



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

Tuesday, January 8, 2019
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**
 - 6.1 Minutes of the December 18, 2018 Regular Council Meeting 1-7 Adopt
7. **Consent Agenda**
 - 7.1 Minutes:
 - Minutes of the December 13, 2018 Special Council Meeting
 - Minutes of the December 18, 2018 Committee of the Whole Meeting
 - Minutes of the December 18, 2018 Public Hearing
 - 7.2 Release of Items from Closed Meeting:
 - THAT Council appoint the following members to the Parks and Recreation Advisory Committee for a term ending December 31, 2019; Shona Schleppe, Tyson Bull, Donna Ritchie, Gary Dean, Lesley Chapman, John Archer, Sandy Ross, Laura Harp, Jesse Martin, Isaac Gilbert, Lee Davidson, Peter Osborne, and Michaela Wooldridge.
- Staff Recommendation: THAT Council approve the Consent Agenda.* 8-14
8. **Committee and Board Reports**
9. **Correspondence:**
 - 9.1 SILGA – Call for Nominations 2019 15-16
 - 9.2 SILGA – Call for Resolutions for 2019 Convention 17-18

10. **Staff Reports:**
- Coates 10.1 Utility Bill Print Fee 19-21
Staff Recommendation: THAT Council endorse maintaining the one dollar per paper utility bill fee and direct staff continue promotion and education of e-billing services.
- Darcus 10.2 Policy – Banning of Persons from City Facilities or Lands 22-26
Staff Recommendation: THAT Council approve ‘Banning of Persons from City Facilities or Lands’ Policy.
11. **Public Question Period**
12. **Recess to a Closed Meeting:**
- Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:
(c) labour relations or other employee relations.
13. **Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.**
14. **Bylaws and Permits:**
- 14.1 Zoning Amendment Bylaw No. 2018-66 27-28 3rd
Re: Cannabis Retail
- 14.2 Civic Address and Street Naming Bylaw No. 2018-51 29-34 Adopt
15. **Land Matters:**
- Haddad 15.1 Zoning Amendment Bylaw No. 2019-01 35-50
Re: 3550 Valleyview Road
Staff Recommendation: THAT “Zoning Amendment Bylaw No. 2019-01”, a bylaw to add Section 9.2.6.11: “In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use,” be given first reading and forwarded to the January 22, 2019 Public Hearing; AND THAT prior to adoption of “Zoning Amendment Bylaw No. 2019-01”, a road dedication is registered with the Land Title Office.
16. **Notice of Motion**
17. **Business Arising**
18. **Council Round Table**
19. **Public Question Period**
20. **Adjournment**

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

Tuesday, December 18, 2018
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Absent: Councillor Kimberley

Staff: Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Bregje Kozak, Director, Recreation and Facilities (left the meeting at 4:46 p.m.)
Caitlyn Anderson, 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

520/2018

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on December 18, 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 3:15 p.m.

6. Adoption of Minutes:

6.1 Minutes of the December 4, 2018 Regular Meeting of Council

521/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the December 4, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda

522/2018

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

10.1 Snow and Ice Control Policy

523/2018

It was MOVED and SECONDED

THAT Council after full consideration, including budgetary restrictions, approve the revised Snow and Ice Control Policy as attached to the December 18, 2018 report titled "Snow and Ice Control Policy".

CARRIED UNANIMOUSLY

10.2 Consideration for Remedial Action – Pad 93 at 3245 Paris Street

Owner/Agent:

- Nil.

524/2018

It was MOVED and SECONDED

THAT Council consider this staff report, staff presentation, representations of owner(s) or their agent and, under the authority provided in section 73 of the Community Charter, declare that the mobile home located on Pad 93 at 3245 Paris Street within Whitewater Manufactured Home Park legally described as Lot 4 District Lots 189 and 372 Similkameen Division Yale District Plan 43502 Parcel Identifier 016-295-552 is in and creates an unsafe condition;

AND FURTHER THAT Council require remedial action requirements on the owner(s) of the mobile home located on Pad 93 at 3245 Paris Street legally described as Lot 4 District Lots 189 and 372 Similkameen Division Yale District Plan 43502 Parcel Identifier 016-295-552 with respect to Recommendation No. 1:

- To demolish the mobile home, remove the accessory shed and remove all related debris;
- AND FURTHER THAT Council, pursuant to section 76 of the Community Charter, set the time limit for completing the remedial action requirements described in Recommendation No. 2 to be no later than 4:30 pm on January 31, 2019;

AND FURTHER THAT Council, pursuant to section 78 of the Community Charter, set the time limit for giving notice of a request for Council to reconsider the remedial action requirements described in Recommendation No. 2 to be no later than 4:30 pm on January 31, 2019; AND FURTHER THAT Council, under the authority provided in section 17 of the Community Charter, authorize staff to take all appropriate action to ensure the property is brought into compliance with all remedial action requirements described in Recommendation No. 2 provided that:

- The owner(s) of the mobile home have not fully completed all remedial action requirements on or before the time limit specified in this Council resolution; and all costs incurred by the City to bring the property into compliance are to be recovered from the owner(s) of the mobile home as a debt owed to the City.

