pharmacy.
7. A maximum of 10,000 square feet (930 square meters) of commercial (retail/office/service) will be permitted in the Neighbourhood Centre.

6.3 Commercial Core

1. Approximately 2.5 acres (1.01 hectares) of land have been dedicated to neighbourhood centre commercial retail and service.
2. Uses should be limited to convenience groceries, restaurant and beverage (includes pub), cafes and health related services such as doctors, physiotherapists/message clinics and pharmacy.
3. Health related retail and services can be contained within Care or Seniors and Assisted Living Facilities.
4. A maximum of 10,000 square feet (930 square meters) of commercial (retail/office/service) will be permitted.
5. Zoning of commercial uses will be in accordance with the CD Zone.
6. Customer parking shall be allocated between surface and structured/underground parking spaces, with the majority being accommodated within the building.
7. Any free standing buildings must comply with Design Guidelines for the Neighbourhood Centre.



6.4 Care and Seniors/Assisted Living Complexes/Institutional

1. Care and Seniors or Assisted Living development is encouraged as a focus of development in the Upper Wiltse Neighbourhood, providing scale and massing of the buildings do not compromise the neighbourhood character of the area. Three stories maximum is envisioned with the potential to integrate related retail and health care services at the ground floor level.
2. Accessibility from local roads is a requirement of development.
3. Visitor parking shall be allocated between surface and structured/underground parking spaces, with the majority being accommodated within the building.
4. Care and Seniors/Assisted Living Complexes will be subject to DPA Design Guidelines to address form and character and the ability to sensitively integrate such development within the neighbourhood centre.



6.5 Higher Density Residential

1. Multiple unit residential buildings will complement the commercial, mixed use and any care/assisted living facilities in the neighbourhood centre. A comprehensive design plan will be required to address compatibility amongst the various uses in the centre.
2. In the neighbourhood centre, five-storey or higher building profile may be considered with zoning approval and within strict design parameters. The intent is to create critical mass of residents in the vicinity of the neighbourhood centre, housing affordability and a mixture of demographic in the entire Upper Wiltse neighbourhood.



3. Parking shall be located within or under the principal structure. If totally underground, parking level should not count as a floor.
4. Development should be integrated with the urban design character of the centre as well as the other higher density buildings in the vicinity of the neighbourhood centre.
5. All multiple unit residential buildings shall be subject to DPA Design Guidelines to address form and character.
6. The City may consider innovative forms of housing within the neighbourhood centre, providing the character of an accessible, walkable and user friendly precinct is not compromised.

7.0 Parks, Open Space, Trails, and Natural Features Policies

This section describes the policies for an integrated system of parks, open space and trails that will complement this residential community and form a backdrop to a growing livable and sustainable city.

7.1 Goals

1. Create a strong sense of connectivity between residents of the community/ neighbourhood.
2. Promote a strong connection and relationship with the natural beauty of the site.
3. Promote and supply opportunities for active recreation and a healthy lifestyle.
4. Create a diverse mix of uses within the park system to appeal to all user groups.
5. Create a cohesive overall park system.
6. Preserve natural site features and wildlife habitat.
7. Create park space and amenity areas that are integrated with storm water, transportation and utility infrastructure.
8. Respect and enhance the development and/or expansion of Skaha Bluffs Provincial Park.
9. Allow for the creation of additional semi-private greenspaces.

7.2 Parks Policies

1. A network of greenspace is integrated into the Area Structure Plan, allowing residents to move freely throughout the neighbourhood with all trails emanating from the central park and diffusing into adjacent undeveloped lands.
2. A hierarchy of spaces will exist with a central park acting as the core of the system. This park is seen as programmable space to accommodate larger groups of people and a wide variety of activities. It will be located in the heart of the neighbourhood centre and become a meeting place for social interaction.

3. Numerous neighbourhood or pocket parks will be provided close to residential areas. These are smaller greenspaces that may accommodate playgrounds, lookouts, trailheads and interpretive sites as examples. Storm water ponds required on the site will also afford opportunities for additional greenspace and/or parks.
4. All neighbourhood parks/green spaces will be connected via greenway corridors that will permit movement of pedestrian/hikers, snowshoeing/cross country skiing enthusiasts, and cyclists as well as wildlife.
5. Fixed exercise equipment could be located on one park or a series of interconnected parks to create an exercise circuit.
6. Due to the challenging topography of much of the property, large sports or play fields are not envisioned. Instead, active play and sports activities or recreational events will be directed to nearby Wiltse Elementary School playfields and adjacent park just down the road on Wiltse Boulevard.
7. The smaller parks will be designed for both active and passive opportunities in keeping with the City's Parks, Recreation and Culture Master Plan requirements.
8. Any future school site requirements deemed necessary should consider complementary development with an adjacent municipal park.
9. This Area Plan provides for a major expansion to Skaha Bluffs Provincial Park to facilitate management of environmental values and public recreation use. Integration of neighbourhood trails with this Park will be promoted for hiking, equestrian and other recreational pursuits.
10. .



7.3 Conservation and Protected Areas Policies

1. Conservation areas include steep slopes, ravines, gullies, wetlands and limited forest cover areas that will not be subject to development and consequently protected through designation.
2. Certain sites that have been identified through professional ecological evaluation will be protected by Environmental DPA.
3. Sensitive natural areas that may not be formalized as park space but that will be preserved as non-buildable lands may be integrated into the residential areas with careful design and environmental monitoring.
4. Interpretive signs along the linear trail system will provide information about features in the area without providing direct access, thereby protecting habitat and environmental integrity of the sensitive features.
5. The Fortis Transmission Power Line ROW will also serve to protect an open space feature immediately along the eastern edge of the neighbourhood. This will form a transition into the major open space system and Skaha Bluffs climbing area to the east of the residential neighbourhood.
6. The open space policies shall respect the recommendations of the Biophysical Inventory and Environmental Sensitivity Analysis conducted by Ecoscape Environmental Consultants and the City's Environmental Consultants.



7.4 Trails Policies

1. Trails will be developed for increased connectivity between neighbours and to the central park.
2. Trails and trailheads will provide connectivity to recreational opportunities beyond the neighbourhood.

3. Trails may vary from paved walkways to gravel footpaths, in order to best suit the terrain and the development around them.
4. Trails should offer as much universality as possible for all age groups and abilities.
5. The City and developers will work with FortisBC to ensure the use and suitability of the Power Line easement for walking, biking and equestrian trail opportunities.
6. Natural rock outcroppings, cliffs, gullies and significant tree stands will be preserved wherever possible to profile the rugged nature and beauty of the area where trails will be planned and constructed.
7. Trails planning must respect environmentally sensitive areas and features; interpretive signs will be used to educate trail users in the vicinity of these sensitive areas and avoid impact on them.
8. Trails along greenways near residential areas will not contain lighting to avoid disruption of the enjoyment by the residents. Dark skies provisions may be included in the hillside development guidelines.



7.5 Natural Features Policies

It is implicit that natural features will play an important role in establishing the character of this new neighbourhood, along with protecting the environmental integrity of the lands. The following policies are intended to help influence the aesthetics, livability and general sustainability of the community. It is understood that these policies will be complemented by the Environmental Policies contained in Section 9.0.

1. Key natural features including major rock outcrops, canyons, unusual geological features, and important water and vegetative features will be protected from disturbance.



Wiltse Area Structure Plan – Final Report *Wiltse Holdings Ltd.*

2. Wherever possible, identified features to be protected will be incorporated into the parks, open space or conservation designations of this plan.
3. Roadways, trails, servicing lines or other linear developments should ensure routing plans that can work around the major natural features.
4. Extensive grading that will be required in the north block should also consider protection of natural features wherever possible, even though much of this area has historically been disturbed by human activity.
5. Special environmental features that form key habitat for wildlife or reptiles have been identified. Talus slopes, wet areas and steep slopes should be signed for protection or incorporated into an interpretive/education program for residents and visitors to become part of the stewardship efforts.
6. Key natural features can form part of the parks/trails/pedestrian system but with careful planning and design by qualified Landscape Architects.
7. Key natural features may be incorporated into the overall storm water system, boulevards, medians, and within public or private spaces, providing protective measures are taken. Covenants may be used on private lands, the City may acquire certain lands or conservation methods used where necessary.
8. Monitoring by qualified environmental professionals will be required wherever development and construction is to take place in or near environmentally sensitive areas and critical habitat that forms part of the natural features.
9. Planting of areas where major grading will take place should include a significant percentage of indigenous trees and plants. Ability to incorporate xeriscape and natural replanting on private property should be included as part of development guidelines, as well as addressing wildfire interface concerns.
10. Where key natural features may be affected by the results of grading, e.g. soil erosion, sediment flows, and storm water drainage issues, a civil engineer must be involved to address potential impacts prior to disturbance of the site.



8.0 Urban Design

This section addresses some of the critical urban design elements such as the following:

- Community Character
- Hillside Development
- Residential Design
- The Commercial/Neighbourhood Centre
- Special Conditions Related to Certain Areas and Site Features
- Visual Impact Considerations

8.1 General Design Principles

- Keep rugged hillside features where possible – Although grading of much of the northern block will be required, there are several areas where the natural terrain and steep slopes will be retained. These rugged hillside features and backdrop to the development will help define the Upper Wiltse Neighbourhood.
- Integrate roads and development following the contours (curvilinear design) – Roadway design and alignment will help dictate the layout of this hillside community. Access, road standards and alignment will respect the general contours and slopes. Cul-de-sacs, crescents and short/broken extents of road will help create sub-neighbourhoods and pods of development for both single family and multi-unit residential areas. Local streets should be narrow designed for a low design speed. Roads should be constructed “around” major natural features such as boulders/rock outcrops.

Refer to Figure 14, Appendix A ‘Development Vs Slope’.

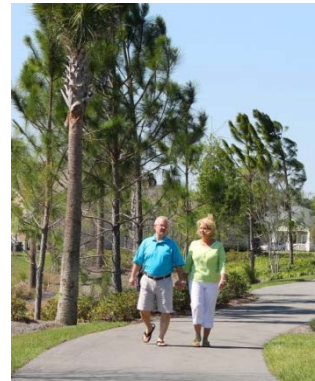
- Contour slopes – Working with the land orientation, any grading that needs to be conducted will create gentle transition between benches or housing platforms. An overall grade of 15% for the main single family residential area is envisioned to be achieved. Overall intent is to establish development areas that allow for seeing over the homes below and with views towards one or both lakes.

Refer to Figure 16, Appendix A ‘Proposed North Parcel Grading’.

- Open Space and Parks breaks up massing – Use of open space and local parks/greenways will help break up the massing of development along the hillside. Existing vegetation, natural features and replanting will be interspersed on public and private lands, forming a variety in viewscales as seen from within the neighbourhood and from external vantage points. Uniform building rooflines should be avoided. Trees should be retained or replanted within road rights-of-way.
- Landscaping regarding Single Family Residential (see Guidelines for Wildfire Report and DPA).

8.2 Community Character

- Establish an attractive, pedestrian-friendly, walkable community that respects and integrates the local character of Penticton.
- Support local mixed use opportunities at community focal points that promote a healthy, vibrant, pedestrian-friendly neighbourhood.
- Encourage architecture that is innovative, of high quality, and supportive of the community's image, identity and sense of place.
- Provide high quality landscaping through the creation and maintenance of landmarks, pathways, and focal points within the neighbourhood.
- Enhance the attractiveness of community focal points through careful attention to urban design, provision of innovative landscaping, street furniture, distinctive lighting, and public art.
- Ensure public and private open space is clearly and attractively demarcated along internal open space corridors.



8.3 Hillside Development

- Contour hillside slopes – natural slopes should be retained between houses wherever possible.
- Use of walls – height and length – Retaining walls are often the scourge of hillside developments. Walls should not be used in place of natural features such as cliff, rock knoll or outcrop. Necessary walls should be kept low and terraced, screened with strategic placement of trees and landscape material, and use of natural stone wherever possible. Manufactured material walls can also be broken up with natural stone portions.
- Protection of trees – Trees and natural cover should be protected wherever possible, or enhancement of existing is complemented with native landscape materials.
- Integration of multiple unit residential pods – Clustering of townhouse pods and integrating them into the hillside will help preserve sensitive environments while achieving economic returns for the development.
- Retain expansive natural areas – All steep slopes (beyond 30%) will be protected from development. Where some encroachment occurs, geotechnical evaluation may be required for each building permit. Covenants or conservation areas will apply to both public lands and some private lands where important natural areas are to be protected. Steeper slopes will form part of the Hillside Hazard Development Permit Area.
- Stepping housing forms down hillside/stepped grading – Lot grading and disturbance should occur at the building stage in order to design buildings which accommodate existing terrain and vegetation to the extent possible. Both townhouses and single family forms should step up or down with the natural terrain as opposed to creating large single building platforms.



- Use varying residential types that can suite terrain and setting – The plan calls for using a variety of housing forms, styles and sizes to suite the terrain and setting. This may include a mixture of townhouse sizes in one location (duplex, threeplex, fourplex, to sixplex, etc.), walk-up or grade entry homes, separate/detached garages, etc.
- Yardscape and placement of structures – Blending into natural landscape, minimize impact of garage doors, driveway grades respect slopes, lower or flat roof lines, setbacks, house and yard construction respects natural slope/small yards if necessary.
- Avoid front of ridge lines – Ridge lines should not be dominated with buildings and structures or at least broken up where possible.

8.4 Residential

- Multiple Unit residential to suit the site – instead of three large lots/houses, use of a three or fourplex may achieve significant design objectives on a hillside.
- Minimal reflective glass – caution on the amount and orientation of walls containing reflective glass for windows.
- Use of Stone and Wood to reflect natural materials/surroundings – imported or local blast rock and other natural or local materials should be used instead of manufactured materials, subject to code and regulatory requirements.
- Colors to blend with natural landscape – Colors should be chosen to blend into natural landscape for all structures, including retaining walls, fences, roof materials and other architectural finishes.
- Maximum height – 2.5 storey on single family residential (stepping is encouraged where terrain permits).
- Maximum height – 4 storey on multiple unit residential (stepping is encouraged where terrain permits).
- Broken massing of larger buildings – Vertical and horizontal articulation of buildings and structures is paramount to avoiding impacts of massing.
- Parking within buildings for all multi-unit residential/apartments to avoid



expansive surface parking.

- Articulated facades and roof lines/pitches that follow natural slopes.
- Garages (doors) should not dominate front façade of buildings.
- Grouped or planned unit development is encouraged where appropriate (e.g. four to five buildings of fourplexes).

8.5 Neighbourhood Centre

- **Outdoor Amenity Areas** – Opportunities for public outdoor amenity space should be incorporated into the design of all projects forming part of the neighbourhood centre. A comprehensive plan should include seating areas, small lawns, a plaza or square as features and naturalized landscaping. 
- **Parking Underground/Within Buildings** – Similar to parking for multi-unit residential developments, parking for uses in the centre should be provided largely in independent or common underground or within buildings to avoid expansive surface parking. Parking entryways into structures should be obscured from street view as much as possible. Surface parking lots (visitor or tenant) where necessary should be broken up by landscaping and pocket parking.
- **Common Architectural Theme** – In order to establish a focus for the neighbourhood centre, a common architectural theme should be imposed in the comprehensive plan for the site. Materials, colors, roof forms and general architectural design should be complementary within the neighbourhood centre as well as with adjacent land uses.
- **Pedestrian Oriented** – Every opportunity should be taken to instil a pedestrian oriented character in the planning and design of the Neighbourhood Centre. The automobile and parking should be secondary by advocating wide sidewalks, seating areas, landscaping and other features that allow mobility for people to move by foot, bicycle or even scooters between buildings and within the centre. Connections to the surrounding residential areas should also be promoted by installation of

sidewalks, parks and trails/pathways.

- **Transit Stop** – A convenient transit stop should be integrated into the Neighbourhood Centre. This will require certainty that transit will form part of the looped system through the Upper Wiltse Neighbourhood.
- **Landscaping/Streetscape** – Street appeal is imperative to achieve a successful commercial and neighbourhood centre. Attention to special landscaping and tree planting, sidewalk materials, lights, bike racks, benches and other street furniture should be incorporated into roadway intersections near the Centre as well as within the Neighbourhood Centre. Any roundabouts in the vicinity of the Centre should contain quality landscape and/or public art in keeping with the City’s cultural tourism enhancement strategy.

8.6 Special Conditions

- **Development Along Fortis Power Line** – Residential Development along and in close proximity to the FortisBC Right of Way will either occur immediately adjacent to or across a roadway from the power line easement. Many of the lots to be developed in this vicinity are proposed to be small lots where smaller homes may be built. Planning and design of each development should take into consideration the following:
 - Orientation of the home in relation to power line, poles, guidewires, etc.
 - Location of and access to on-site parking/garage
 - Yards and setback
 - Fencing
 - Landscaping
 - Location of outbuildings
 - Edge treatment of roadways

- Gateway Treatment – Gateways into the neighbourhood may occur at strategic locations to demarcate the Upper Wiltse community. The intention of any special treatment should be to announce arrival, not to suggest a gated community. Special features that can be used may be boulevards, split carriageway/landscaped entry median, natural features such as rock outcrops, small parks, storm water ponds, public art, and monument signs. The theme can be carried throughout the neighbourhood with smaller representations of the main entryways at entrances to strata developments or sub-neighbourhoods, or even the Neighbourhood Centre.
- Park Edges and Entryways – Any community park or trails should include appropriate demarcation and entry signs in keeping with an overall Wiltse or City of Penticton theme and standards. CPTED principles should also be employed to allow for the safe enjoyment by residents and visitors, including seniors and children.



8.7 Visual Impact Considerations

- Protecting Views from Above – The entire site area lends itself to partial or wide and expansive views of the valley and city landscape. Every opportunity should be taken to avoid blocking views of the upslope homes. Mechanisms such as Building Schemes or where applicable and permitted, DPA guidelines, should be used to address height, roof lines, placement of buildings, and any other impediments to views. Overall grading and lot by lot grading must be carefully considered in the overall scheme, as well as roadway placement. Siting of single family residential above multi-unit residential complexes should also respect site lines and view corridors wherever possible so that the benefit of the special location of the Upper Wiltse Plateau is not compromised.
- Siting to Maximize Views – The development concept entails a considerable build out of low density multi-unit residential buildings on both blocks of land. Many of these will occur in clustered planned unit developments with a combination of townhouse and in some cases with low rise apartment complexes. It is important to have as many buildings as possible maximize views from where they are located. The planned

unit developments should be planned and designed comprehensively so that building arrangements on site can work compatibly. Stepping up and down slopes to work with natural terrain can be done very effectively with multi-unit residential buildings.

- Views from Below – A major visual impact consideration will be views from below towards the upper slopes of the site. Important elements of design will be retaining walls, massing of buildings and landscape/screening. Extra care and attention should be employed in Building Schemes and DPA guidelines that will address the following:
 - Retaining Walls – height shall be kept to a minimum as prescribed by the City; natural material such as local stone should be used wherever possible; walls may be integrated into natural features such rock outcrops in yards where possible.
 - Massing of Buildings – the mass of both single family and multi-unit buildings shall be broken by articulating roof lines, building facades and the overall structure wherever possible. Institutional and commercial buildings will require detailed architectural design analysis to avoid imposing significant mass that may be visible from below.
 - Landscape and Screening – Selective use of landscape material and strategic planting will assist considerably in addressing visual impact from below. Retaining walls, expansive side walls of buildings and structures in general can be screened with properly selected trees and other landscape materials. The City may ask that Development Applications can provide modeling of tree growth over a period of growth intervals or site line analysis to illustrate to City officials that landscaping plans will ultimately obscure sensitive visual elements.

9.0 Environmental Protection Policies

This section presents policies that are intended to protect the integrity of specific biophysical features and environmental sensitivity of the site, allowing for a livable and sustainable neighbourhood to be enjoyed by future residents. Policies have been informed by significant review and analysis of the biophysical inventories and environmental sensitivity work conducted by specialist consultants in environmental sciences, and best management practices and standards provided by the RDOS, the City of Penticton and other relevant legislation and regulations.

[The following policies were derived from recommendations and best management practices provided in the specialist report: *Biophysical Inventory and Environmental Sensitivity Analysis for the Wiltse Property produced by Ecoscape Environmental Consultants Ltd.*]

The Wiltse Area Structure Plan amendments for the South Block were based on an Environmental Mapping Update and Assessment report 2017 by Ecora Engineering. This report was further updated in 2018 to address additional environmental concerns associated with the overlap of identified “Critical Habitat” as defined by the federal Species at Risk Act. Environment Canada released a Recovery Strategy for the Western Rattlesnake, Great Basin Gophersnake and Desert Nightsnake as well as a Strategy for the Lewis Woodpecker. Further site inventory and investigation was undertaken to develop plans to avoid destruction of Critical Habitat and recommend mitigation strategies. The Environmentally Sensitive Areas for the South Block are identified in Figure 18A -- Environmental Protection Development Permit Area.

1. Roadways should be designed to follow natural topography and with as small footprint as possible to reduce cut and fill requirements.
2. The conservation of wildlife movement corridors should also be considered for roadway locations and alignments.
3. Where roadways may conflict with wildlife activity, mitigation measures should be incorporated into the road designs to minimize impacts. Recommendations include construction of wildlife crossings (culverts and bridges) signs to warn motorists of wildlife crossings, and exclusion fencing.
4. Any crossings for snakes should be designed to prevent snakes from accessing road surfaces, and be placed in areas where snakes are known to

- occur, migrate, or bask and based on topography or other habitat features.
5. Stormwater runoff should not be directly discharged into any of the existing wetlands due to the potential for degrading the aquatic communities.
 6. The stormwater plan must aim at maintaining drainage patterns, rates and flows without directly introducing runoff into aquatic environments.
 7. Rapid Infiltration Basins (RIB) should be installed in areas with significant soil permeability to help attenuate stormwater flows via exfiltration into the underlying soils.

8. Proposed trail networks and park facilities adjacent to and/or bisecting ESA habitats or identified conservation areas and wildlife movement corridors should be designed to include minimal lighting to reduce potential disturbance to nocturnal and migrating wildlife. It is understood that the roadways and residential area will have appropriate lighting for visibility and safety of the motorists and pedestrians.
9. Interpretive signs should be posted to educate residents regarding the significance of sensitive habitats. Fencing should also be installed in specific areas to further controls access to identified ESAs, buffers or covenant areas.
10. A weed control program should be developed prior to construction. Use of pesticides is discouraged and should not be conducted within 30 meters of aquatic habitats.
11. Roadways and other infrastructure and servicing footprints should be kept to a minimum to reduce disturbance of native soils and removal of native vegetation, which will prevent establishment of invasive species.
12. Restoration planting and seeding with native species is encouraged.
13. Where feasible, areas of coniferous woodland and grasslands should be restored, understanding that much of the land has been disturbed by human activity and fires in the past.
14. Enhancement and creation of wetlands, riparian and other aquatic ecosystems can be created through careful planning of development with respect to existing drainage patterns, ecosystems types and stormwater management. Detention basins, ponds and other wetland habitats can benefit many sensitive species described in the biophysical inventory.
15. Qualified environmental monitors (EM) will be required to document compliance with identified standards, BMPs and other conditions. Such EMs will be authorized to halt construction activities should an incident arise that is causing undue harm to terrestrial, aquatic or riparian resource values of the site. An EM will be in a position to recommend measures to protect or restore the natural integrity of a site should a disturbance occur due to unforeseen circumstances.
16. An Environmental Protection Development Permit Area is applied to all environmentally sensitive lands.

17. Where development is proposed within the recommended wildlife corridors, additional environmental investigations and site specific mitigation strategies will be undertaken. For example, the southern block will ultimately be developed with a road that must traverse an ESA; appropriate mitigation or compensation measures will be defined to help ensure the development project meets or exceeds the standards provided by government, relevant legislation, regulations and Best Management Practices. See Figure 8: Core Sensitive Areas and Connectivity.

18. This ASP acknowledges work done under the auspices of South Okanagan Similkameen Conservation Program (SOSCP); “Keeping Nature in Our Future; A Biodiversity Conservation Strategy for the South Okanagan-Similkameen”.

10.0 Transportation, Mobility, and Parking

This section addresses the transportation and mobility policies of the plan, including some of the key elements as follows:

- On-site Roads Standards
- Off-site Roads
- Traffic Management
- Transit
- Parking
- Pedestrian and Hiking Facilities
- Bicycle Facilities

10.1 On-site Roads

On-site Roads will be developed to the City of Penticton Subdivision and Development Bylaw requirements and standards. The roads will be either based on the conventional cross sections for local and collector roadways with a 16m right-of-way width for local roads, and a 20m right-of-way width for collector roads, or the hillside development guidelines will be implemented with right-of-way widths ranging from 10 to 14m for local roads, and right-of-way widths ranging from 14 to 18m in width for hillside collector. (See examples of hillside road cross-sections) Hillside Development Guidelines will be implemented to allow for a reduction in the amount of earthworks and modification to the existing topography and natural features.



The extension of Wiltse Boulevard through the site and connecting with Partridge Drive is planned as a collector roadway. The roadway that connects with Wiltse Boulevard, adjacent to the commercial site and extending to the east is also planned as a collector roadway. The roadway that serves the southern portion of the site, with a connection to Evergreen Drive, is also planned as a collector, with provision for a future connection to Valleyview Road.

Refer to Figure 5, Appendix A ‘Roads/Access’ for detailed mapping of proposed roads.

10.2 Off-site Road Connections

The City of Penticton 2005 Transportation Study identifies the Road Classifications for the area adjacent to the Wiltse Neighbourhood. Figure 8.1 from the study (appended) identifies the following collector roadways in the adjacent area:

- Wiltse Boulevard, from Dartmouth Drive through to the north-west corner of the site. The portion of Wiltse Boulevard currently in place has been constructed to the urban collector roadway standard.
- Pineview Road, from South Main Street, past Dartmouth Drive, to a planned connection with Evergreen Drive. Evergreen Drive then extends through to a connection with Wiltse Boulevard. A portion of Pineview Road will require the adjacent lands to develop for the full collector roadway width to be developed. The portion of Evergreen Drive completed meets the current collector roadway width.
- As noted above, the extension of Wiltse Boulevard through the site and connecting with Partridge Drive is also planned as a collector roadway. The portion of Partridge drive adjacent to the intersection with Evergreen Drive has been constructed to the collector roadway standard.

10.3 Traffic Management

Hillside Development Guidelines contained herein address means to achieve narrower roadway widths. The traffic calming objectives of the Official Community Plan are promoted with the use of the narrow roadways and roundabouts at the major intersections.

The site is anticipated to build out with the following number of units:

- 250 single family homes;
- 604 multi-units (with both low rise apartments and townhomes);
- An estimated 10,000 sq. ft. of commercial.

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The total number of trips entering and exiting the site from the adjacent collector roadways has been estimated based on Institute of Transportation Engineers trip generation rates, with an internal reduction factor applied, to allow for trips that will occur within the neighborhood (primarily related to the commercial site). The following **Table 10.1** presents the total number of site generated trips for both the North and South blocks. The north block is anticipated to generate up to 400 vehicle trips into and out of the neighbourhood, during the average weekday afternoon Peak Hour. The south block is anticipated to generate up to 130 vehicle trips into and out of the neighbourhood, during the average weekday afternoon peak hour.

North Block			Rate	Total		in	internal reduction	external in		out	internal reduction	external out
230 units	Single Family (ITE #210)	AM	0.75	173	25%	43	10%	39	75%	32	10%	29
		PM	1	230	63%	145	10%	130	37%	54	10%	48
216 units	Town House (ITE #230)	AM	0.44	95	17%	16	10%	15	83%	79	10%	71
		PM	0.52	112	64%	72	10%	65	36%	40	10%	36
180 units	MF Low (ITE #221)	AM	0.51	92	20%	18	10%	17	80%	73	10%	66
		PM	0.62	112	64%	71	10%	64	34%	38	10%	34
10,000 (per 1,000 ft ²)	Commercial (ITE #820)	AM	1	10	61%	6	25%	5	39%	4	25%	3
		PM	3.73	37	49%	18	25%	14	51%	19	25%	14
Total		AM						74				169
		PM						273				133

South Block			Rate	Total		in	internal reduction	external in		out	internal reduction	external out
30 units	Single Family (ITE #210)	AM	0.75	23	25%	6	10%	5	75%	4	10%	4
		PM	1	30	63%	19	10%	17	37%	7	10%	6
118 units	Town House (ITE #230)	AM	0.44	52	17%	9	10%	8	83%	43	10%	39
		PM	0.52	61	64%	39	10%	35	36%	22	10%	20
90 units	MF Low (ITE #221)	AM	0.51	46	20%	9	10%	8	80%	37	10%	33
		PM	0.62	56	64%	36	10%	32	34%	19	10%	17
Total		AM						21				76
		PM						84				43

Full Build Out Total		AM						96				245
		PM						358				176

Table 10.1 - Wiltse Area Trip Generation Rates and Traffic Volumes

The internal roadway hierarchy is laid out to accommodate the connectivity with the adjacent collector roadway system, while providing for direct access to the local street network.

The collector roadways identified in **Section 10.2** have been planned to accommodate the additional traffic generated by the full build out of the north and south blocks.

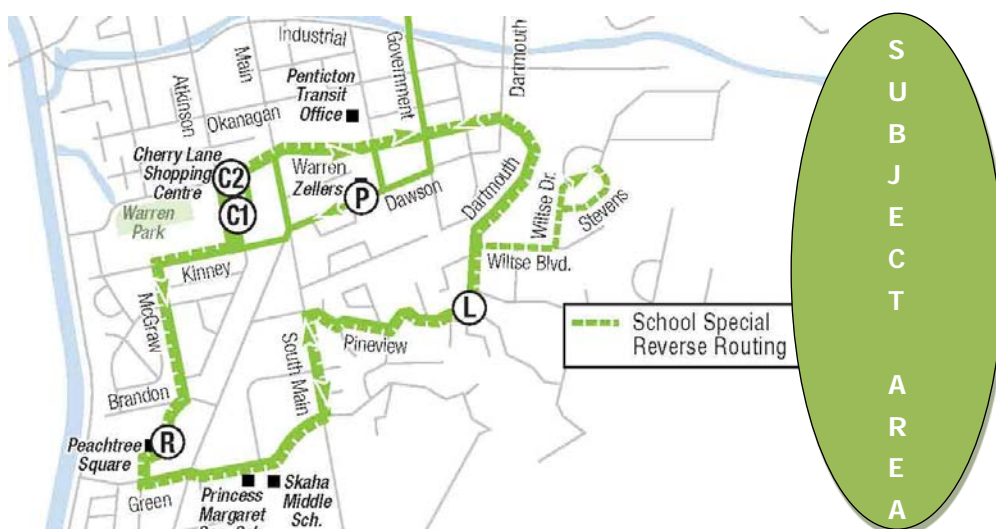


The City of Penticton Comprehensive Development Plan Study completed in 2005 identified roadway infrastructure improvements of \$100,000 to facilitate the additional traffic generated by the Wiltse Area.

The total traffic generated by the Wiltse Area is anticipated to have a minimal overall impact on the City of Penticton collector and arterial roadway infrastructure.

10.4 Transit

The Penticton Transit System currently serves the Wiltse area via the Okanagan Lake/Wiltse Route. The route extends from downtown to Dartmouth Drive and onto the Peach Tree Mall. With the addition of the commercial node within the site, a further extension of the transit service should be investigated as the area builds out.



10.5 Parking

The use of the Hillside Development Guidelines allow for the development of on street parking bulbs (laybys), adjacent to single family homes, thus allowing for narrower roadways in areas that do not have single family homes adjacent to the roadway. Parking for multifamily and town house sites will be provided on site, thus minimizing the adjacent on street parking.

10.6 Pedestrian and Hiking Features

The site layout has been developed to take advantage of the adjacent green space for the provision of trails connecting residential areas. All collector and local roadways will have sidewalks. Local roads may incorporate sidewalks on one side only in order to preserve natural features and to limit grading of the site.

10.7 Bicycle Facilities

The City of Penticton 2005 Transportation Study identifies the existing and proposed bicycle/pathway network for the area adjacent to the Wiltse Neighbourhood. Figure 5.3 from the study (See Appendix E) identifies a future bike route loop via Wiltse Boulevard, Partridge Drive, Evergreen Drive and Pineview Road.

The pedestrian trail system will also be developed to accommodate off road bike travel where appropriate. The Fortis R/W can also accommodate cycling trails but not for motorized (off road) vehicles.

11.0 Servicing and Utilities

This section addresses the major municipal infrastructure and utilities that will be required to be upgraded, installed or planned in more detail to allow a significant greenfield residential development in Penticton. Any on-site and off-site water supply and distribution facilities, sanitary sewer and stormwater/drainage infrastructure will ultimately be managed by the City of Penticton. Potential off-site road works upgrading are also noted. The policy directives of this plan address the ability to supply services to the 850 households and other facilities over a phased development timeframe.

11.1 Water

Water is currently available to the lower areas of the property to an elevation of 520m within the pressure zone known as the 1,820 or 555m. This pressure zone is serviced by the Carmi and Gordon reservoirs. However, the Water Master Plan completed in 2010 by AECOM identifies a shortfall of storage volume, and therefore the City has indicated that the existing reservoirs cannot supply water to these lower areas.

The Water Master Plan completed identifies infrastructure required to provide water service to the Wiltse Flats Development as Project No. 35. (Refer to Appendix F.) Water storage will be provided within a new reservoir to be constructed at a 616 meter elevation within the upper elevations of the Wiltse property. Water will be boosted from the Carmi Reservoir to this reservoir to provide service to the Wiltse development. A new booster station at Carmi Reservoir and a new trunk main from Carmi to the proposed new reservoir will be required.

The master plan estimates the cost of improvements to supply the Wiltse lands at approximately \$5.0 million. As outlined above the requirements include the reservoir, pump station, and trunk water mains necessary to supply water to the reservoir. The estimate also includes the trunk watermain from the reservoir to service the southern portion of the development area. The installation of this trunk main could be delayed until such time as that portion of the land is developed. The costs for the reservoir, booster pump and trunk mains would be entirely to the developers account.

Development has occurred in the upper eastern hillside area since the completion of the 2005 Water Study which could result in a variation to the

servicing strategy for the subject area identified as Project 35 in the Water Study. Such variation or alternative servicing arrangements would reflect consistency with completed works and generate the most efficient servicing for the subject area as well as other potential developments and system improvements with appropriate cost sharing by benefitting parties. Other alternatives may be considered by the City that reflects best long-term solutions and further analysis will be evaluated prior to development.

11.2 Sanitary Sewer

Sanitary sewer service to the site will be entirely by gravity sewer, connecting to the existing system at four distinct locations.

The 2005 Sanitary Sewer Study by then Earth Tech, now known as AECOM, identified and recommended system improvements for downstream facilities based on the existing and future peak flows for specific growth areas. In 2009 the Master Plan was updated to reflect a more accurate projection of development and provided Project Sheets highlighting the proposed sewer projects required under various levels of development. (Refer to Appendix F.)

In 2007 the city adopted DCC Bylaw 2007-79 in which the Wiltse area was identified as being on the periphery of the City under Schedule 'A2'. The current DCC's for sanitary sewer are \$8,132 per unit for single family, bare land strata, and multi-family units.

We understand that in order to provide sewer service to the Wiltse development area, certain downstream upgrading projects have been identified. The project sheets detailing the proposed upgrading have been included within Appendix F. The projects and the expected costs are outlined below.

- Project 3: North Penticton Interceptor – Fairview Road to Treatment Plant Section; Total cost \$711,563 – 100% DCC project.
- Project 4: South Penticton Interceptor – Industrial Ave W to Fairview Road Section; Total Cost \$711,563 – 100% DCC project.
- Project 22; South Main Street at Galt Ave.
Total Cost \$31,625 – 100% New Development
- Upgrade of the existing 142m of 300mm sanitary south from Yorkton / Skaha intersection to the Lee Ave lift station. Cost contribution from the Wiltse development is estimated up to \$0.11 M. The actual contribution is to be determined based upon flow modeling.

11.3 Storm Water Management Plan (SWMP)

The technical portion of the Storm Water Management Plan SWMP is provided in the appendices. The design philosophy and considerations are presented in this portion of the report.

Most importantly, the plan ensures that the natural run-off that recharges the environmentally sensitive wetlands and ponds identified in Ecoscape’s report will not be interfered with or supplemented by the development runoff.

It is noted that almost all the urban development occurs below the Fortis BC hydro right-of-way and therefore below the environmentally sensitive areas. Where urban development is above the ESA stormwater from the development will be captured and piped around the ESA to discharge to a trunk disposal site system below the ESA.

The development runoff will be captured by traditional urban development mains such as catchbasins and where applicable, drainage swales and inlets which are considered more environmentally friendly. Stormwater will be directed either to detention storage facilities and then released to the existing system at pre-development runoff rates, either into the existing drainage system or to a new pipe discharging through a Detention Pond to Ellis Creek as per the Drainage Master Plan.

To assist in the controlled release of storm water from the development area, drainage from individual lots will be managed at the point of origin. Development designs for multi-family sites will require on site storage and release at a controlled rate or discharge to the ground if soil conditions are suitable. Roof drainage from individual single family lots can be directed to splash pads and/or rock pits as geotechnical conditions permit.

The city is currently updating its Storm Drainage Master Plan and changes to the rainfall intensity curves are expected. The runoff rates and generated storm water volumes identified within the Storm Water Management Plan will need to be reviewed in the future and based on the most current rainfall intensity curves.

The City, within its Stormwater Master Plan has identified several projects and associated cost distributions as noted below.

- Project EX-10 – South main Storm Trunk Bypass
Total cost: \$2,081,875: DCCs 46%; Existing users 51%
- Project EX-17; Evergreen Drive Major Systems Upgrades
Total Cost \$61,250: DCC's 46%, existing users 54%
- Project FT-I; Yorkton Ave. Storm Sewer and Wetland Development
Total Cost \$868,750 – 100% DCC project
- Project FT-J; Valleyview Road Storm system
Total Cost; \$1,237,500; 100% Developer Cost- Contribution of Wiltse lands to be based on contributing flow to be calculated.
- Project FT-M: Wiltse Holdings Area Drainage Upgrades
Total cost \$188,000 – 100% Developer's cost
- Project FT-N; Upper Evergreen Drive Upgrades
Total Cost: \$788,500 – 100% Developer's cost

Developer's Cost, as noted above, infers that costs will be applied to "contributing" developers (i.e. any development flows that impact capacity of the identified project) based on flow proportioning. The percentage contributions will be determined by future storm water modeling.

11.4 Utilities

City of Penticton will be the supplier of electrical power to the development.

The electrical distribution system will adhere to the Construction Standards published by the City of Penticton.

Communications will be provided by Telus and Shaw.

It is anticipated that FortisBC will extend natural gas distribution to the development.

11.5 Potential Roadworks Upgrading

The Comprehensive Development Plan (CDP) dated of April 28th, 2005 stated that for the Wiltse Holdings - The projected growth can be adequately serviced by the existing road network. However, a sidewalk along Pineview Road between Dartmouth Drive and Juniper Drive had been included within the CDP to provide for the safe accommodation of pedestrians as traffic volume increases.

The 2005 Transportation study identifies Green Avenue and South Main as requiring improvement: Upper Wiltse may contribute traffic to that intersection with the later, more southern phases of development. Improvements are estimated at \$310,000 (for traffic eastbound up Green Avenue through Greenwood Drive to Pineview Road). Proportional contribution is unknown as no traffic generation relating to the currently proposed Wiltse Development has been estimated.

The near term intersection improvement would be Kinney Avenue and Skaha Lake Road - for any future phases that would result in increased traffic down Pineview Road, onto South Main Street and into this intersection. Road improvements are estimated at \$245,000. Again, proportional contribution from the Wiltse Development would be based on further traffic modeling to be completed as the project is developed.

12.0 Grading and Hillside Development

It is implicit in this Plan that the natural terrain of the Upper Wiltse area will require some grading to accommodate the new neighbourhood and attendant infrastructure and roads. Nevertheless, site design is expected to take advantage of the prominent views, natural features, sun exposure and other benefits of this prominent site. This section presents a general grading plan of where natural topography may be affected and where hillside development guidelines can be applied to protect the integrity of some of the steeper slopes and natural features.

The widely varied topography and vegetation of the site, ranging over almost four quarter sections, along with environmental concerns to a large degree dictates both the areas of development and the type of development within those areas.

The predominantly single family area in the most northern area of the North Block is one area that will require regrading to achieve an overall slope of approximately 15%, which will allow views from each residence over the lower unit with limited retaining required, provided building guidelines, which will be first in place, are followed.



Refer to Figure 16, Appendix A 'Proposed North Parcel Grading' for complete mapping and section.

Within the regrading, any unusual geological or vegetative features will be recognized and every effort to maintain these features will be made. It is noted that within this area already exists significant disturbance to the site in the form of a gravel extraction area, a disposal of construction materials area and several roads. All regrading efforts will be monitored by a geotechnical professional to ensure soil stability.

It is contemplated that the regrading be confined to the appropriate phase of development, that the civil engineer provides input to the erosion and sediment control and the stormwater drainage for the undeveloped regraded area as well as for the final development and assurance that run-off be restricted to the pre-developed condition be maintained at all times.

Over the remaining site, grading will be predominantly confined to the roadways, with the roadway not extending further than one phase beyond that being developed, unless alternative access is required or available.

The same requirements of stormwater control and erosion and sediment control will apply as each phase and roadway extension occurs.

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13.0 Development Permit Areas

In accordance with Section 919.1 of the Local Government Act of BC, an Official Community Plan may designate Development Permit Areas within the City. Unless otherwise specified, a Development Permit must be approved and issued by the City prior to any development, subdivision, construction or alteration within a Development Permit Area. Through the adoption of this Area Structure Plan into the Official Community Plan, the City of Penticton specifies the following Development Permit Areas:

1. Environmental Protection Development Permit Area.
2. Hillside Hazard Development Permit Area
3. Multiple Family Residential and Commercial Development Permit Area.

These Development Permit Areas are established to ensure that development responds to the unique site conditions in the Upper Wiltse area of Penticton. Pursuant to Section 919.1 of the Local Government Act, the Development Permit Areas are established for the following purposes:

- Protection of the natural environment, its ecosystems and biological diversity.
- Protection of development from hazardous conditions.
- Establishment of objectives for the form and character of multi-family residential and commercial development.

For all development permit areas, submission requirements will be as per the City of Penticton Development Permit application requirements, except where additional requirements are noted below.

Figure 18 identifies the four categories of Environmental Sensitivity within the Development Permit Area.

13.1 Environmental Protection Development Permit Area

Guidelines

13.1.1 ESA Sensitivity Index

Based on the biophysical inventory and sensitivity analysis (Ecoscape 2012), 81 polygons within the Project area were identified and ranked with respect to ecological values. These values were transformed to one of four environmental ESA categories. For each category, best practice prescriptions have been assigned. Table 14.1 describes the assigned Development Sensitivity Index for each identified polygons.

Table 14.1 Development Sensitivity Index for Identified Polygons

ESA Sensitivity	Polygons		Total Area (m ²)	Percentage Area (%)
	North Parcel	South Parcel		
Very High	1,5,6,7,8,9,10,26,81	39,40,48,50,53,55,59,71,74, 81	134570.39	5.3
High	16,17,25,27,21,22,25,27,30,32,33,34,36,	41,42,43,44,45,49,52,54,56,57,58,62,65,70,73,75,77,78,79,80	1,648,973.03	64.5
Moderate	3,4,12,13,14,15,16,18,19,20,23,24,28,29,35	47,51,54,72,60,63,64,66,67, 69,72,76	592,847.01	23.2
Low	2,38	68	177,980.74	7.0
Total	1,289,810.14	1,264,561,03	2,554,371.17	100

Source: compiled from (Ecoscape 2012)

Prescriptive guidelines for each of the four ESA Indices have been compiled from Biophysical Inventory, and Sensitivity Analysis and (Ecoscape, 2012), Penticton OCP, and accepted best management practices for aquatic and terrestrial systems.

South Block Area Plan Amendments

The Environmentally Sensitive Area (ESA) terminology used in the Area Structure Plan (ASP) differs from the terminology used in the Environmental Mapping Update and Assessment for the Southern Parcel of the Wiltse Property, Penticton, BC (Ecora 2017) and the Environmental Addendum Report for the Southern Parcel of the Wiltse Property, Penticton, BC (Ecora 2018). The relative value (1 to 4) has not changed but the term assigned to each number has, as summarized in the table below. The terminology used in the update reports is consistent with the terminology used in the



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City of Penticton Terms of Reference for Environmental Impact Assessments (2011).