CARRIED UNANIMOUSLY

10.3 Civic Address and Street Naming Bylaw No. 2018-51

525/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Civic Address and Street Naming Bylaw No. 2018-51", a bylaw that creates an orderly way to assign addresses to properties and buildings and to assign street names to new streets that reflect and enhance Penticton's cultural and natural history;

AND THAT Council approve the addition of the family name 'Robins' to the street name reserve list, acknowledging the historical contributions to the community of the Robins family, particularly Lois Robins a published poet and acknowledged community advocate and volunteer;

AND THAT Council approve the addition of the family name 'Richards' to the street name reserve list, acknowledging the historical contributions to the community of the Richards family, a five generation Penticton family representing private business, municipal service (firefighting) and strong connection to the 1950s Penticton Veas.

**CARRIED
Councillor Sentes, Opposed**

It was MOVED NO Seconder

THAT Staff review the current state of the Street Name Reserve List and the inclusion of Aldermen.

10.4 Council Remuneration

Main Motion:

It was MOVED and SECONDED

THAT Council establish an External Compensation Advisory Task Force to investigate, review, develop and provide a report and recommendations of Council Remuneration addressing the following:

1. One-third (1/3) Tax Free Exemption;
2. Extended Health and Dental Benefits;
3. Compensation review – salary and per diems.

It was MOVED NO Seconder

THAT the report from the External Compensation Advisory Task Force be prepared and brought back to Council in September 2019.

526/2018 Amendment:
It was MOVED and SECONDED
 THAT Council remove #2, the review of Extended Health and Dental Benefits from the External Compensation Advisory Task Force.

DEFEATED

527/2018 **It was MOVED and SECONDED**
 THAT Council establish an External Compensation Advisory Task Force to investigate, review, develop and provide a report and recommendations of Council Remuneration addressing the following:

1. One-third (1/3) Tax Free Exemption;
2. Extended Health and Dental Benefits;
3. Compensation review – salary and per diems.

CARRIED UNANIMOUSLY

10.5 City Safety and Security Task Force – Council Liaison Appointments

528/2018 **It was MOVED and SECONDED**
 THAT Council appoint Mayor Vassilaki, Councillors Robinson and Kimberley, and any other Council members as requested, to the City Safety and Security Task Force;
 AND THAT Council appoint Mayor Vassilaki to the Peach Festival Society and Councillor Bloomfield to the Penticton Industrial Development Association as council liaisons for 2019 – 2022.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to Closed Meeting

529/2018 **It was MOVED and SECONDED**
 THAT Council recess at 4:46 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (c) *labour relations or other employee relations;*
- (e) *the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (f) *law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.*

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:50 p.m.

14. Bylaws and Permits

Mayor Vassilaki declared a conflict of interest as he owns property on Main Street and left the meeting at 6:51 p.m.

Acting Mayor Sentes chaired the meeting.

14.1 Zoning Amendment Bylaw No. 2018-66
Re: Cannabis Retail

Main Motion:

It was MOVED and SECONDED

THAT Council give second reading to "Zoning Amendment Bylaw No. 2018-66".

Amendment:

530/2018

It was MOVED and SECONDED

THAT Council amend "Zoning Amendment Bylaw 2018-66" and remove cannabis retail stores are not permitted downtown on Main Street or Front Street.

CARRIED
Councillor Robinson, Opposed

Amendment:

531/2018

It was MOVED and SECONDED

THAT Council amend the bylaw to include cannabis retail stores as a permitted use in the C7 Service Commercial.

DEFEATED

Main Motion as Amended:

532/2018

It was MOVED and SECONDED

THAT Council give second reading as amended to "Zoning Amendment Bylaw 2018-66".

CARRIED
Councillor Robinson, Opposed

533/2018

It was MOVED and SECONDED

THAT Council amend the Cannabis Retail Stores Policy and extend the application priority date from January 1, 2019 to February 1, 2019.

CARRIED UNANIMOUSLY

14.2 Business Licence Amendment Bylaw No. 2018-67
Re: Cannabis Retail

534/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-67".

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 7:29 p.m.

14.3 Zoning Amendment Bylaw No. 2018-81
Re: 310 Comox Street

535/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-81".

CARRIED UNANIMOUSLY

14.4 2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-80

536/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-80".

CARRIED UNANIMOUSLY

14.5 Zoning Amendment Bylaw 2018-64
Re: 337 Hastings Avenue

537/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-64";
AND approve "Development Variance Permit PL2018-8313."

CARRIED UNANIMOUSLY

15. Land Matters

Mayor Vassilaki declared a conflict of interest at 7:34 p.m. for both item 15.1 and item 15.2. Mayor Vassilaki owns businesses with Liquor Licences and lives in the neighbourhood of Lakeside Road. Acting Mayor Sentes chaired the meeting.