ESA Rank	2011 Area Structure Plan Terminology	Environmental Update Reports (Ecora 2017 and 2018) Terminology
1	Very High	High
2	High	Moderate
3	Moderate	Low
4	Low	Not Sensitive

Environmentally Sensitive Area Summary

ESA Value	EAS Class / Value	# Polygons	Area (Ha)	5 Property
1	High	6	7.93	6
2	Moderate	36	88.73	68
3	Low	15	33.65	26
4	Not Sensitive	0	0	0
		57	130.31	100

For the South Block, development of lots within the ESA ranks of High and Moderate require a Development Permit. These permits will be based on the guidelines outlined below for Very High and High ranked areas. **Guidelines for Very High, High, Moderate ESA**

Development within an Very High, High and Moderate ESA index require an Environmental Assessment (EA), carried out by a registered professional biologist (RPBio), as defined in the College of Applied Biology Act, and with input from other professionals of specific expertise where required.



The EA must be based on Penticton’s approved terms of reference (TOR), and includes two phases of assessment as follows, which can be completed together or separate:

- Ecological Assessment Phase, the intention of which is to assess both the biological conditions and physical conditions of a site, should be carried out in advance of any preliminary layout plan and prior to any preparatory site disturbances. The Ecological Assessment Phase determines a development footprint respectful of sensitive ecosystems and helps streamline the development approval process.
- Impact Assessment and Mitigation Phase is generally carried out after the preliminary layout plan and outlines the impact, if any, of the development footprint on sensitive ecosystems and recommends mitigation measures to minimize or cause no impact.

Development within Low ESA index will require an Environmental Assessment (EA), carried out by a registered professional biologist (RPBio), as defined in the College of Applied Biology Act and in accordance with the Penticton’s approved terms of reference (TOR).

The intention of the EA is to assess both the biological and physical conditions of a site at an appropriate scale (minimum 1:500 and maximum 1:5,000) to confirm the low environmental sensitivity of the area and verify that the area does not contain important habitat values for wildlife.

Habitat Compensation and Enhancement Plan for Very High, High and Moderate ESA Areas

Only when residual, permanent loss of habitat is unavoidable, acceptable and compensable and after it proves impossible or impractical to maintain the same level of ecological function, will compensation be considered. Any compensation will promote a not net loss to the habitat (typically a 3:1 replacement of equivalent functioning habitat) within high ESA areas. A detailed Habitat Compensation and Enhancement Plan may be required to mitigate against residual impacts of the development. This plan should be a recommendation of the RPBio in the EA.

Where it has been demonstrated that avoidance of High ESA areas is not possible, a habitat balance sheet shall be provided.



13.1.2 Very High ESA Index

The Very High ESA Index is the highest level of protection. The purpose of the assigned protection is to preserve, protect, maintain, and restore the natural, physical, and ecological characteristics of an area by avoiding and restricting development.

Regarding ESA 1 (High), the City of Penticton (2002) maintains:

“These lands include locally and provincially significant ecosystems, extremely rare and/or of critical importance to rare wildlife species. These areas may also represent a diverse range of habitats and contribute significantly to the overall connectivity of the habitat and ecosystems. Avoidance and conservation of ESA-1 designations is the primary objective. If development is required and justified within these areas, mitigation to reduce or eliminate environmental impact shall be required if permanent loss of habitat is unavoidable, compensation will be considered. Compensation should promote a not net loss to habitat, and be used only after it proves impossible or impractical to maintain the same level of ecological function.”

Sites which have been assessed as Very High ESA Value are considered the highest priority for protection of ecosystem function and values and should be left undisturbed. Avoidance and conservation of Very High ESA designations should be the primary objective. Allowable development within the identified polygons is limited to “accessory structures and uses” (i.e., trails, informative signage, benches, tables, and litter bins). Further a 30m buffer around all riparian high water marks is recommended.

Evaluation of the applicability of these sites should consider a number of factors, including size, uniqueness, connectivity, habitat potential, existing land use or disturbance level and surrounding land use. Further ecological assessment may be required of specific areas to establish boundaries. The provided prescriptive guidelines are designed to best protect ecological resources.

1. Design Phase Prescriptions

- Preserve unique natural characteristics such as rock outcrops, talus slopes, watercourses, wildlife trees, wetlands, and other features.

- Avoid where possible any disturbance of any native vegetation in the “non-disturbance” area, which is typically beyond the development footprint.
- Establish core conservation areas and wildlife corridors.
- Protect sensitive and At Risk wildlife species and critical habitats.
- Maintain connectivity with critical habitat on both Project lands and adjacent lands (i.e. escape terrain for bighorn sheep).
- Employ wildlife crossings and exclusion fencing to reduce impacts where required.
- Reduce development profile and maintain ridgeline views by minimizing grading works.
- Plant vegetation buffers to reduce sight lines and sound volumes.
- Ensure that manufactured slopes blend well with existing slope conditions.
- Locate development in areas with natural slopes of less than 30%, and preserve open space in areas with natural slopes of 30% or more.
- Reduce fragmentation and align roads along natural site contours where possible.
- Reduce pavement and right-of-way widths where service levels can be maintained.
- Employ Rapid Infiltration Basins where required.
- Develop educational and interpretive signing to minimize recreational user impacts.

2. Construction Phase Prescriptions

- Inform construction crew as to the presence of sensitive species and habitats.
- Provide construction crew with MOE and QEP contact information.
- Encourage “stepping” of building foundations to reduce site grading requirements.
- Maintain existing drainage without directly introducing runoff into receiving waters.
- Where possible, set buildings into the hillside and integrate natural slope conditions.
- Avoid unbroken expanses of wall.
- Develop a spill response plan.
- Avoid refueling within 100 m of all watercourses.
- Employ weed control and waste management practices.

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- Respect avian work windows.
- Employ an Environmental Monitor to document compliance during Project works.

13.1.3 High ESA Index

The High ESA Index is the second level of protection afforded environmental guidelines. The purpose of the assigned protection is to preserve, protect, maintain and restore the natural, physical, and ecological characteristics of an area. It contains physical features, plants, animals and habitat characteristic which contribute toward the overall diversity and contiguous nature of the surrounding natural features. These may also include areas used to buffer ecological functions of Very High ecosystems. A large number of polygons (64%) within Project lands are considered High ESA to recognize or protect environmental features. The High ESA designation is intended to achieve land use objectives while promoting the protection of ecological resources.

1. Design Phase Prescriptions

- Preserve unique natural characteristics such as rock outcrops, talus slopes, watercourses, wildlife trees, wetland habitat, and other features.
- Establish core conservation areas and corridors.
- Protect sensitive and At Risk wildlife species and critical habitats.
- Maintain connectivity with critical habitat on both Project lands and adjacent lands (i.e. escape terrain for bighorn sheep).
- Employ wildlife crossings and exclusion fencing to reduce impacts where required.
- Reduce development profile and maintain ridgeline views by minimizing grading works.
- Plant vegetation buffers to reduce sight lines and sound volumes.
- Ensure that manufactured slopes blend well with existing slope conditions.
- Locate development in areas with natural slopes of less than 30%, and preserve open space in areas with natural slopes of 30% or more.
- Reduce fragmentation and align roads along natural site contours where possible.
- Aim for retention targets of 75% on Polygon 32.
- Carefully consider the occurrence of night snake including habitat protection and habitat connectivity for development planning for Polygon 65.
- Employ Rapid Infiltration Basins where required.
- Develop educational and interpretive signing to minimize recreational user impacts.

2. Construction Phase Prescriptions

- Inform construction crew as to the presence of sensitive species and habitats.
- Provide construction crew with MOE and QEP contact information.
- Retain materials that reflect natural qualities (e.g. colours, and textures).
- Reduce pavement and right-of-way widths where service levels can be maintained.
- Encourage “stepping” of building foundations to reduce site grading requirements.
- Where possible, set buildings into the hillside and integrate natural slope conditions.
- Maintain existing drainage without directly introducing runoff into receiving waters.
- Avoid unbroken expanses of wall.
- Develop a spill response plan.
- Avoid refueling within 100 m of all watercourses.
- Employ weed control and waste management practices.
- Respect avian work windows.
- Employ an Environmental Monitor to document compliance during Project works.

13.1.4 Moderate ESA Index

The moderate ESA contains important features or remnant stands/sites with ecological value. The purpose of the assigned protection is to preserve, protect, maintain and restore the natural, physical and ecological characteristics of an area while promoting well planned development.

Regarding ESA 2 (Moderate), the City of Penticton maintains:

“These lands include locally or provincially significant ecosystems, uncommon and important to rare wildlife species. In general, it is preferable to avoid development in ESA-2 areas. Where development is pursued, portions of the habitat must be retained and integrated to maintain the contiguous nature of the landscape. Any area given this rank is of only slightly lower priority for preservation than ESA-1 areas. Therefore, clear rationale and criteria for distinction between High and Moderate values shall be provided. Some degree of development may be considered as long as this does not have any potential

impact on High ESA's on Project lands. Some loss to these ESAs can be offset by habitat improvements to the remaining natural areas found on the property."

1. Design Phase Prescriptions

- Maintain connectivity with critical habitat on both Project lands and adjacent lands (i.e. escape terrain for bighorn sheep).
- Reduce development profile and maintain ridgeline views by minimizing grading works.
- Plant vegetation buffers to reduce sight lines and sound volumes.
- Ensure that manufactured slopes blend well with existing slope conditions.
- Locate development in areas with natural slopes of less than 30%, and preserve open space in areas with natural slopes of 30% or more.
- Reduce fragmentation and align roads along natural site contours where possible.
- Employ Rapid Infiltration Basins where required.

2. Construction Phase Prescriptions

- Inform construction crew as to the presence of sensitive species and habitats.
- Provide construction crew with MOE and QEP contact information.
- Align roads along natural site contours where possible.
- Reduce pavement and right-of-way widths where service levels can be maintained.
- Develop a spill response plan.
- Avoid refueling within 100 m of all watercourses.
- Employ weed control and waste management practices.
- Respect avian work windows.
- Employ an Environmental Monitor to document compliance during Project works.

13.1.5 Low ESA Index

The purpose of Low ESA Index is to manage development and plan accordingly, by focusing around those sites before considering developing higher rated sites of the area.

Regarding ESA 3 (Low), the City of Penticton maintains:

“These lands include ecosystems that may have low to moderate conservation values because of importance to wildlife (e.g. disturbed or fragmented ecosystems or habitat features). These areas may contribute to the diversity to the landscape, although based on the condition and adjacency of each habitat the significant function within the landscape is limited. Lands rated low to moderate can generally accommodate development more so than other ESA categories.”

Development within Low ESA index may require an Environmental Assessment (EA) carried out by a registered professional biologist (RPBio), as defined in the College of Applied Biology Act and in accordance with the Penticton’s approved terms of reference (TOR).

1. Design Phase Prescriptions

- Reduce development profile and maintain ridgeline views by minimizing grading works.
- Plant vegetation buffers to reduce sight lines and sound volumes.
- Ensure that manufactured slopes blend well with existing slope conditions.
- Locate development in areas with natural slopes of less than 30%, and preserve open space in areas with natural slopes of 30% or more.
- Reduce fragmentation and align roads along natural site contours where possible.
- Employ Rapid Infiltration Basins where required.

2. Construction Phase Prescriptions

- Inform construction crew as to the presence of sensitive species and habitats.
- Provide construction crew with MOE and QEP contact information.
- Align roads along natural site contours where possible.

- Reduce pavement and right-of-way widths where service levels can be maintained.
- Develop a spill response plan.
- Avoid refueling within 100 m of all watercourses.
- Employ weed control and waste management practices.
- Respect avian work windows.
- Employ an Environmental Monitor to document compliance during Project works.

13.1.6 Bonding and Environmental Monitoring

- i.) The City may require security in accordance with Section 925 of the Local Government Act to pay for remediation if:
 - a) a condition in a permit respecting landscaping has not been satisfied;
 - b) an unsafe condition has resulted as a consequence of contravention of a condition in a permit; or
 - c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.
- ii.) Where the City requires bonding as a condition of the development permit approval, the applicant must provide a bond for up to a value of 125% of the estimated cost of any remediation works, as prepared by a QEP.
- iii.) The City may require monitoring reports prepared by a QEP, during construction, and up to two years after construction, the purpose of which are to confirm the required conditions of the development permit have been met.
- iv.) The bond shall remain in effect until the City has been notified, in writing, by a QEP that the conditions of the development permit have been met. However, to confirm that the remedial works, such as successful plant establishment, have been completed, the City will withhold 10% of the bond for two years.

13.1.7 South Block Mitigation Strategies

In addition to the guidelines in this Section of the Area Plan, the Mitigation Strategies, from the 2018 Ecora Environmental Assessment are included as follows:

Snakes

According to Table 4.1 in Develop with Care (2014), the recommended buffer from snake hibernacula in natural settings is 150 m. This is reduced to 100 m in rural settings and 30 m in urban settings. A 150 m buffer is maintained around the north and east side of the den. However, at its closest, the proposed roadway passes within approximately 35 m of the den on the south side. This meets the recommended buffer for urban settings and would be consistent with the future landuse of the area. However, the proximity highlights the importance of implementation of mitigation measures for construction around the snake den and the installation of barrier fencing to prevent access to roadways and residential lots as well as wildlife crossings to facilitate migration through the Property.

- Suitable habitats and cover (e.g., fractured rock outcrops, talus, large woody debris, snags, herbaceous and shrub cover) must be retained. Most of the rock-dominated habitat deemed suitable for denning and basking occurs outside of the proposed development footprint, in association with the polygons supporting fractured rock and talus.
- If snakes are observed basking or moving through the Property, works must be halted or suspended until the snake has moved a safe distance away. The EM must be notified of any snake observations onsite.
- Contractors will be advised of the higher likelihood of encountering snakes in the southern portion of the Property, especially near rock-dominated polygons with potential to support known den locations.
- Standard details for barrier fencing were adapted from the South Okanagan-Similkameen Stewardship Program Snake Barrier Fencing Living in Nature Series document (2005). Fencing and road crossing structures at the Big Horn Estates development in OK Falls were used in the development of the concept plan and similar measures will be used for the proposed development.
- The fencing will be chain-link with a ¼” mesh (hardware cloth) fixed to the lower 2 feet of the fence and buried to a depth of 12”. This will prevent snakes from moving through or under the fence and provide a simple yet durable barrier.
- Fencing must make use of existing topography and must not be installed in a manner that will result in erosion or failure of the fence. Rocks, soil, and other debris must not be allowed to pile up against the fence. Weeds and other debris will be removed from the area outside of the fencing to prevent pile-up

against the fence that might allow snakes to overtop the barrier.

- Escape funnels will be installed at no more than 50 m intervals along the bottom of the fence to allow snakes trapped within the development to pass through the fencing. The funnels are constructed so that movement is allowed in only one direction.
- Cover objects such as rocks, logs, or constructed features will be installed at regular intervals along the fence (but not against the fence) to provide shade and thermal cover for snakes and security from predators. Cover objects must be secured to the ground to prevent movement towards the fence.
- Crossings will be concrete box culverts with open tops that are covered with a cattle-guard or similar grate to allow light and ambient air into the culvert. The bottom of the culvert will be covered with an approximately 10 cm layer of ¼ inch minus or similar substrate. The overall depth of the culvert will be at 2 feet to prevent snakes from escaping the culvert onto the road surface above. Culverts will be at least 1 m in width.
- Routine maintenance should be completed for the fence and crossings to remove litter and debris and to conduct replacement and repairs, as needed to maintain the effectiveness of the fence as a barrier.

Birds

Although LEWO have not been observed within the Property to date, the mitigation measures below will ensure that CH features are maintained for potential LEWO breeding, as well as other sensitive cavity-nesting species, including other songbirds, raptors, owls, and small mammals such as bats.

- Construction works will be conducted within the least-risk window for breeding birds, described above and using the appropriate disturbance and noise buffers.
- The critical habitat mapped for Lewis’s woodpecker is based on the presence of biophysical attributes including potential nesting sites and foraging areas, both of which are present within the Property. As such, the following mitigation measures must be implemented:
 - Conserve all suitable nesting trees, including standing dead or partially dead pine, fir, and cottonwood that are >30 cm diameter at breast height;
 - Conserve perching and foraging features, such as standing live or dead trees, grass and shrub layer understories, and fruit-bearing plants (e.g.,

Saskatoon, elderberry).

- Wildlife related BMPs and guidelines that should be followed during planning and construction include Best Management Practices for Bats in British Columbia (2016), Guidelines for Amphibian and Reptile Conservation during Urban and Rural Development in British Columbia (2014), and Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013), each of which is available at <http://www.env.gov.bc.ca/wld/BMP/>.

Aquatic Resources

The identified aquatic communities are generally being avoided by the proposed development layout. This includes the wetland near Crow Place, the entire length of the wetland and watercourse that conveys flows south past the development.

- Proposed works in or in the vicinity of surface waters (including wetlands and watercourses) within the Property will be subject to the provincial *Water Sustainability Act* (WSA) and the Riparian Areas Regulation (RAR). As such, additional assessment and/or permitting may be required at the time of individual lot development to ensure compliance with these provincial rules.
- The Riparian Assessment Area (RAA) is typically 30 m from the high water level of waterbodies and acts as a trigger for assessment prior to development. This 30 buffer overlaps some of the lots within the proposed development which may require further environmental review and designation of riparian setbacks consistent with the provincial Riparian Areas Regulation (RAR) at the individual lot level at the time of building permit application.
- Stormwater drainage for Phase 1 is proposed to discharge to the wetland at the north end of the Property. A provincial WSA Section 11 application will be required for this construction and will be submitted separately. Proposed stormwater outfalls will follow the guidelines and recommendations provided in the provincial standards and best practices for instream works, as they pertain to urban stormwater management.
- Future stormwater management is proposed to be discharged to a detention pond which will be naturalized to provide habitat value and to facilitate the infiltration of stormwater to ground.

Conservation /

In keeping with the ASP, the proposed development maintains between the protected areas to the south and east (within the Skaha Bluffs Provincial Park) and the northern

Wiltse parcel to the north. Movement corridors for snakes to and from the den sites must be maintained throughout construction and future development. The corridor is proposed with the following objectives:

- Maintaining connectivity to the adjacent Skaha Bluffs Provincial Park, covenant areas, and wildlife management areas, for a wildlife movement, migration, and dispersal. This includes the installation of crossings, culverts, and other features to allow wildlife to safely cross roads and private property.
- Ensuring conservation of all ESA 1 and majority of ESA 2 polygons within the Property, including the conservation of wildlife movement corridors and buffers to preserve important habitats. The maintenance of these areas will help achieve the connectivity recommendations from the ASP.
- Conserving the aquatic (wetland and riparian) communities along the ravine and gulley to provide movement corridors for snakes and other wildlife. This will also help maintain existing drainage patterns and moisture regimes.
- Conserving the cliff, bluff, and talus features for snake basking habitat and to support the mature coniferous woodland communities. These areas provide unique habitats for a variety of species including other reptiles, birds, and small mammals.

13.2

13.3 Hillside Hazard Development Permit Area

Guidelines

The Hillside Hazard Development Permit Area applies to all properties identified in Figure 20 (Hillside Hazard Development Permit Area). For all of these properties, Development Permits shall be issued in accordance with the following guidelines:

Site Planning and Development Guidelines

1. Preserve unique natural characteristics such as rock outcrops, watercourses, and ravines.
2. Maintain the views of ridgelines by minimizing grading works, planting screening vegetation, and/or designing buildings sensitively to ensure that development has a low profile on ridgelines.
3. Ensure that manufactured slopes blend well with existing slope conditions.
4. Generally locate development in areas with natural slopes of less than 30%, and preserve open space in areas with natural slopes of 30% or more.

5. Consider limited development in areas with natural slopes of more than 30%, under the following conditions: a geotechnical study demonstrates the feasibility of development; a site grading plan demonstrates that works will sensitively replicate the hillside environment; flat yards and large retaining features are avoided; pre-development slopes of less than 30% are predominant in the general area; and, visual impact assessment demonstrates the sensitive integration of development into the hillside.
6. On steeper sites, ensure that it is feasible to construct individual driveways with slopes of less than or equal to 20%.
7. Site parks to capitalize on scenic view opportunities.
8. Align roads along natural site contours where possible.
9. Consider increased cul-de-sac lengths where connectivity to the road network is not possible due to topographic conditions, provided that appropriate emergency access is constructed. Emergency vehicle access lanes shall generally have a minimum hard packed surface width of 4.5 metres. Emergency vehicle access lanes should generally be designed to achieve a maximum grade of 11%. In steeper areas the City may consider varying this requirement to allow stretches with grades of up to 15%.
10. Consider reduced pavement widths and right-of-way widths where service levels can be maintained, the reduced widths provide demonstrably less slope disturbance, and the reduced widths contribute to the overall neighbourhood character.
11. Consider reduced front yard setbacks as a means to alleviate the need for steep driveways. Along street frontages, a generally consistent front building line should be maintained.
12. Predominantly maintain yard areas in a natural slope condition, and avoid large cuts and fills to achieve flat yards.
13. Where retaining materials are necessary, use materials that evoke a sense of permanence and reflect natural qualities through the use of context-sensitive materials, colours, and textures.
14. Where possible, use systems of smaller, terraced retaining walls rather than single, large, uniform walls.

Building Form Guidelines

1. Encourage “stepping” of building foundations to reduce site grading and retaining requirements.
2. Where possible, set buildings into the hillside and integrate with natural slope conditions.
3. Avoid unbroken expanses of wall.
4. Encourage building articulation to reduce apparent mass.

Tree Protection

1. At the time of subdivision, a tree cover inventory should be carried out for the development area
2. Encourage the preservation of trees throughout the site to protect the natural environments, stabilize slopes and enhance the hillside character
3. Seek out opportunities to replace lost tree cover where possible, including in disturbed natural areas, along streets, in parks and open spaces and on residential properties

Submission Guidelines

In support of Hillside Development Permit Area applications, the following submissions will be required:

- Site Features Inventory Identifying:
 - Property lines, easements, rights-of-way;
 - Natural pre-development site contours;
 - Geotechnical assessment;
 - Existing human-made features such as roads, curbs, sidewalks, utilities, trails, buildings, structures, fences, and retaining walls;
 - Natural physical features including knolls, ridgelines, rock outcrops, watercourses, ravines, and cliffs;
 - Prominent views;
 - Identification of significant environmental attributes; and,
 - Potential hazards and hazard areas.
- Development Concept Plan Identifying:
 - Proposed site plan outlining the location of roads, shared driveways, lanes, major utility features (mains, pump stations, reservoirs, detention

- ponds, etc.), lots, building envelopes, parks, trails;
- Grading concept plan including identification of large cut and fill areas, significant retaining feature locations and heights, and building envelopes; and,
 - Identification of site features to be retained (from Site Features Inventory).

13.4 MFR and Commercial Development Permit Area

Guidelines

Within areas designated as Neighbourhood Centre on the Future Land Use Plan (Figure 13), and for all multi-family residential developments in the North Block of the Wiltse Area Structure Plan, Development Permits shall be issued in accordance with the following guidelines and as identified in Figure 21: Note that the South Block will be included in the City-wide MF DPA.

Parking and Access

1. Large surface parking facilities are discouraged.
2. Whenever possible, required off-street parking shall be provided under buildings or internally located, rather than being adjacent to street frontages.
3. Townhouse developments are encouraged to use rear lane access where possible.

Pedestrian Orientation and Focus

1. Development should be pedestrian oriented. Buildings containing commercial uses shall not be set back from front or flanking lot lines but should form an active street edge. Commercial buildings should also define a pedestrian oriented first floor with canopies, window and door trim, and varied building facades.
2. All commercial and multi-family residential buildings should front or appear to front onto adjacent roadways. This may be achieved through appropriate treatment of the building exteriors and through the provision of pedestrian entrance-ways and walkways to the street.
3. Developments shall give priority to pedestrian circulation and ensure that sidewalks and other pedestrian facilities are of ample width.
4. Efforts should be made to create informal and formal pedestrian gathering spaces that create interest for the pedestrian and contribute to community building and socializing.

Wiltse Area Structure Plan – Final Report
Wiltse Holdings Ltd.



Preservation of Views

1. Buildings and structures should be sited to ensure the protection of views, particularly from public gathering spaces.

Building Design

1. Large buildings should be designed in a way that creates the impression of smaller units and less bulk by using building jogs and irregular faces.
2. Building shape, roof lines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.
3. Where townhouse units have attached garages or carports, the units should be wide enough to allow the creation of attractive entrances to the individual units between garages. The garage or carport should not dominate the dwelling unit.
4. For commercial buildings, outdoor areas, and street-side plazas are encouraged.
5. Front entrances should provide a focal point to buildings.

Landscaping and Signage

1. Landscape design plans prepared by a landscape professional will be required for all new multi-family and commercial developments.
2. Landscaped areas should include an underground irrigation system, which should be programmed to optimize water use efficiency.
3. Waste disposal bins and outdoor storage areas should be completely screened within an enclosure.
4. Free standing signage should be low, front lit or unlit, and provided with a landscape base.
5. The general character of signs should positively relate to the character of associated buildings.

14.0 Implementation

The following items address the main implementation measures for this Area Structure Plan. It is appreciated that since the development will be phased in accordance to market conditions, other implementation measures such as more detailed planning and design will be required over time.

14.1 Parks Dedication

The Area Structure Plan advocates a significant amount of designated park and open space use. Within this designation there will be various forms of “park” that warrant dedication. This will entail conservation lands, linear parks, community parks, neighbourhood parks, and other open space or undevelopable land. It may also include infrastructure such as stormwater management ponds, public amenity areas and public parking/squares and plazas.

14.2 Design Guidelines and Building Scheme

The policy direction for this Area Structure Plan calls for the use of Development Permit Areas to help control or manage many components of the development. Some of the most important aspects will entail design control of buildings/development of the residential, commercial (Neighbourhood Centre) and hillside development in general. Besides enforcement of zoning, the City will use Development Permit Area Guidelines in accordance with provisions of the Local Government Act. (See Section 14) Due to development on some of the sloped lands, it will also be prudent to use a self imposed “building scheme” to ensure that siting and building design does not compromise views form upslope single family residential. Building schemes may be used on a project by project basis (e.g. Strata developments) as well as by area where particular conditions may apply. (Note that the City may wish to use an overlay system to address building on steeper slopes.)

14.3 Phasing of Development

The phasing of development will normally proceed taking a number of factors into consideration. The Wiltse Area Structure Plan respects the following phasing concept:

- Road Access – Primary road connection to the municipal road network will be made via a new collector road running southward from the top end of Wiltse Boulevard. This road is expected to open up access to both single family and multiple family unit residential development opportunities at the north end of the North Block. Secondary (Emergency) access can be provided, at an interim standard, southward from the neighbourhood centre area, connecting back to the municipal road network at the south end of the North Block.
- Water Supply – A new reservoir will be required to be constructed on the upper Wiltse property. Along with the reservoir, a supply trunk from the Carmi reservoir and a new booster station at Carmi will be required. This will allow immediate access to water for the entire north block.
- Sanitary Sewer – Sanitary sewer service to the site will be entirely by gravity sewer, connecting to the municipal system at four distinct locations. Downstream system improvements ultimately may be required as the development phases are constructed.
- Cross section of Market – Phasing in from the north end should allow for a combination of single family and multiple family residential units to be brought on the market at the earliest opportunity. Roads and services could extend into both land uses; amenities such as parks and detention ponds could be included in the initial phase of development. The initial phase is estimated at 50 to 100 units in say three to five stages of 20 units, depending on market demand.

- Grading – It is understood that grading of the portion of the north block will be required to accommodate development. This is an area where the natural topography has already been altered to some degree by gravel extraction, fill sites and roadways. Mass grading will likely occur in advance of any major development to avoid disturbance of new homes and residents. Roadways and any other public rights of way will be planned to permit interim traffic circulation and necessary services and utilities, including the main water line from the new reservoir.
- Other – The neighbourhood centre that entails a small commercial area or mixed use residential/commercial building(s) should be comprehensively planned, along with the adjacent neighbourhood park space. Development may not occur in this location until market demand warrants.

14.4 Environmental Development Permit Area (DPA) and Monitoring

It is understood that some development is expected to occur in the vicinity of environmentally sensitive areas and wildlife/snake habitat. This implies that strict environmental DPA Guidelines will be required and proper monitoring is enforced during construction. The Environmental DPA Guidelines have been prepared by qualified environmental professionals and in accordance to recommended best management practices. The guidelines have been extracted from the report provided by the environmental consultant and best management practices of the Province of BC.

Wildfire Interface and Hillside Development

Wildfire Hazard Lands development policies are outlined in the City-wide Community Plan, including policies and map designations. The Community Plan requires a comprehensive process of forest fire hazard identification, hazard reduction and development guidelines through the subdivision and building permit approval processes.

Grading and Hillside Development policies outlined in the Area Plan will also be implemented through the subdivision application process.

14.5

14.6 Confirmation of School Site

School District #67 has expressed interest in a school site on the subject lands. Further discussion will be required to confirm the actual need and potential size and location.

14.7 Fire Department/Station Requirements

The City of Penticton Fire Department provides fire protection through Fire Hall #2 located approximately 2.7 km from the proposed entrance at Wiltse Boulevard. Most of the area is within a 10 minute response time to the development area. The response time to the upper reaches of the ASP area should be confirmed prior to rezoning and subdivision. Sprinklers for residential could be considered if response time is not adequate. A new fire station is not anticipated to accommodate development.

14.8 Development Process

As part of the first Rezoning Application /Subdivision received by the City in the NCP area, the developer will include an initial Cost of Growth Analysis as part of the application. The Cost of Growth Analysis will be a collaborative exercise between the developer and the City with the goal of informing Council and the community on how development will occur and the short and long term costs for the development.

The Cost of Growth Analysis will specifically address the following items:

- Financial analysis supporting how the proposed development and phasing will be funded.
- Proposed Developer and City contributions to the development.
- Capital cost review including electrical and fire services and impacts on the City's long term Capital Budgets.
- Operating cost review and impact analysis for providing annual services and maintenance to the new development area.
- Analysis as to the City payback over time for the growth with tax revenue generated from the development of this area.

Wiltse Area Structure Plan – Final Report
Wiltse Holdings Ltd.



APPENDIX A

Figures and Mapping

APPENDIX B

Biophysical Inventory and Environmental Sensitivity Analysis

APPENDIX C

Wildland Urban Interface Fire Hazard Assessment

APPENDIX D

Geotechnical Assessment of Lands

APPENDIX E

Transportation

APPENDIX F

Infrastructure Mapping

Water
Stormwater
Sanitary Sewer

Water

Stormwater

Sanitary Sewer

APPENDIX G

Correspondence from:

**FortisBC
Calibre Geotechnical Engineering Ltd.
School District #67**

FortisBC

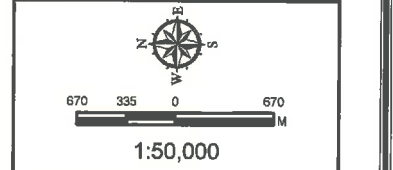
Calibre Geotechnical Engineering Ltd.

School District #67



Wiltse Area Structure Plan
 Wiltse Holdings Ltd.
 Figure 2: Area Context Map
 06067-40

-  City of Penticton
-  Subject Boundary
-  Skaha Bluffs Provincial Park
-  Lakes





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Wiltse Holdings Ltd.

Figure 3: Air Photo 06067-40

-  City of Penticton Boundary
-  Subject Boundary



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Wiltse Area Structure Plan
 Wiltse Holdings Ltd.
 Figure 6: Topography
 06067-40

-  Subject Boundary
-  Index Contours
-  Intermediate Contours








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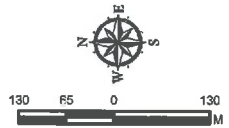
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Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Figure 7A: Slope Analysis

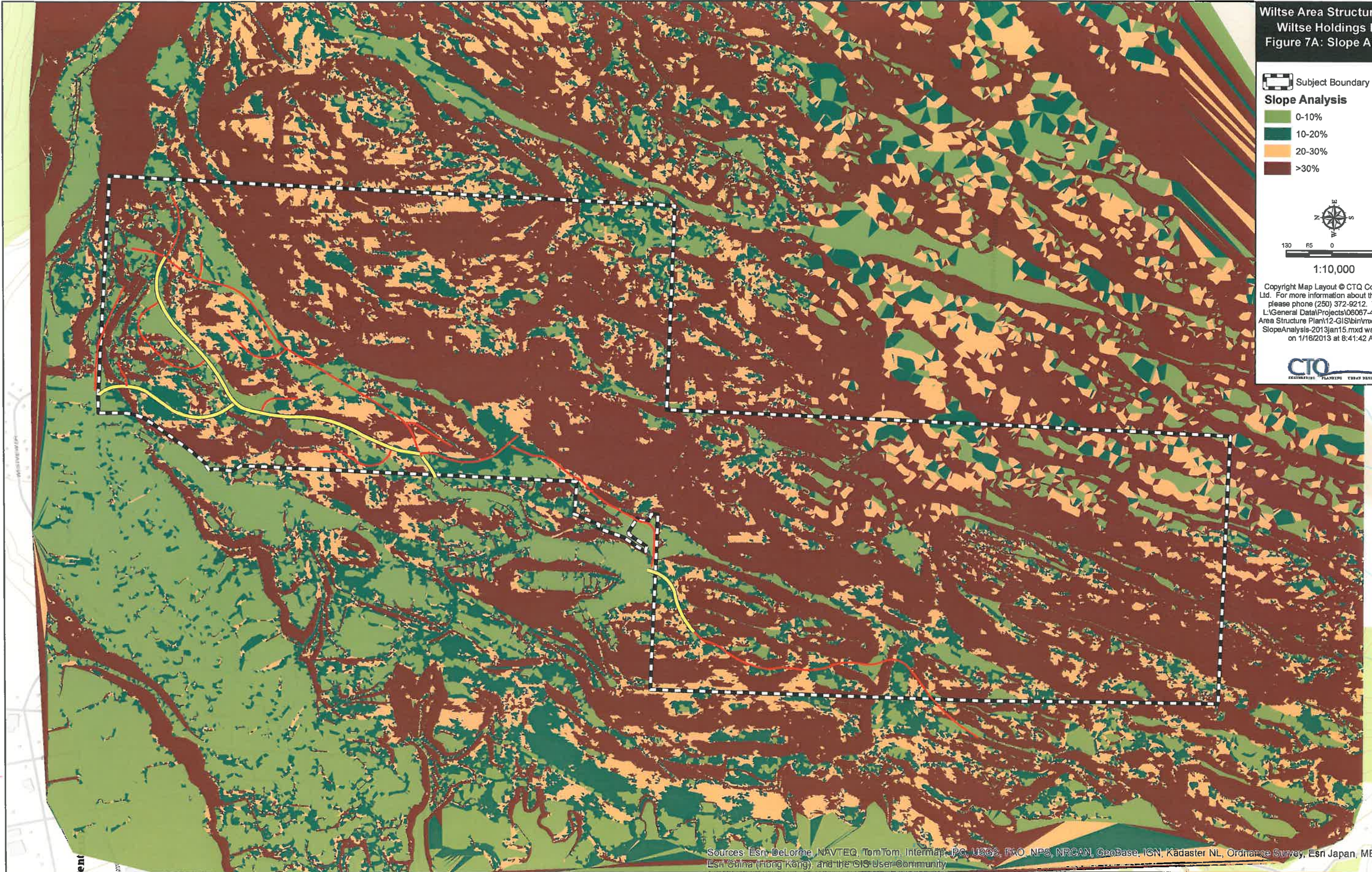
06067-40

-  Subject Boundary
- Slope Analysis**
-  0-10%
-  10-20%
-  20-30%
-  >30%



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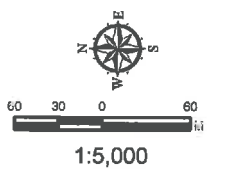
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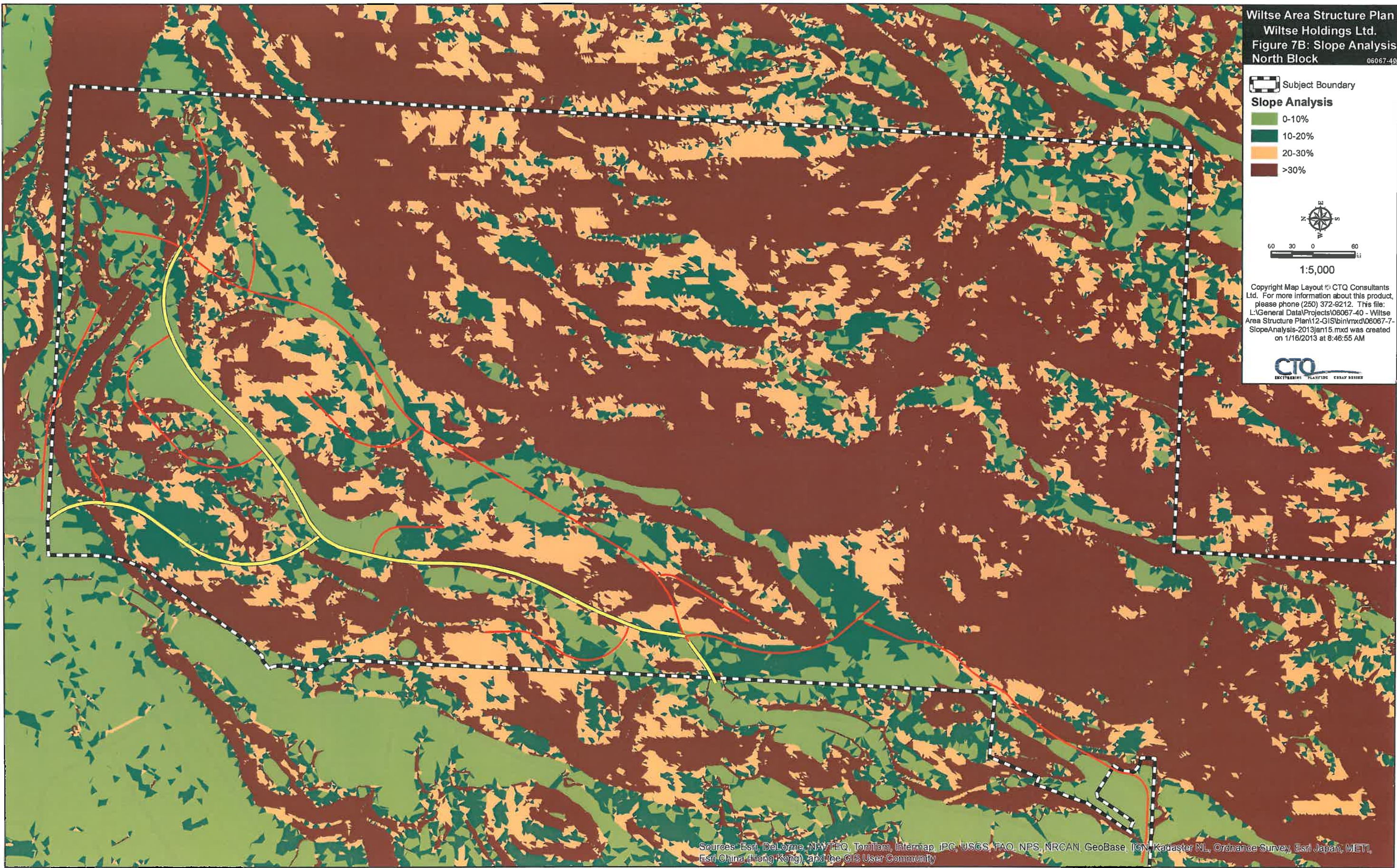
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Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Figure 7B: Slope Analysis
North Block 06067-40

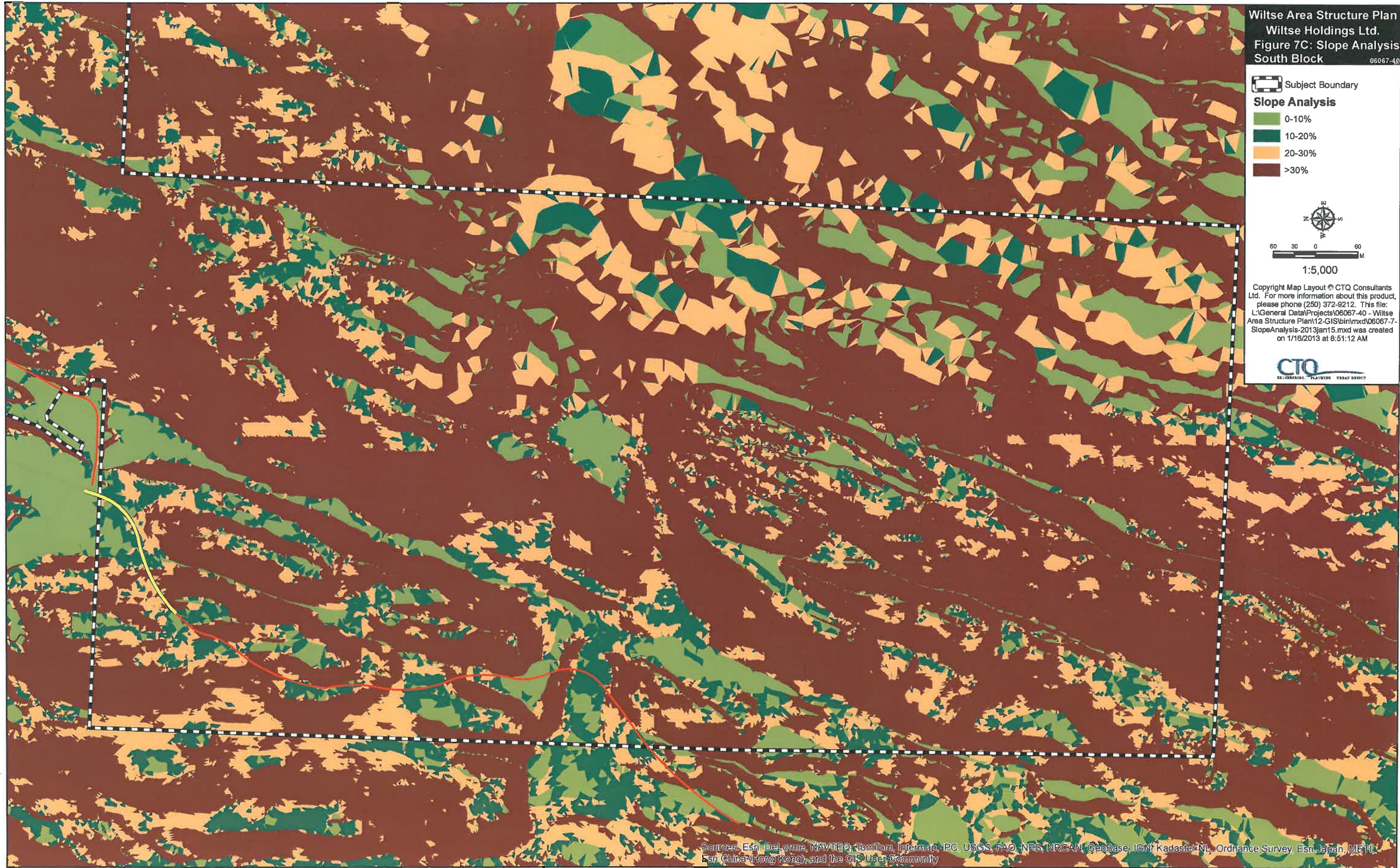
- Subject Boundary
- Slope Analysis
 - 0-10%
 - 10-20%
 - 20-30%
 - >30%



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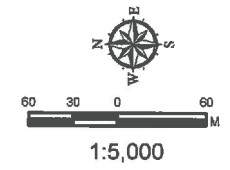


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Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Figure 7C: Slope Analysis
South Block 06067-40