15.1 Liquor Primary Licence – Senior’s Drop-In Centre
Re: 2965 South Main Street

Delegations/Submissions:

- Karl Crosby, South Main Street, member of the Seniors Drop-In Centre, spoke in support of the application.

538/2018

It was MOVED and SECONDED

THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) that it support the Liquor Primary License application, for the Penticton Seniors Drop-In Centre Society, located at 2965 South Main Street, with hours of Liquor Primary service from 2:00 pm to 11:00 pm, Sunday to Saturday.

CARRIED UNANIMOUSLY

15.2 Development Variance Permit PL2018-8406
Re: 4041 Lakeside Road

Delegations/Submissions:

- Kim Larson, owner of All Elements Construction, able to offer assistance about the property.

539/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8406" for Lot 23 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4041 Lakeside Road, a permit to decrease the minimum interior yard of a principal building from 1.5m to 1.0m; AND THAT staff be directed to issue "Development Variance Permit PL2018-8406."

**CARRIED
Councillor Sentes, Opposed**

Mayor Vassilaki returned to the meeting at 7:53 p.m.

- 16. **Notice of Motion**
- 17. **Business Arising**
- 18. **Council Round Table**
- 19. **Public Question Period**
- 20. **Adjournment**

540/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, December 18, 2018 at 8:08 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Special Meeting of Council
held in Council Chambers, City Hall
171 Main Street, Penticton, B.C.

Thursday, December 13, 2018
at 3:00 p.m.

Present: Mayor Vassilaki
Councillor Kimberley
Councillor Sentes
Councillor Robinson
Councillor Watt
Councillor Bloomfield
Councillor Regehr

Staff: Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Bregje Kozak, Director, Recreation and Facilities
Jim Bauer, Chief Financial Officer
Angie Collison, Corporate Officer

1. Call to Order

Mayor Vassilaki called the Special Meeting of Council to order at 3:00 p.m.

2. Adoption of Agenda

518/2018

It was MOVED and SECONDED

THAT Council adopt the agenda for the December 13, 2018 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

3. Adjourn to a Closed Meeting

519/2018

It was MOVED and SECONDED

THAT Council adjourn at 3:02 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, December 18, 2018
Recessed from the Regular Council Meeting at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Absent: Councillor Kimberley

Staff: Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Bregje Kozak, Director, Recreation and Facilities
Caitlyn Anderson, 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 December 18, 2018 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Community Recognition**

3.1 Red Cross Water Safety Honour Coin Presentation to Kerry Wagner & Kay Townley

Jane Bentley, Master Instructor Trainer on behalf of the Canadian Red Cross, presented Kerry Wagner and Kay Townley with a Red Cross Water Safety Honour Coin. The Canadian Red Cross Water Safety Honour Coin program recognizes citizens who go above and beyond to encourage Canadians to learn to swim and to be safe in and around the water. Only 750 coins are being awarded across the country.

3.2 RCMP Quarterly Report

Supt. Ted De Jager provided Council with the Penticton South Okanagan Similkameen Regional Detachment Statistical Report for January to November, 2018.

3.3 SOEC Parking Report

Bregje Kozak, Director, Recreation and Facilities and JoAnne Kleb, Engagement Strategist provided Council with the South Okanagan Event Centre Parking Study Report for November 2018.

It was MOVED and SECONDED

THAT the Committee of the Whole receive into the record the report titled "Parking Strategy and Traffic Management Plan for the South Okanagan Event Centre", dated November 2018.

CARRIED UNANIMOUSLY

3.4 Economic Development Industry Clusters

Hugh McClelland, Baird McClelland Consulting presented to Council Industry Clusters Report for December 2018.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held December 18, 2018 at 3:15 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, December 18, 2018
at 6:00 p.m.

- Present:** Mayor Vassilaki
Councillor Bloomfield
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt
- Absent:** Councillor Kimberley
- Staff:** Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Blake Laven, Planning Manager
Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:02 p.m., declared a conflict of interest as he owns property on Main Street, and left the meeting at 6:02 p.m. Acting Mayor Sentes chaired the meeting for Zoning Amendment Bylaws No. 2018-66. She 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 business license amendment bylaw 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. 2018-66" (Cannabis Retail)

The purpose of "Zoning Amendment Bylaw No. 2018-66" is to amend Zoning Bylaw No. 2017-08 as follows:

To add a definition for 'cannabis retail store', includes the use in the C4, C5 and C6 and that cannabis retail stores are not permitted downtown on Main Street or Front Street.

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

DELEGATIONS

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

- Sandra Malco, owner of a business on Industrial Avenue West for 20 years, would like consideration for C7 Zoning as there are no schools near her business that will be impacted.
- William Legget, business owner on Main Street for 15 years, would like to see as much business as possible on Main Street and it would be positive.
- Daryl Clarke, Power Street, representing the Chamber of Commerce, why is it not being allowed in the first three blocks of Main Street and Front Street. Store fronts