- Subject Boundary
- Slope Analysis**
- 0-10%
- 10-20%
- 20-30%
- >30%

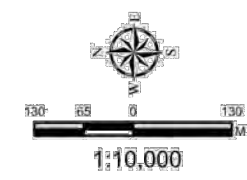
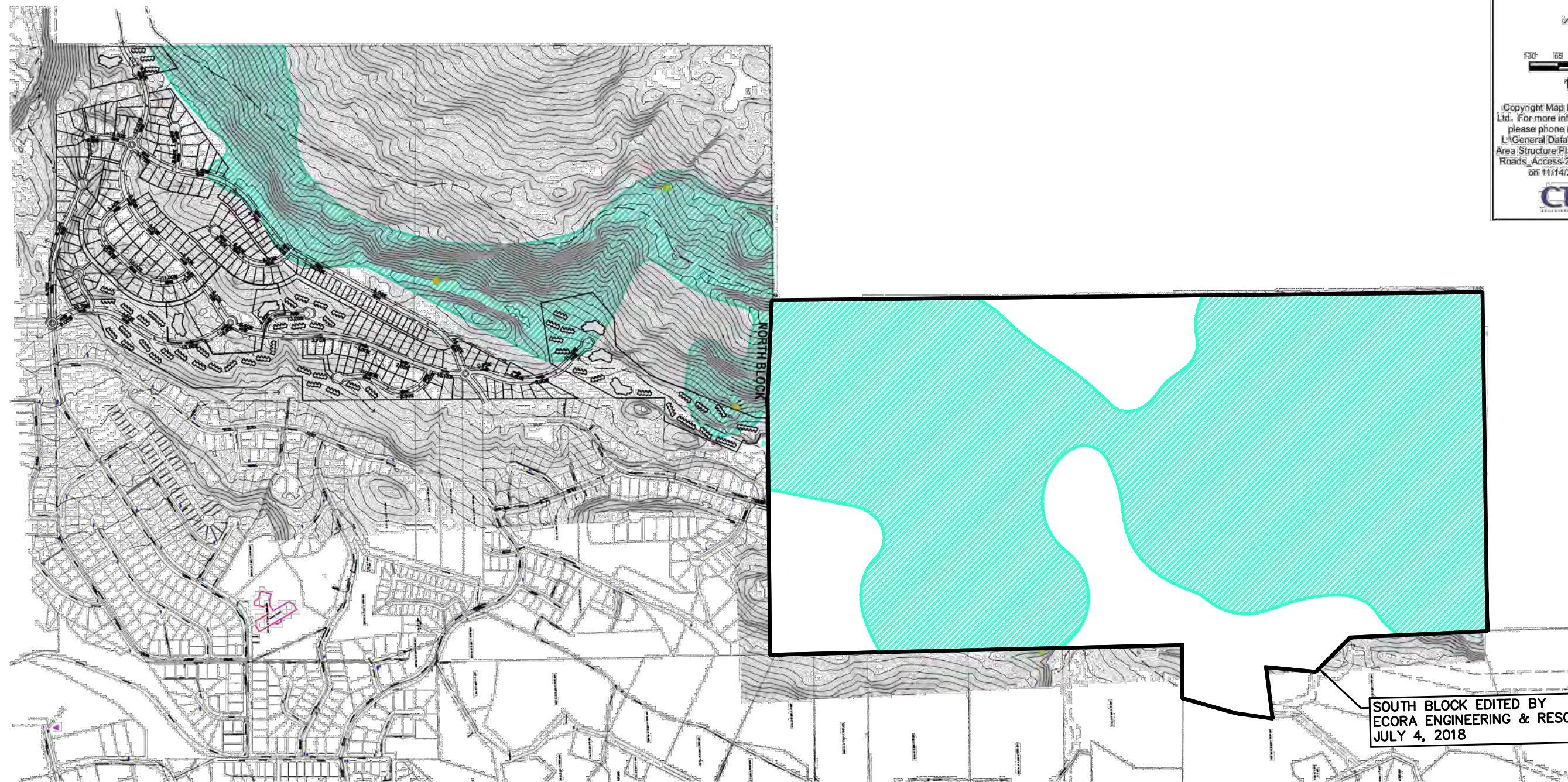


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Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, iPC, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

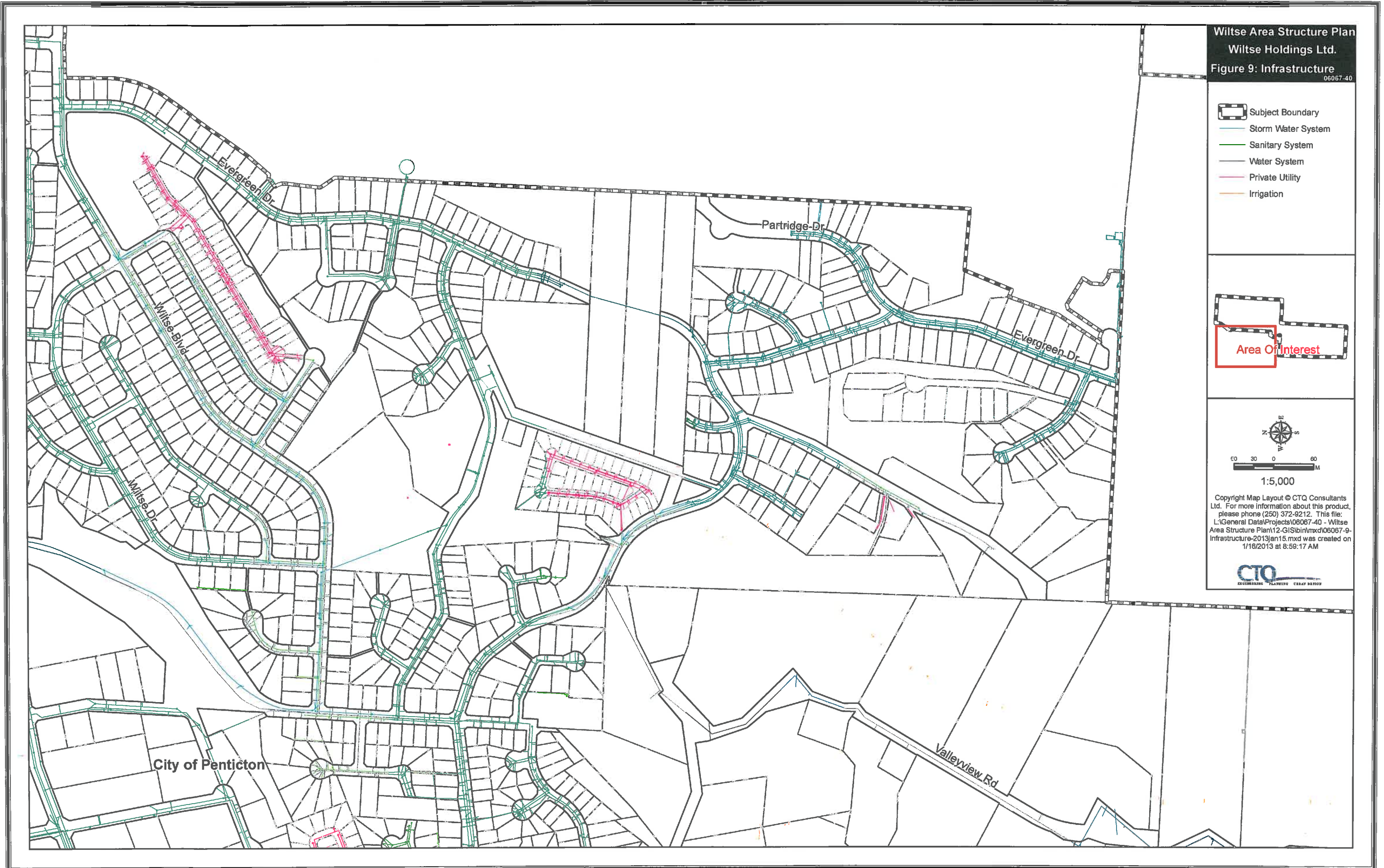
Wiltse Area Structure Plan
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Figure 8: Core Sensitive
Areas and Connectivity



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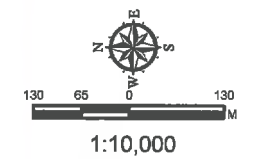




Wiltse Area Structure Plan
Wiltse Holdings Ltd.

Figure 10: Fortis Transmission Line
06067-40

- Power Poles
- Fortis Powerline
- ▭ Subject Boundary
- 100m Contours
- 10m Contours



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Wiltse Area Structure Plan

Wiltse Holdings Ltd.

Figure 11A: Existing Parks/Open Space

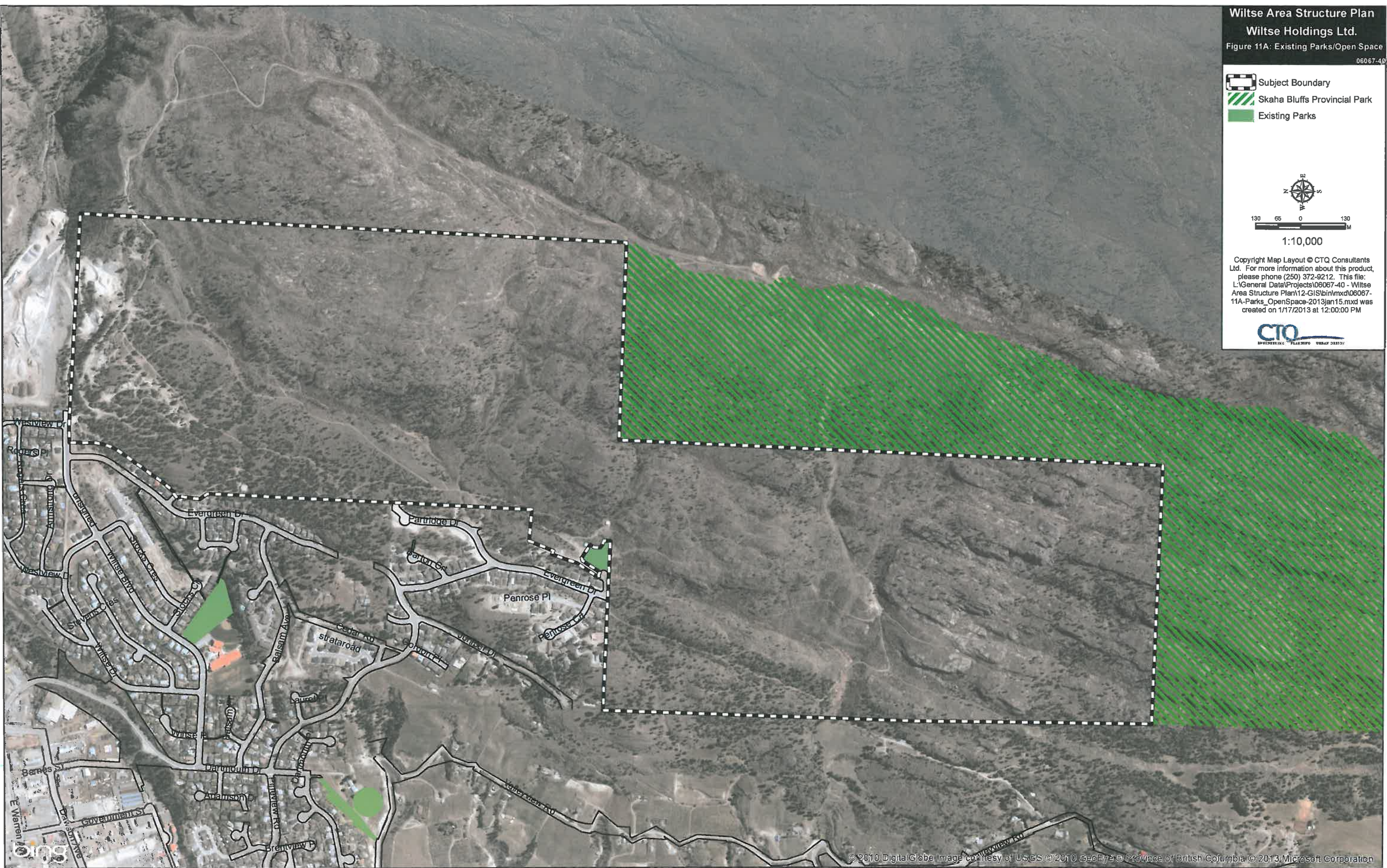
06067-40

-  Subject Boundary
-  Skaha Bluffs Provincial Park
-  Existing Parks

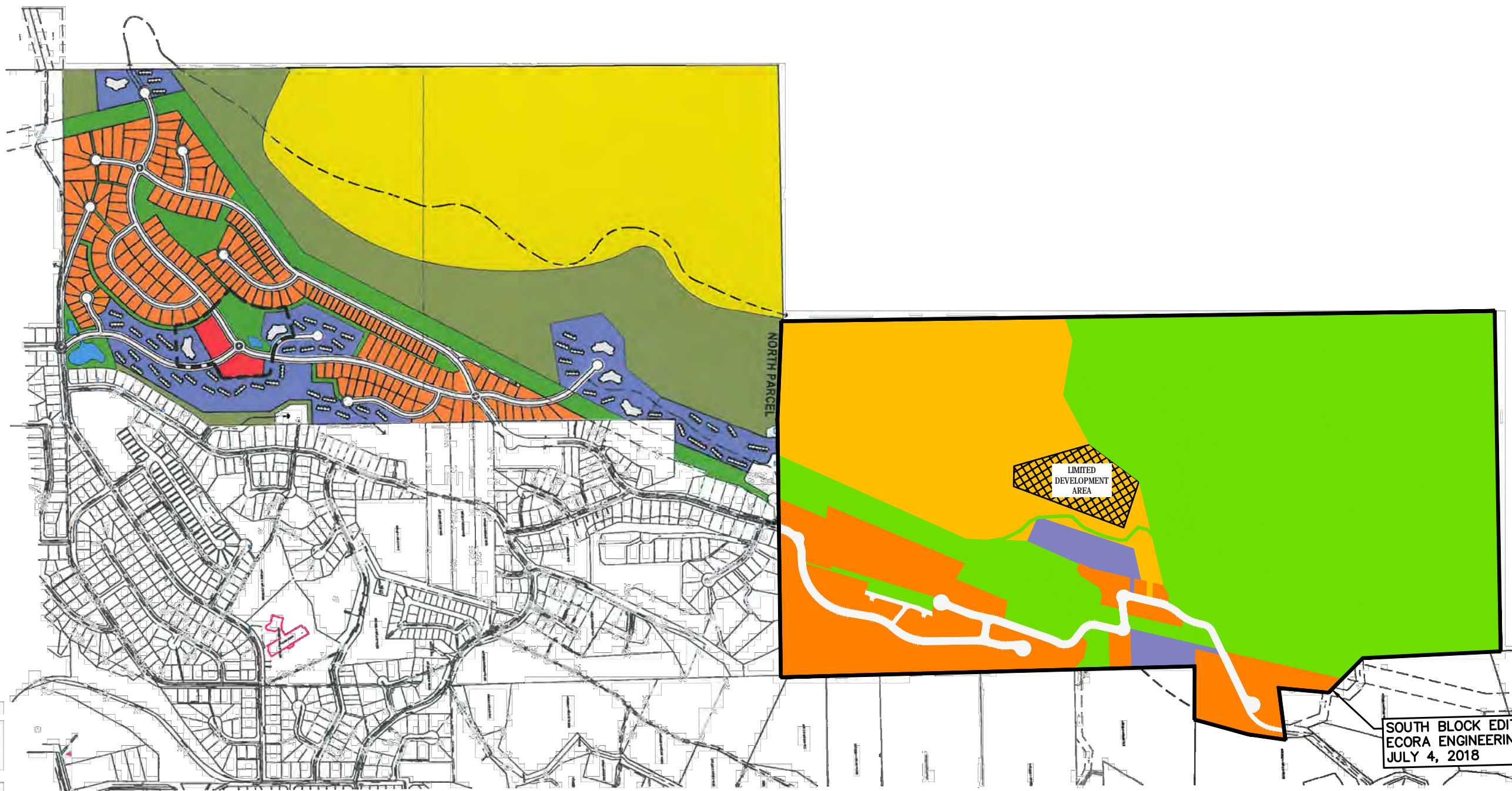


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Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Figure 12: Concept Plan



SINGLE FAMILY
SMALL LOT, STANDARD LOT, ESTATE LOT

MULTI FAMILY - SEE UNITS BELOW

4/6 UNIT TOWNHOME

30 UNIT CONDO / APARTMENT

FUTURE BENCH LANDS

COMMERCIAL

PARKS AND TRAILS

CONSERVATION / PROTECTED AREAS

NEIGHBOURHOOD CENTRE

FORESTRY GRAZING

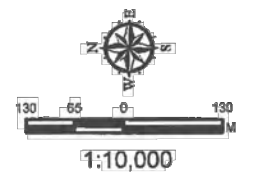
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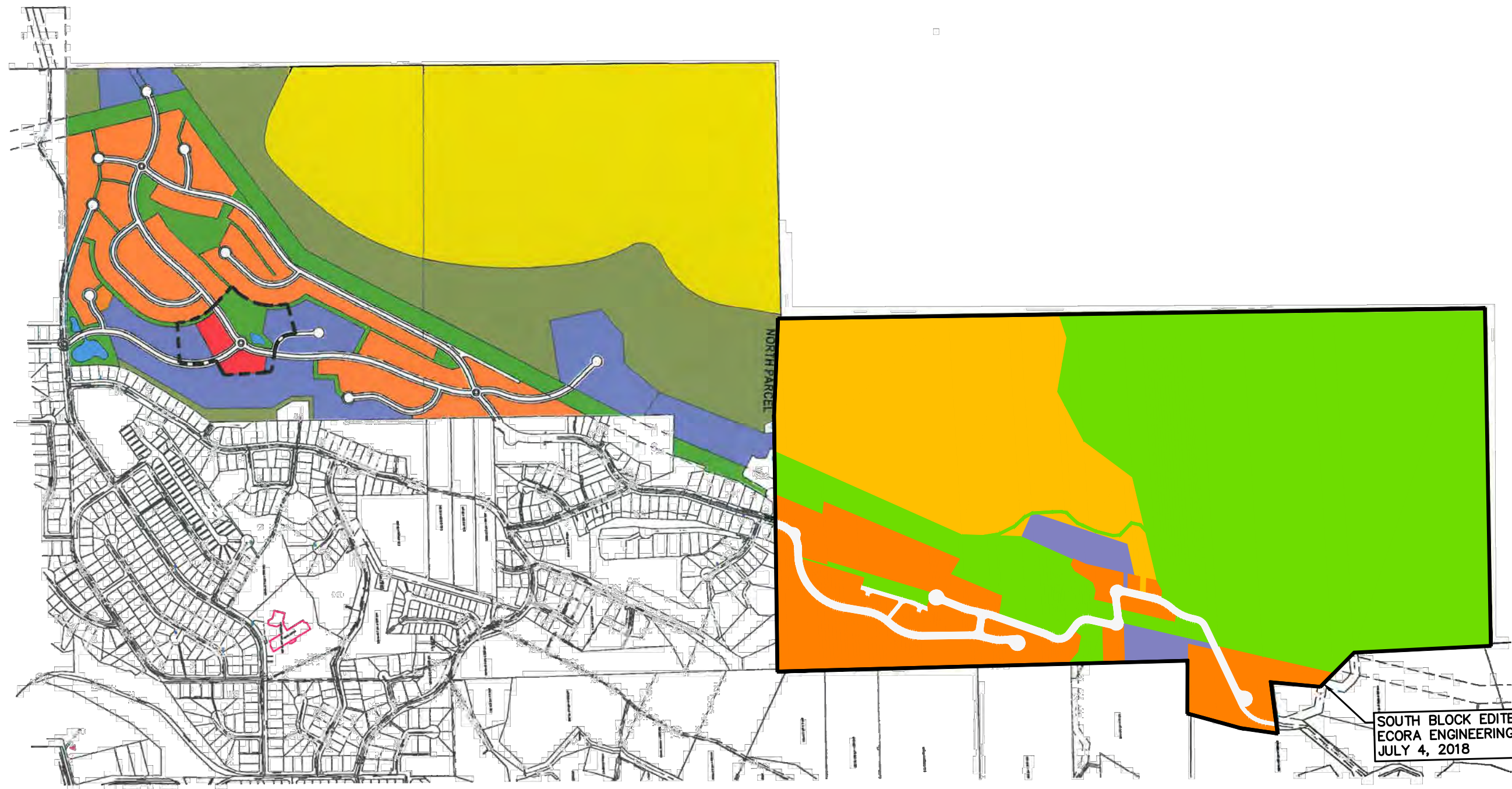


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- LAND USE DESIGNATION**
- SINGLE FAMILY
 - MULTI FAMILY
 - FUTURE PLAN AREA
 - COMMERCIAL
 - PARK AND TRAILS
 - CONSERVATION/PROTECTED AREAS
 - NEIGHBOURHOOD CENTRE
 - FORESTRY GRAZING

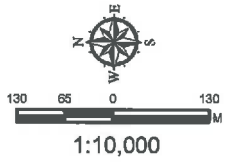
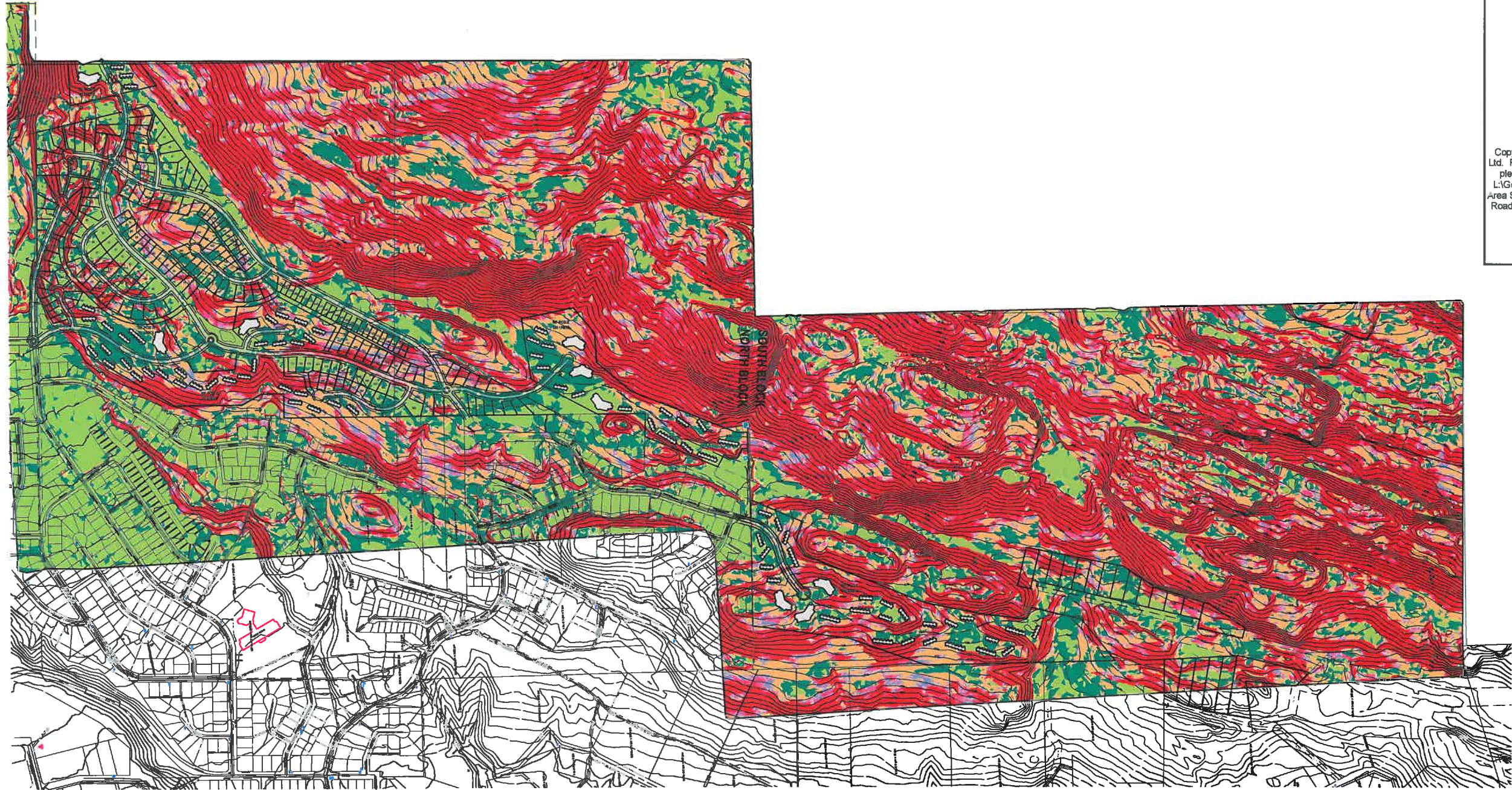


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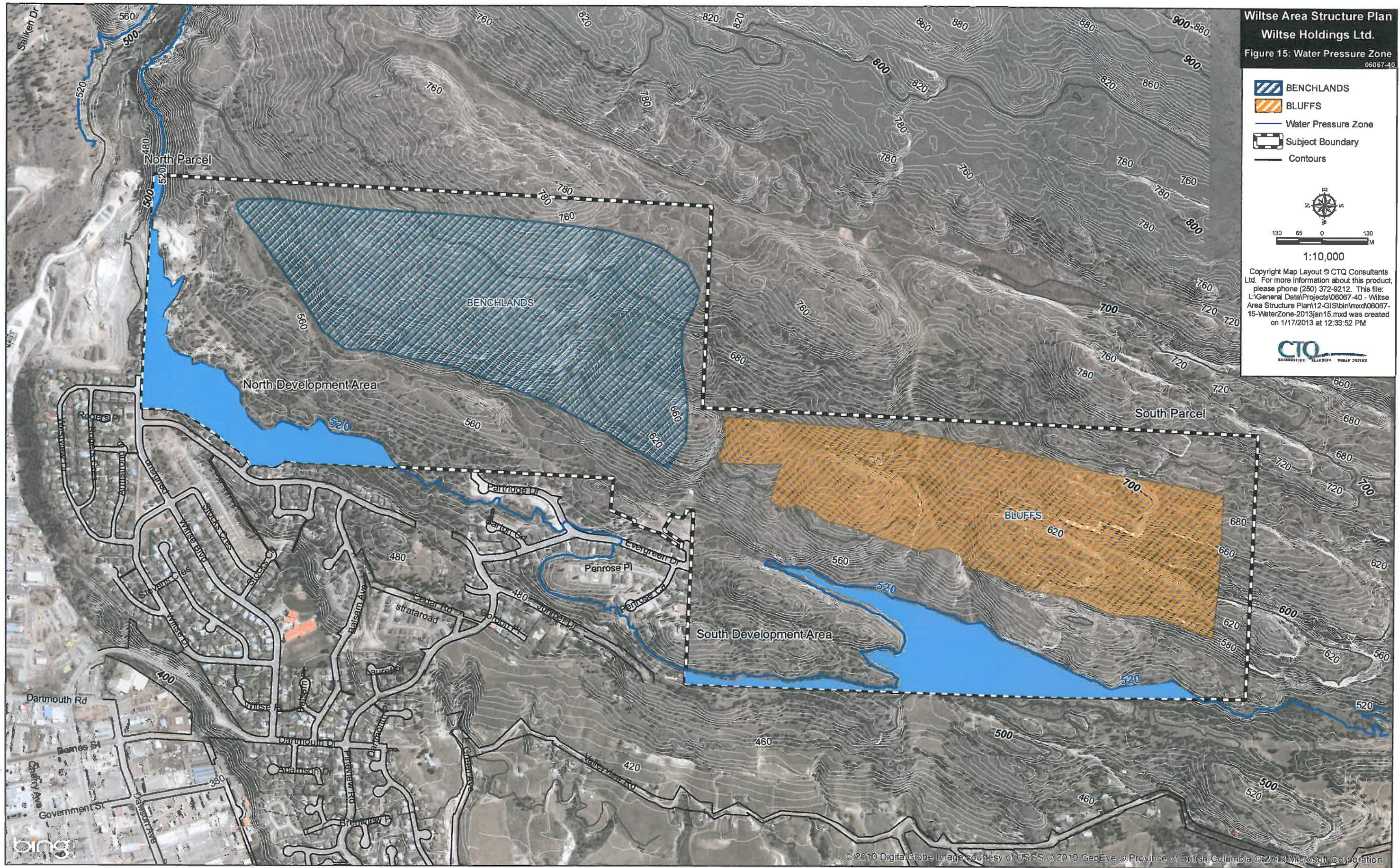
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Wiltse Holdings Ltd.
Figure 14:
Development Vs. Slope








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Wiltse Area Structure Plan
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Figure 15: Water Pressure Zone
 06067-40




-  BENCHLANDS
-  BLUFFS
-  Water Pressure Zone
-  Subject Boundary
-  Contours



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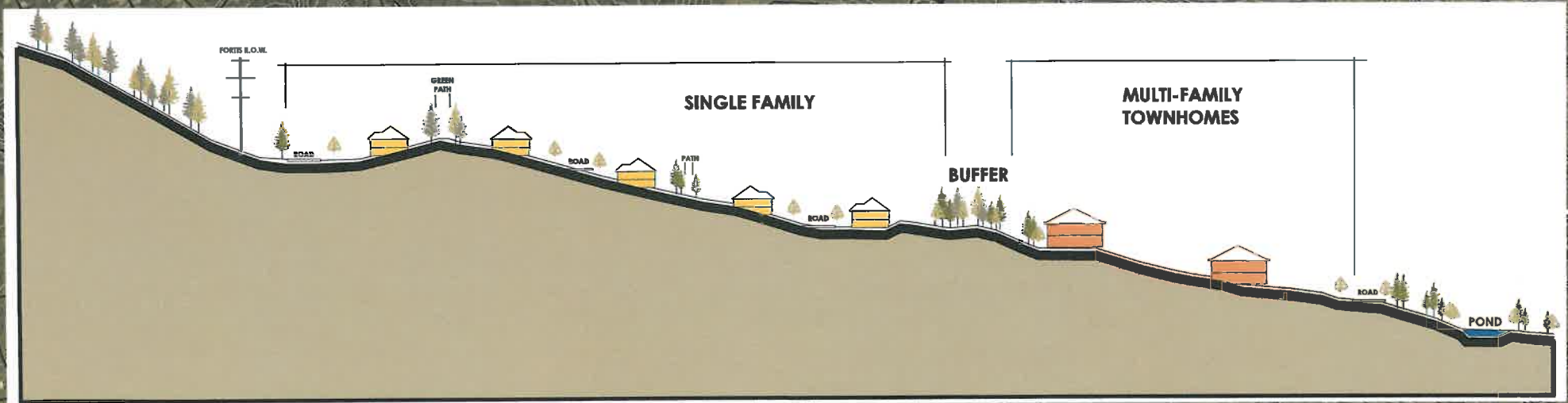
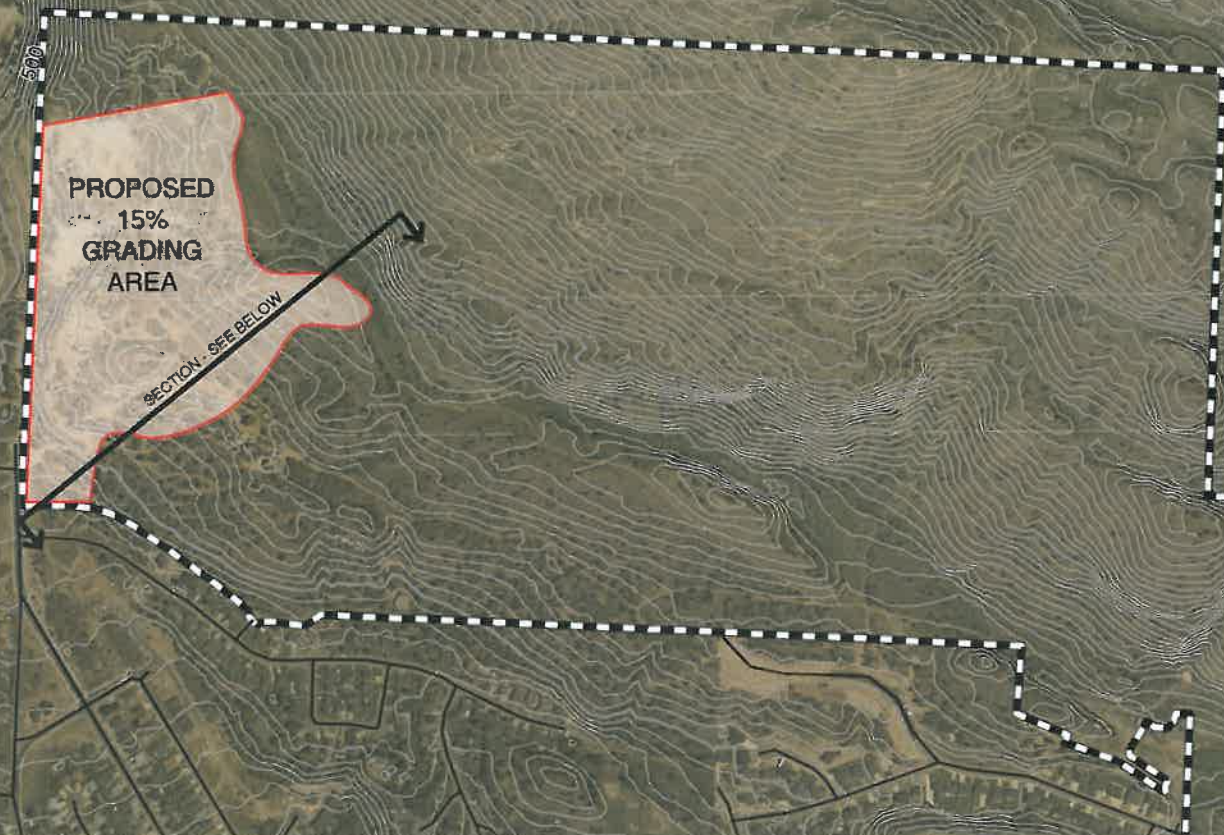


Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Figure 16: Proposed North Parcel Grading




-  Subject Boundary
-  Index Contours
-  Intermediate Contours

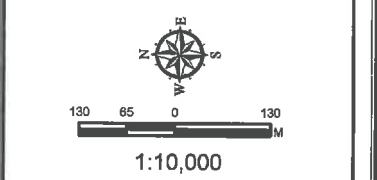


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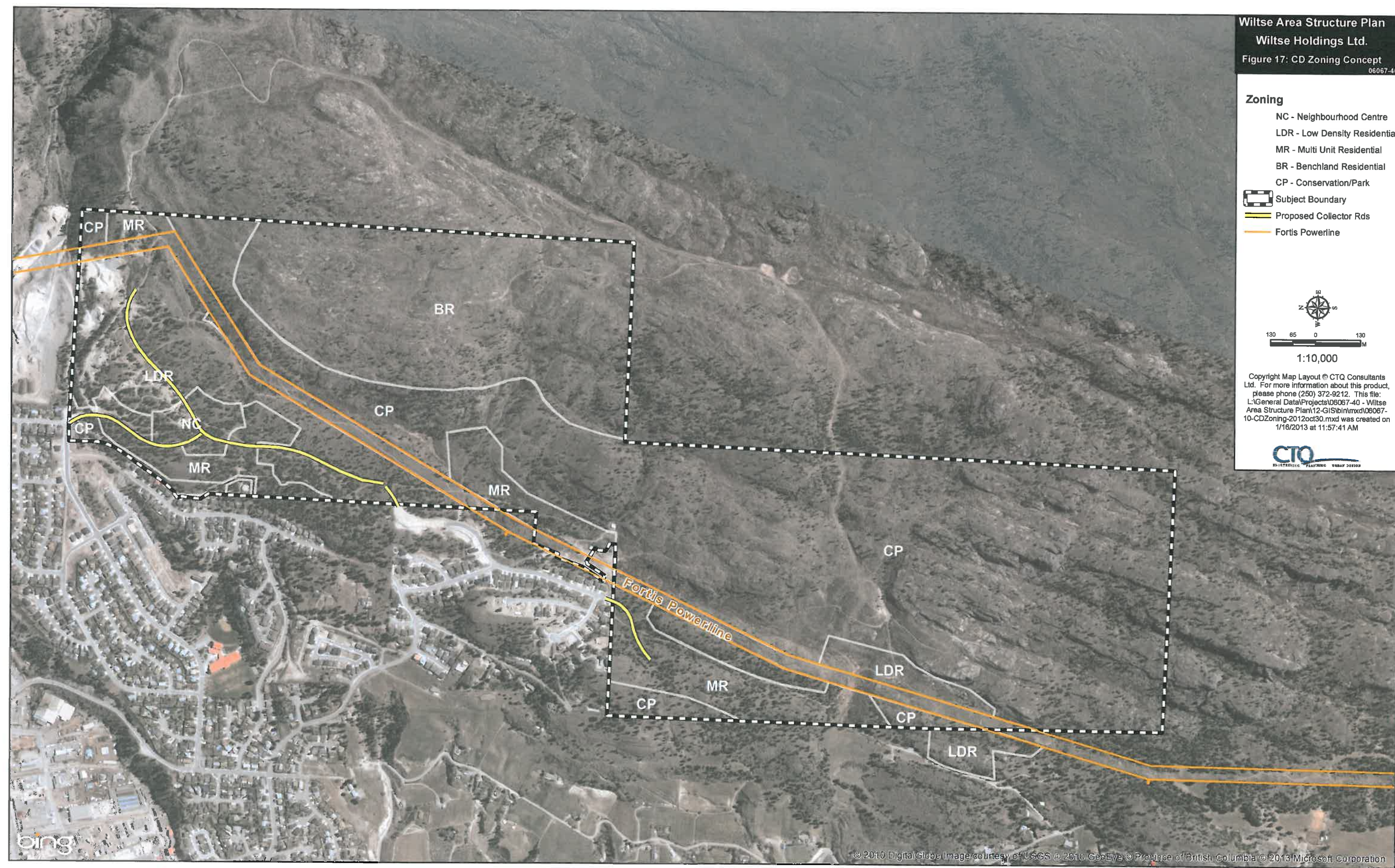


Wiltse Area Structure Plan
Wiltse Holdings Ltd.
 Figure 17: CD Zoning Concept
 06067-40

- Zoning**
- NC - Neighbourhood Centre
 - LDR - Low Density Residential
 - MR - Multi Unit Residential
 - BR - Benchland Residential
 - CP - Conservation/Park
-  Subject Boundary
-  Proposed Collector Rds
-  Fortis Powerline



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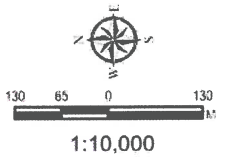
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Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Figure 17:
CD Zoning Concept

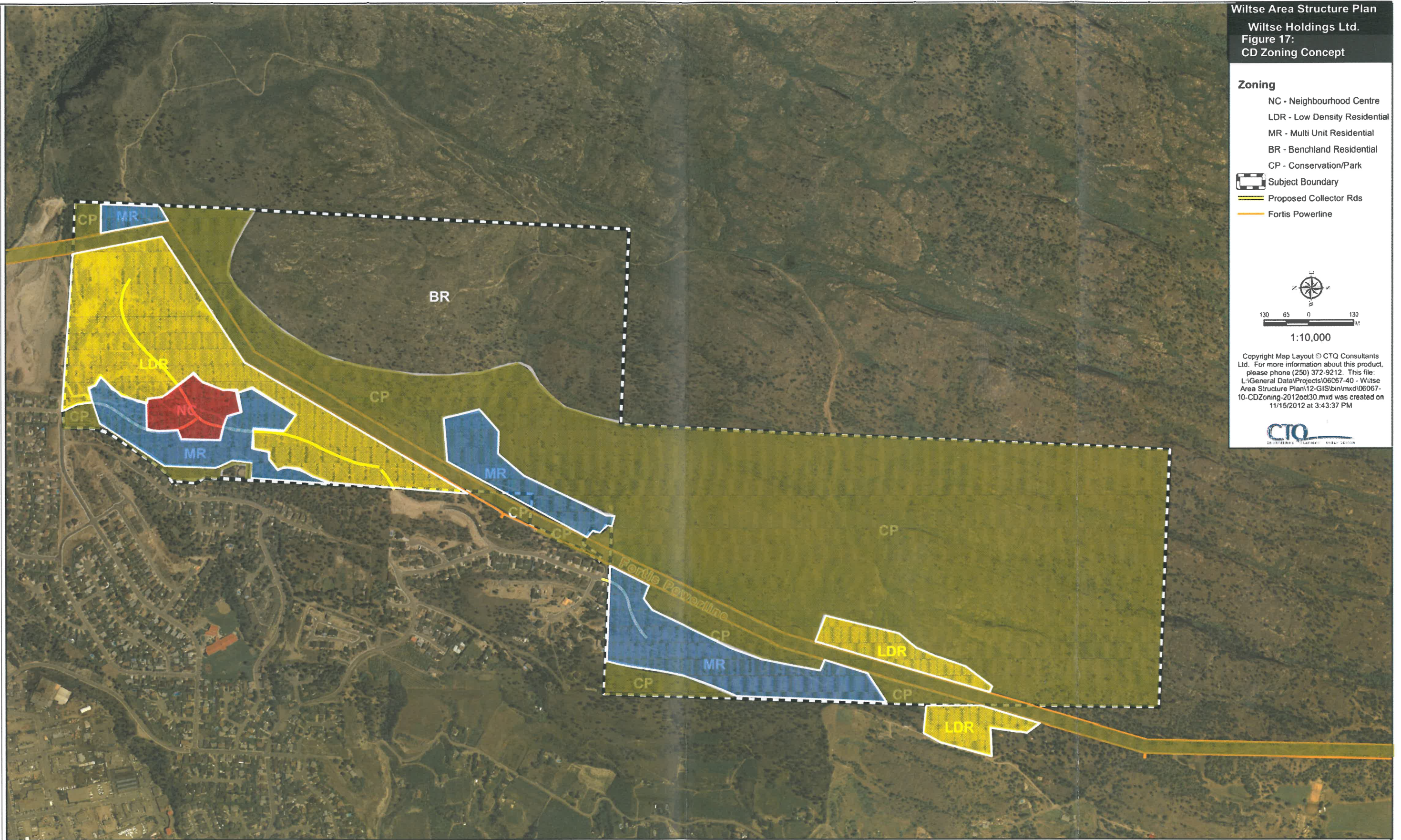
Zoning

- NC - Neighbourhood Centre
- LDR - Low Density Residential
- MR - Multi Unit Residential
- BR - Benchland Residential
- CP - Conservation/Park

-  Subject Boundary
-  Proposed Collector Rds
-  Fortis Powerline



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


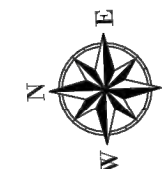
Note:
Roadways are conceptual only and for
reference purposes.

Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Fig 18: Environmental Protection
Development Permit Area

 Subject Property Boundary

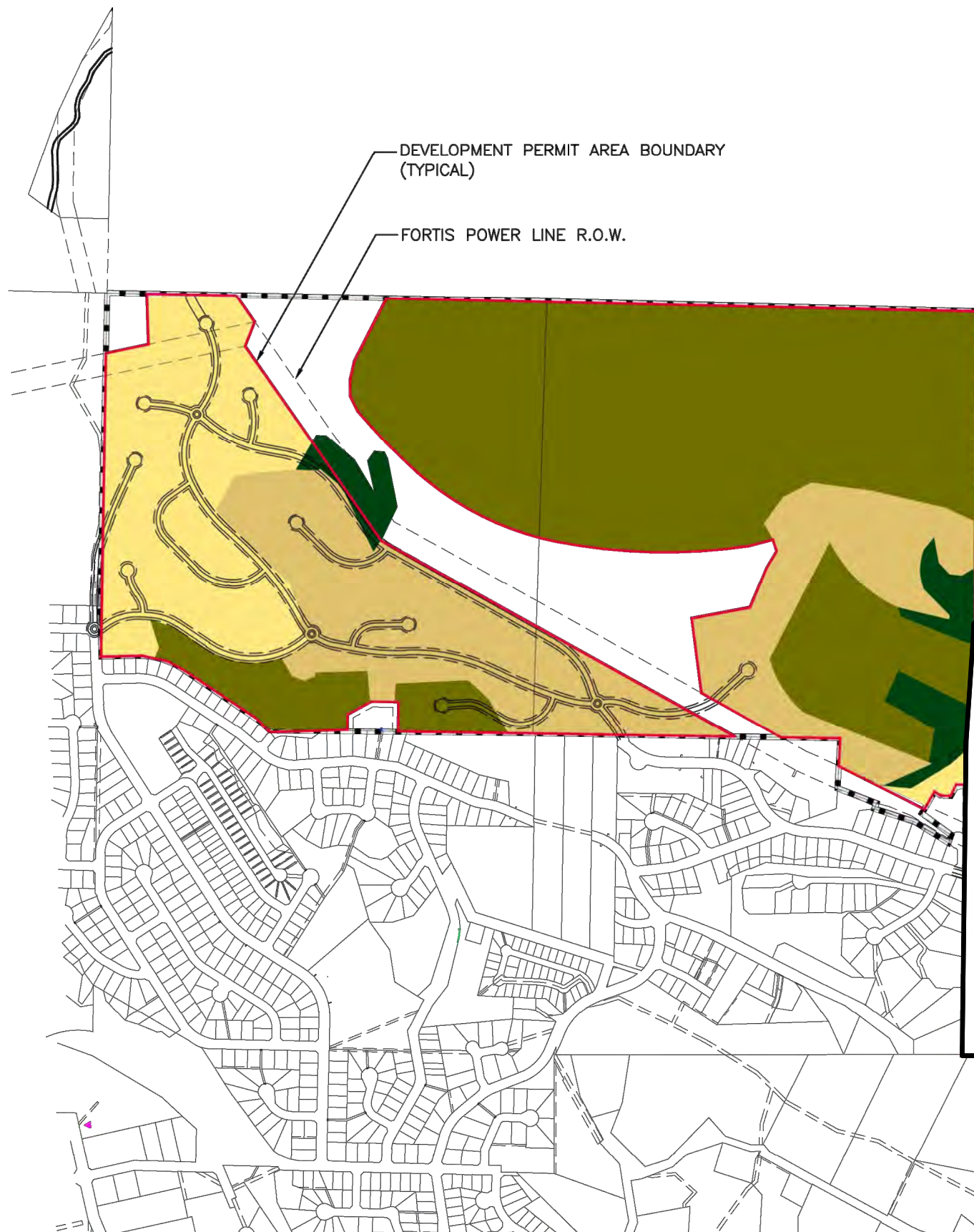
Environmental Sensitivity Area (ESA)

-  Very High
-  High
-  Moderate
-  Low



1:10000

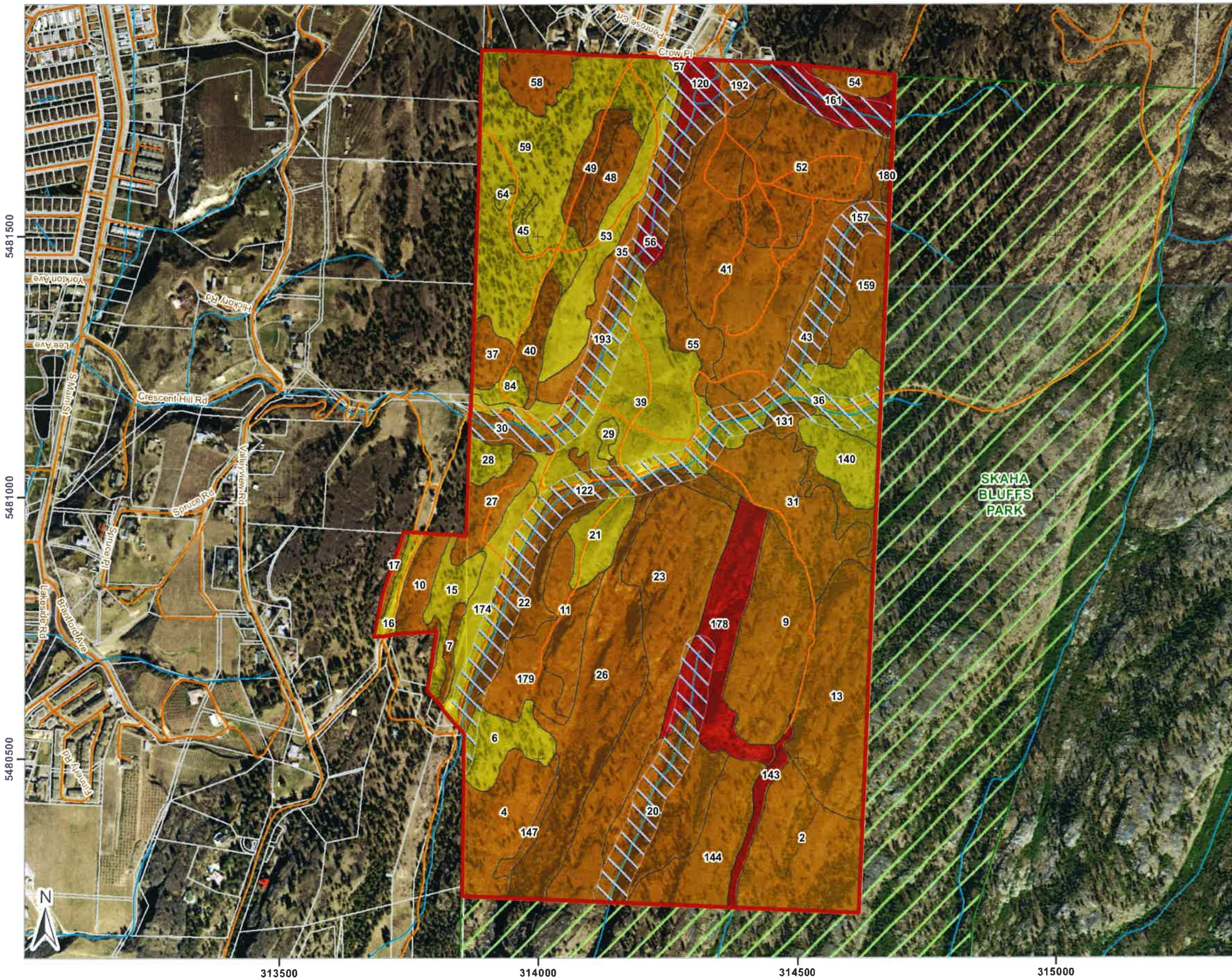
Project No. 06067-40 - May 2014



SEE FIGURE 18A

SOUTH BLOCK EDITED BY
ECORA ENGINEERING & RESOURCE GROUP LTD.
JULY 4, 2018

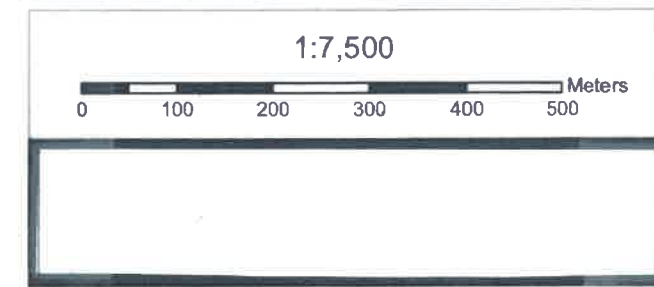
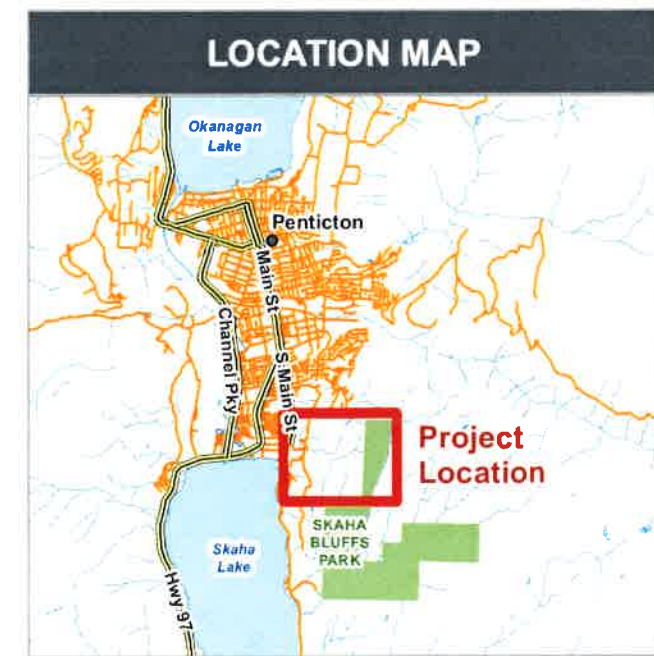
ENVIRONMENTALLY SENSITIVE AREAS



THE BLUFFS PENTICTON, BC



Legend **Figure 18A**

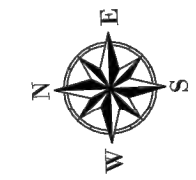
- ESA 1 - High
- ESA 2 - Moderate
- ESA 3 - Low
- ESA 4 - Not Sensitive
- Riparian Management Area (30m)
- Property Boundary
- Parks
- Roads & Trails
- Streams & Lakes
- City of Penticton Legal Parcels



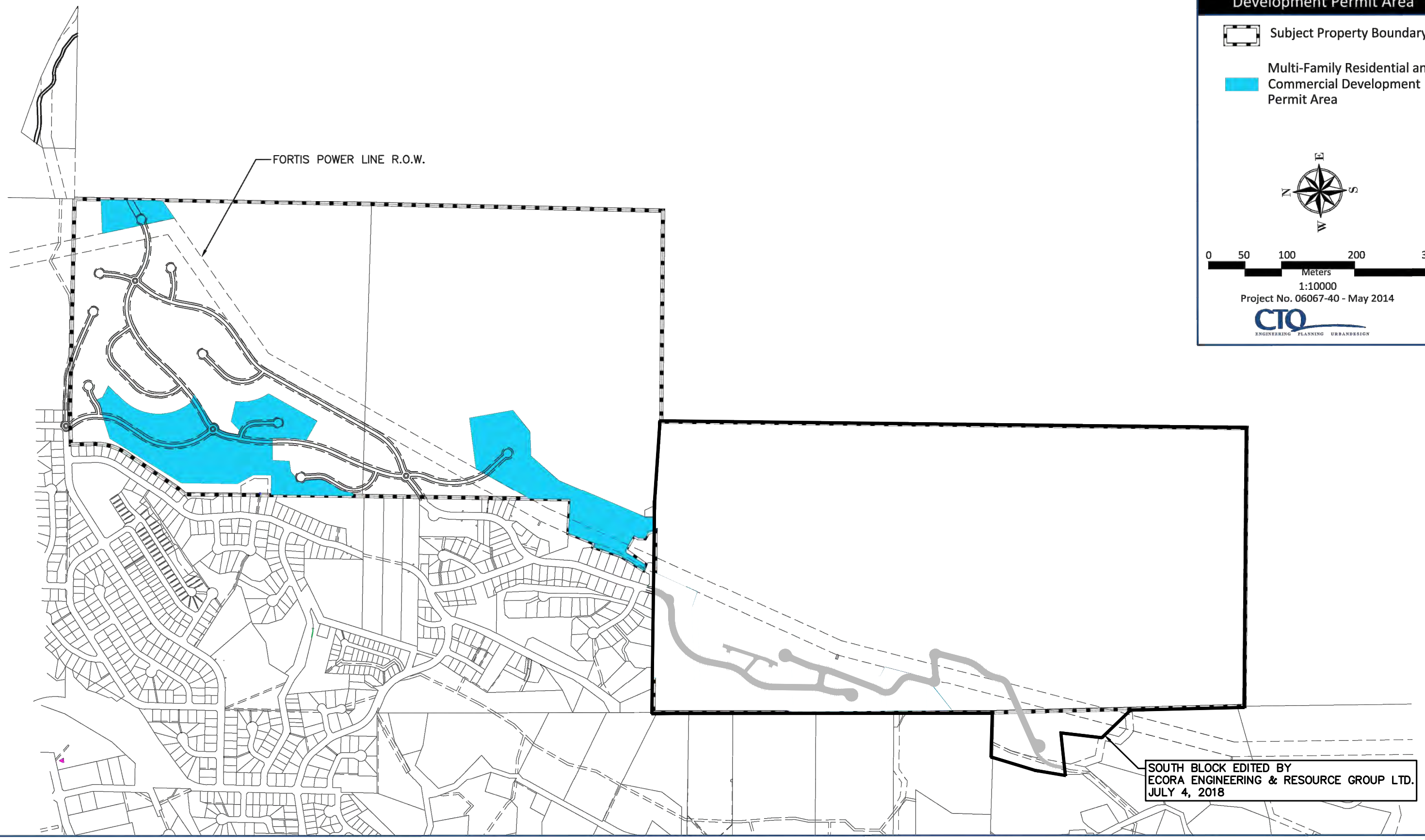
Note:
Roadways are conceptual only and for
reference purposes.

Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Fig21: Multi-Family
Residential and Commercial
Development Permit Area

-  Subject Property Boundary
-  Multi-Family Residential and Commercial Development Permit Area



1:10000
Project No. 06067-40 - May 2014

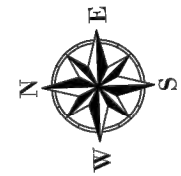


SOUTH BLOCK EDITED BY
ECORA ENGINEERING & RESOURCE GROUP LTD.
JULY 4, 2018

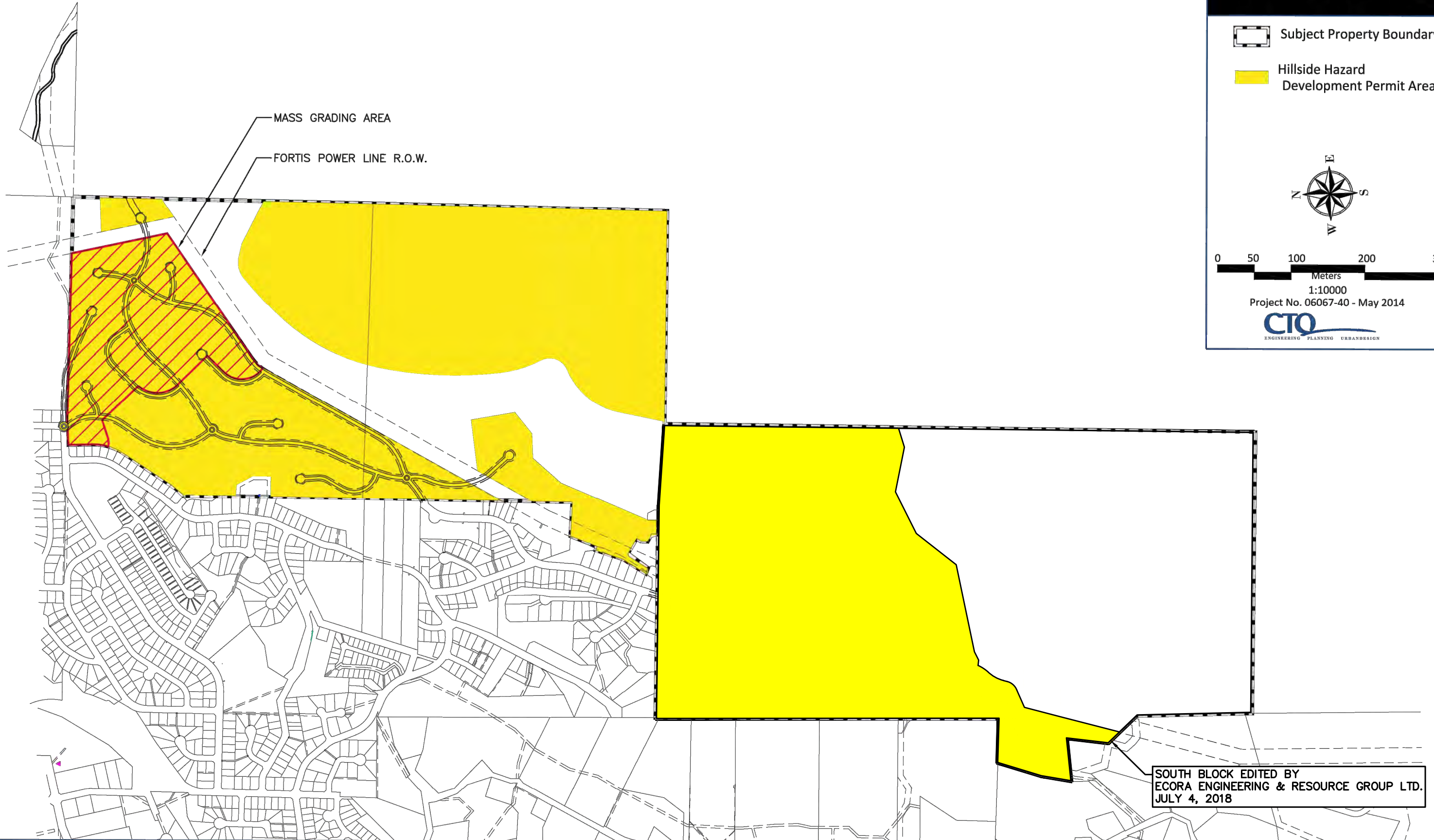
Note:
Roadways are conceptual only and for
reference purposes.

Wiltse Area Structure Plan
Wiltse Holdings Ltd.
Fig20:Hillside Hazard
Development Permit Area

-  Subject Property Boundary
-  Hillside Hazard
Development Permit Area



1:10000
Project No. 06067-40 - May 2014



SOUTH BLOCK EDITED BY
ECORA ENGINEERING & RESOURCE GROUP LTD.
JULY 4, 2018

L:\General Data\Projects\06067-40 - Wiltse Area Structure Plan\4-CAD\PLANNING (Conceptual Only)\06067-40-RPT-04.dwg May 28, 2014 Horuko Kagami

Bylaw No. 2018-61

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. 2018-61".

2. **Amendment:**

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

Include Lot 1, District Lot 190 and 2710, Similkameen Division Yale District Plan KAP7449 located at 3200 Evergreen Drive, identified on Schedule 'A' as R1 (Large Lot Residential), RM1 (Bareland Strata Housing), FG (Forestry and Grazing) and P2 (Parks and Recreation).

2.2 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 9.1.4:

.1 In the case of Lot 1, District Lot 190 and 2710, Similkameen Division Yale District Plan KAP7449 located at 3200 Evergreen Drive, two single family residences and a 20 room tourist accommodation resort with a maximum floor area of 1850m² is permitted.

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


READ A FIRST time this	21	day of	August, 2018
A PUBLIC HEARING was held this	4	day of	September, 2018
READ A SECOND time this	4	day of	September, 2018
READ A THIRD time this	4	day of	September, 2018
ADOPTED this		day of	, 2018

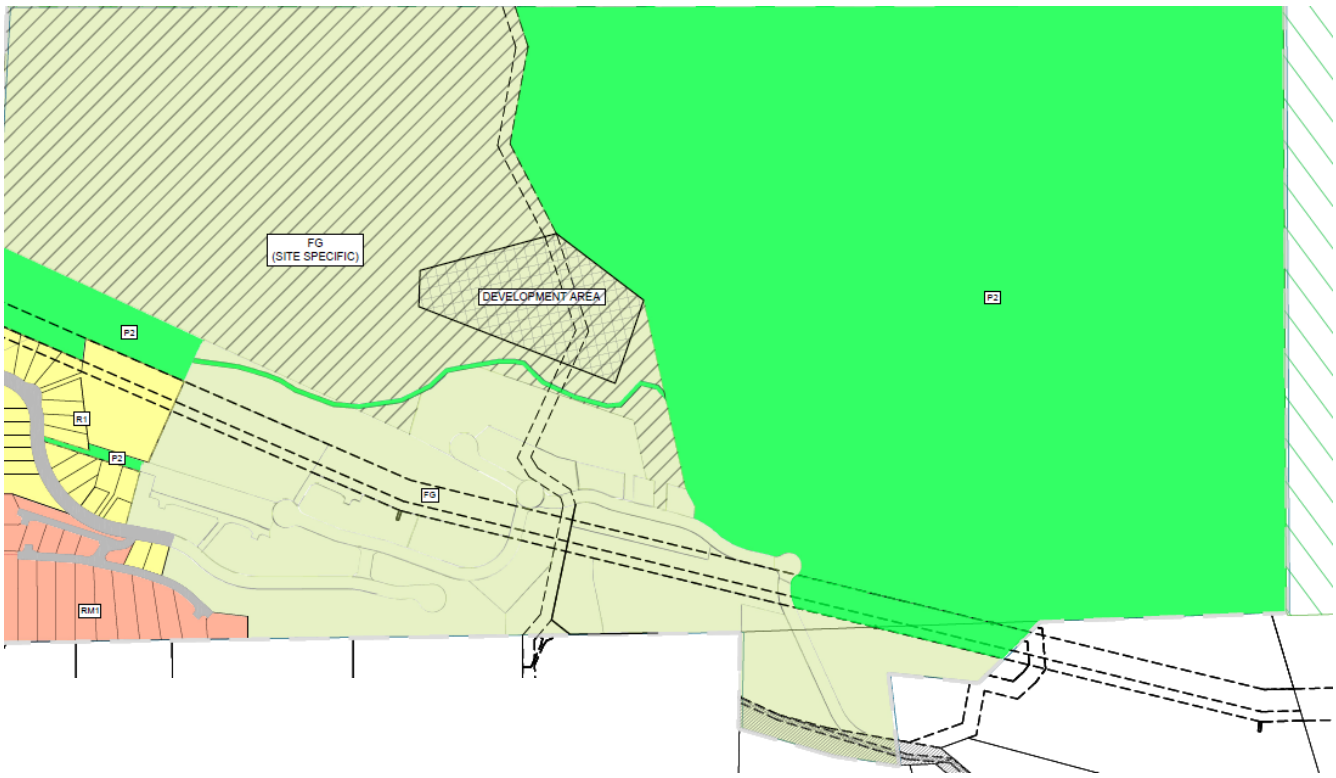
Notice of intention to proceed with this bylaw was published on the 24 day of August, 2018 and the 29 day of August, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend Zoning Bylaw 2017-08 to include Lot 1, DL 190 and 2710 SDYD, Plan KAP7449 (3200 Evergreen Drive) in
1) Large Lot Residential (R1), 2) Bareland Strata Housing (RM1), 3) Forestry Grazing (FG), and²²⁶ -
4) Parks & Recreation (P2) and add a site specific provision to the Forestry Grazing (FG) zone to permit two single
family residences and a 20 room tourist accommodation resort with a maximum floor area of 1850m².

ZONING LEGEND	
	- R1 - LARGE LOT RESIDENTIAL
	- RM1 - BARELAND STRATA HOUSING
	- FG - FORESTRY & GRAZING
	- P2 - PARKS & RECREATION



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2018-61

Date: _____

Corporate Officer: _____

Bylaw No. 2018-62

A Bylaw to Amend Development Cost Charges Bylaw 2007-79

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

AND WHEREAS the Council of the City of Penticton wishes to amend Development Cost Charges Bylaw 2007-79 to include the annexed boundary extension area known as the "Bluffs at Skaha";

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

1. **Title:**

This bylaw may be cited for all purposes as "Development Cost Charges Amendment Bylaw No. 2018-62".

2. **Amendments:**

Development Cost Charges Bylaw 2007-79 is hereby amended as follows:

- 2.1 Delete and replace Sector Map 'A' Core/Periphery DCC Map in its entirety with the attached Sector Map 'A' Core/Periphery DCC Map.
- 2.2 Sector Map 'A' Core/Periphery DCC Map attached hereto forms part of this bylaw.

READ A FIRST time this	21	day of	August, 2018
READ A SECOND time this	21	day of	August, 2018
READ A THIRD time this	21	day of	August, 2018
RECEIVED the approval of the Inspector of Municipalities on the	12	day of	October, 2018
ADOPTED this		day of	, 2018

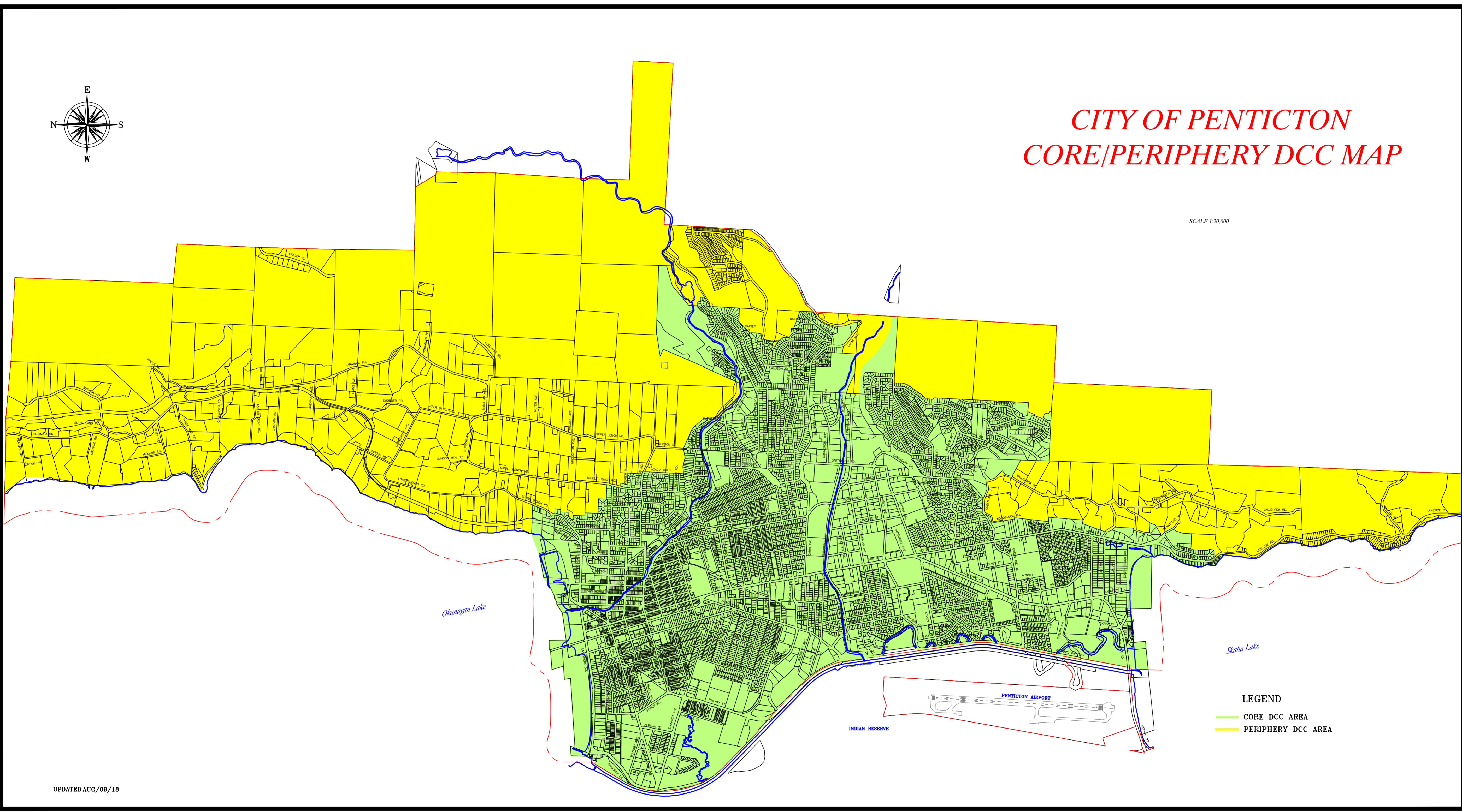
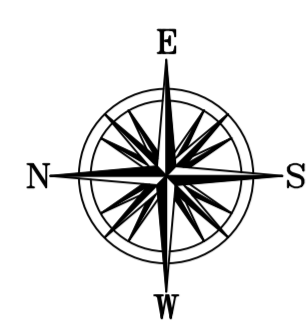
Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Sector Map 'A'

CITY OF PENTICTON
CORE/PERIPHERY DCC MAP

SCALE 1:20,000



LEGEND
— CORE DCC AREA
— PERIPHERY DCC AREA

UPDATED AUG/09/18

The Corporation of the City of Penticton

Bylaw No. 2018-65

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. 2018-65".

2. Amendment:

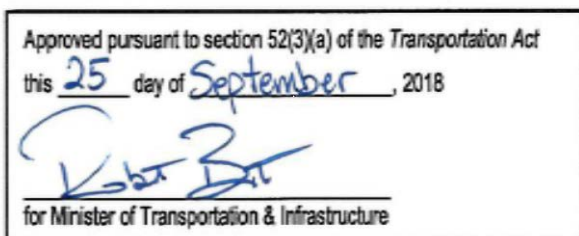
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 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	4	day of	September, 2018
A PUBLIC HEARING was held this	18	day of	September, 2018
READ A SECOND time this	18	day of	September, 2018
READ A THIRD time this	18	day of	September, 2018
RECEIVED the approval of the	25	day of	September, 2018
Ministry of Transportation on the			
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 7 day of September, 2018 and the 12 day of September, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.



Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 290 Bassett St.
from R2 (Small Lot
Residential) to RM2 (Low
Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-65

Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2018-8211

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668
Civic: 290 Bassett Street
PID: 002-279-100
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 five-unit townhouse:
 - a. Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space.

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 _____ 2018

Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2018-69

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. 2018-69".

2. **Amendment:**

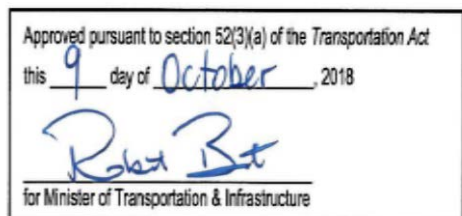
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 14, District Lot 3, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue from CT1 (Tourist Commercial) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	18 day of	September, 2018
A PUBLIC HEARING was held this	2 day of	October, 2018
READ A SECOND time this	2 day of	October, 2018
READ A THIRD time this	2 day of	October, 2018
RECEIVED the approval of the Ministry of Transportation on the	9 day of	October, 2018
ADOPTED this	day of	, 2018

Notice of intention to proceed with this bylaw was published on the 21 day of September, 2018 and the 26 day of September, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.



Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 1087 Dynes Ave From CT1
(Tourist Commercial) To RM2 (Low
Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-69

Date: _____

Corporate Officer: _____



Development Variance Permit

Permit Number: DVP PL2018-8356

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 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1017
Civic: 1087 Dynes Avenue
PID: 002-548-658
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 to allow for the construction of two duplexes.
 - Section 6.5 (Table 6.5): to waive the one required visitor parking space.
 - Section 10.8.2.7.i: to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

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

Authorized by City Council, the __ day of _____, 2018.

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Bylaw No. 2018-71

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. 2018-71".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Amend section 3.2 Definitions and add with the following:

FLOOR AREA, CARRIAGE HOUSE (CHFA) means the total floor area in a carriage house, measured from the outside face of the exterior wall. CHFA does not include decks, balconies and covered patios or garages and other enclosed or open parking areas.

2.2 Amend section 8.2.3.2 by changing the words 'lot coverage' to 'lot area'.

2.3 Delete and replace section 8.2.3.3 with the following:

.3 Height: In FG, A and RC zones maximum height is 7.0m, In R1, R2, R3, RD1 and RD2 zones where a carriage house is accessed from a lane maximum height is 7.0m and two floors and where no lane exists maximum height is 5.0m and one floor.

2.4 Add section 8.2.3 Development Regulations

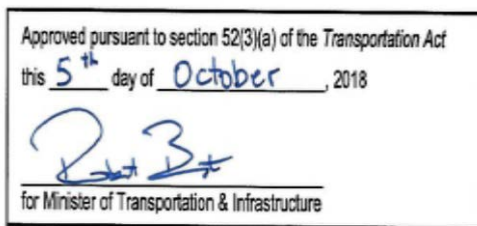
.9 Carriage House Floor Area (CHFA): Maximum CHFA in FG, A, RC zones is 150m², Maximum CHFA in R1, R2, R3, RD1 and RD2 zone is 135m².

2.5 Add section 8.2.3 Development Regulations

.10 Privacy: In the case of a carriage house having windows on a side yard within 1.5m of another property, all windows must be opaque.

READ A FIRST time this	18	day of	September, 2018
A PUBLIC HEARING was held this	2	day of	October, 2018
READ A SECOND time this	2	day of	October, 2018
READ A THIRD time this	2	day of	October, 2018
RECEIVED the approval of the Ministry of Transportation on the	5	day of	October, 2018
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 21 day of September, 2018 and the 26 day of September, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.



Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2018-73

An amendment to regulate enforcement of bylaw notices

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

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

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

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

1. Title:

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2018-73."

2. Amendment:

2.1 Amend Schedule 'A' by updating Appendices Index and by deleting and replacing in its entirety:

Appendix 1 – Building Bylaw No. 2018-01

2.2 Appendix 1 attached hereto forms part of this bylaw.

READ A FIRST time this 2 day of October, 2018

READ A SECOND time this 2 day of October, 2018

READ A THIRD time this 2 day of October, 2018

ADOPTED this day of , 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule 'A'

APPENDIX 1

BUILDING BYLAW NO. 2018-01

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
No permit	7.1	\$450	\$400	\$500	No
Occupy without approval	7.2	\$450	\$400	\$500	No
Provide false information	7.3	\$450	\$400	\$500	No
Modify document	7.4	\$450	\$400	\$500	No
Interfere with notice	7.5	\$450	\$400	\$500	No
Work at variance to plan	7.6	\$250	\$200	\$300	No
Obstruct official	7.7	\$450	\$400	\$500	No
Address not posted	7.8	\$250	\$200	\$300	No
Contravene building official	7.9	\$450	\$400	\$500	No
Change of use	7.10	\$450	\$400	\$500	No

Bylaw No. 2018-74

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

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

AND WHEREAS the Council of the City of Penticton wishes to amend the "City of Penticton Ticket Information Bylaw No. 2012-5021";

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

1. Title:

This Bylaw may be cited as "Municipal Ticketing Information Amendment Bylaw No. 2018-74".

2. Amendment:

i. Amend "City of Penticton Ticket Information Bylaw No. 2012-5021" by updating titles in column 1 of Schedule A and deleting and replacing the following Schedule in its entirety:

- Schedule B1 – Building Bylaw No. 2018-01

ii. Schedule B1 attached hereto forms part of this bylaw.

READ A FIRST time this	2 day of	October, 2018
READ A SECOND time this	2 day of	October, 2018
READ A THIRD time this	2 day of	October, 2018
ADOPTED this	day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule B1 to "City of Penticton Information Bylaw No. 2012-5021"

Building Bylaw No. 2018-01

	Description of Offence	Bylaw Section	Fine
1.	No building permit	7.1	\$1000
2.	Occupy without approval	7.2	\$1000
3.	Obstruct official	7.7	\$1000
4.	Change of use	7.10	\$1000

The Corporation of the City of Penticton

Bylaw No. 2018-75

A Bylaw to provide for the appointment of Officers and to prescribe the powers, duties and responsibilities of such Officers and Employees including the Delegation of Authority by Council.

WHEREAS the City of Penticton must by bylaw, under Section 146 of the *Community Charter*, establish officers' positions having responsibility under Sections 148 and 149 of the *Community Charter*;

AND WHEREAS the City of Penticton may, by bylaw, confer on an officer position the chief administrative responsibility for the City under Section 147, of the *Community Charter*;

AND WHEREAS pursuant to Section 154 of the *Community Charter*, Council, may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

AND WHEREAS Council wishes to delegate to its officers and employees certain powers, duties and functions;

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

Title:

This bylaw may be cited as the "Officers and Delegation of Authority Bylaw No. 2018-75".

Interpretation

1. Except as otherwise defined in this bylaw, words or phrases herein shall be construed in accordance with their meanings under the *Community Charter*, *Local Government Act*, and *Interpretation Act*, and other legislation as the context and circumstances may require. A reference to a statute refers to a statute of the Province of British Columbia, and a reference to any statute, regulation or bylaw refers to that enactment, as amended or replaced from time to time.
2. Words in the singular include the plural and gender specific terms include both genders and corporations. Headings in this bylaw are for convenience only and must not be construed as defining, or in any way limiting the scope or intent of this bylaw.

Establishment of Statutory Officer Positions

3. The persons holding the following positions are established as Statutory Officers of the City of Penticton under Section 146 and the following provisions of the *Community Charter*:
 - a. Chief Administrative Officer, pursuant to Section 147;
 - b. Corporate Officer, pursuant to Section 148; and
 - c. Chief Financial Officer, pursuant to Section 149.
4. The selection of the Chief Administrative Officer shall be made by Council.

5. The selection of the Corporate Officer and the Chief Financial Officer shall be made by the Chief Administrative Officer.
6. The selection of the Acting Chief Administrative Officer shall be made by the Chief Administrative Officer. In the event of incapacitation of the Chief Administrative Officer or vacancy in that position, the selection of the Acting Chief Administrative Officer shall be made by Council.
7. The delegation under this Bylaw will apply to staff who assume or are appointed the responsibility of the Statutory Officers noted in this bylaw while those individuals are absent.

Powers and Duties of the Chief Administrative Officer

8. The Chief Administrative Officer for the City of Penticton has the following duties, powers and functions:
 - a. carrying out the powers, duties and functions specified in Section 147 of the *Community Charter* and other provisions applicable to the Chief Administrative Officer in other enactments;
 - b. selecting Statutory Officers and department heads and coordinating, motivating, directing and supervising these key officials and prescribing their duties and responsibilities;
 - c. determining compensation of non-union employees and officers in accordance with the corporate policies and budgets established by Council;
 - d. appointing, promoting, disciplining, suspending or terminating any employee of the City, subject to any contract of employment or collective agreement in force, other than Statutory Officers;
 - e. subject to Council approval, negotiating all collective agreements;
 - f. developing and recommending for Council approval, policies dealing with non-administrative matters as directed by Council, and may initiate such policies for consideration by Council;
 - g. implementing all Council approved policies and directives;
 - h. developing, approving, and implementing policies, procedures and practices dealing with administrative matters;
 - i. preparing and submitting such reports and recommendations as may be required by Council;
 - j. hiring and retaining legal counsel on behalf of the City;
 - k. taking whatever legal actions or measures deemed necessary in response to an Emergency;
 - l. the authority to assign additional responsibilities to an officer, including acting on behalf of another officer in his/her absence;
 - m. the authority to assign to other appointed officers and employees of the City any powers, duties or functions assigned to the Chief Administrative Officer under this bylaw to achieve more efficient and effective administration of the City's affairs;
 - n. designating an Acting Chief Administrative Officer to act in his or her absence when the Chief Administrative Officer is absent.

Powers and Duties of the Corporate Officer

9. The Corporate Officer is assigned responsibility for the corporate administration of the City, including carrying out the powers, duties and functions of the corporate officer as set out in Section 148 of the *Community Charter* and other provisions applicable to the corporate officer in other enactments.

Council hereby delegates to the Corporate Officer all duties, powers and functions of Council to consolidate any of the City's bylaws by adding all amendments made to it, omitting any provision that has been repealed or has expired, and placing on the consolidated bylaw a statement that the bylaw is consolidated for convenience only.

Powers and Duties of the Chief Financial Officer

10. The Chief Financial Officer is assigned the responsibility of financial administration for the City, and carrying out the powers, duties, and functions specified in Section 149 of the *Community Charter* and other provisions applicable to the financial officer in other enactments.

Powers and Duties Related to Land Administration

11. The Mayor or Councillor designated as the member responsible for acting in the place of Mayor and Corporate Officer or Deputy Corporate Officer are hereby authorized to execute the following documents and agreements on behalf of the City:
 - a. Statutory Rights of Way or Discharge thereof;
 - b. Covenants or Discharge thereof;
 - c. Easements or Discharge thereof;
 - d. Encroachment Agreements or Discharge thereof;
 - e. Legal Plans;
 - f. Latecomer Agreements;
 - g. Early Registration Agreements;
 - h. Real Estate Lease and Licence to Use renewals, where the minimum increase in rate is equal to the change in CPI;
 - i. New Lease Agreements that have an annual market lease rate of less than \$2,000;
 - j. Transfers of Leases or Licences to new owners, under the same conditions, unless agreement specifically requires Council approval;
 - k. Tenancy Agreements at market value.

Powers and Duties Related to Engineering Agreements

12. The Mayor or Councillor designated as the member responsible for acting in the place of Mayor and Corporate Officer or Deputy Corporate Officer are hereby authorized to execute the following documents and agreements on behalf of the City:
 - a. Building Permit Service Agreements (or as otherwise titled);
 - b. Works and Services Warranty Agreements;
 - c. Subdivision Early Registration Agreements.

Powers and Duties of the Human Resources Manager

13. The Human Resources Manager is assigned the responsibility to enter into the following types of contracts:
 - a. Offers of Employment – temporary and permanent / union and non-union;
 - b. Collective Agreements – once approved/ratified by Council;
 - c. Grievance Settlements;
 - d. Benefit Provider Agreements – Health and Dental;
 - e. Employee Assistance Program Agreement.

Delegation of Persons Holding Statutory Officer Positions

14. Where this bylaw delegates a power, duty or function to a named position, the delegation is to the person who holds the position, the equivalent of that position and to any person who is from time to time the deputy of that person.

No delegation by Persons Holding Statutory Officer Position

15. A person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated in this bylaw unless that person is in an acting position while that person is away.

Suspension and Termination of Statutory Officers

16. Suspension of a Statutory Officer shall be in accordance with Section 151 of the *Community Charter*.
17. Termination of employment of any Statutory Officer shall be made in accordance with Section 152 of the *Community Charter*.

Appointment to Two or More Positions

18. Nothing in this Bylaw shall prevent the appointment of the same person to two or more offices or positions.

Signing Authorization

19. Except for specific provisions in this Bylaw, any contract, agreement, debenture, plan or other document or instrument to be executed or approved, or terminated by the City related to ordinary business of the City shall be addressed as follows:
 - a. If the value is under \$100,000 (and if applicable in alignment with the Purchasing/Procurement Policy of Bylaw Authority thresholds or as it might otherwise be known, and as may be amended from time to time) execution may be by the: Procurement Manager and a General Manager, Division Director or Department Manager;
 - b. If the value is over \$100,000, (and if applicable in alignment with the Purchasing/Procurement Policy or Bylaw Authority as above) and the expenditure has been approved by Council through the budget process, is awarded if applicable in alignment with the Purchasing/Procurement Policy or Bylaw Authority thresholds (as above) and the award is being made to the lowest bidder or highest ranked proponent, the contract, agreement or other document execution may be by the Chief Administrative Officer and the Chief Financial Officer or if delegated by the Chief Administrative Officer any two of the following: Chief Financial Officer, General Manager, Division Director, Department Manager or Corporate Officer;
 - c. If the value is over \$100,000, a budget amendment is required and/or award is not to the lowest bidder or highest ranked proponent, following receipt of a resolution of Council, execution may be by the Chief Administrative Officer or Corporate Officer and the Chief Financial Officer.

For payments, any expense over \$75,000 will be approved by the Chief Financial Officer.

Signing authorization includes but is not limited to:

- Development Servicing Agreements;
- License of Occupation Agreements (except within defined Parks noted under the Parks Protection and Use Bylaw);
- Renewal of Management Agreements;
- Debentures;
- Contracts for Goods or Services;
- Renewal of Mutual Aid or other Cross Municipal Agreements;
- Settlement Agreements (for routine claims up to a maximum of \$5000).

Any non-ordinary agreement shall be executed by the Mayor and Corporate Officer with Council resolution.

Any contract change order shall be addressed as follows:

- a. If the value is under \$100,000 and the change is within the scope of what was described in the budget or presented to Council, subsequent to the budget amendment approval, if required, by the Chief Financial Officer, execution of change may be by the Procurement Manager and a General Manager, Division Director, or Department Manager;
- b. If the value is between \$25,000 and \$100,000 and the change is not within the scope of what was described in the budget or presented to Council, following receipt of a resolution of Council, execution may be by the purchasing manager and a General Manager, Divisional Director or Department Manager;
- c. If the value is less than \$25,000 and the change is not within the scope of what was described in the budget or presented to Council, following approval of the budget amendment by Chief Financial Officer, execution may be by the Procurement Manager and a General Manager, Divisional Director or Department Manager;
- d. If the value is over \$100,000, following receipt of a resolution of Council, execution may be by the Chief Administrative Officer or Corporate Officer and the Chief Financial Officer.

Power to Enter and Inspect Property

20. Without limiting the authority of an officer or an employee of the City under any other bylaw, an officer or employee of the City appointed to enforce one or more bylaws of the City are hereby authorized to enter, at all reasonable times, on any property subject to the regulations of the Council, to ascertain whether the regulations are being observed.

Delegation of Purchasing Authority

21. Council hereby delegates all of the powers, duties and functions of Council to authorize the execution of contracts and/or purchases of goods and services on behalf of the City to the Chief Administrative Officer and Department Heads or their delegates for the provision of goods and services or other City activities, works or services that are ordinary to the business of the City, subject to the limitations on that delegated authority set out in City's Purchasing or Procurement Policy or Bylaw as adopted by Council and amended from time to time. This section does not authorize the execution of any agreement that requires elector approval under section 175 of the *Community Charter*, whether as a result of the stated term of the agreement or any provision for extension or renewal.

Amendments to Titles

22. For the purposes of this Bylaw, where a staff position or committee is identified by title within this Bylaw or the Associated Bylaws, and should the name of that position/committee or details of the duties of that position/committee change, the rights, duties and obligations of the former position/committee under the Bylaw will transfer to the new position/committee title if the role of that staff position/committee is similar in authority and responsibility.

Decision Not to Exercise Delegated Authority

23. Where a committee, officer, or employee holding a position with delegated authority pursuant to this Bylaw decides not to exercise their delegated authority under this Bylaw or the Associated Bylaws noted below, in their sole discretion and for reasons of complexity, visibility or any other circumstance, the matter will be considered by Council.

Severability

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

Other Associated Bylaws

25. The following bylaw should be referred to in reference to this bylaw:

- Penticton Development Procedures and Delegation Bylaw No. 2010-92 as amended from time to time.

Repeal

26. Upon adoption of this bylaw “The City of Penticton Officers Bylaw No. 2010-91” and “Document Execution Bylaw No. 2013-33” and all amendments thereto are hereby repealed.

READ A FIRST time this	2	day of	October, 2018
READ A SECOND time this	2	day of	October, 2018
READ A THIRD time this	2	day of	October, 2018
ADOPTED this		day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer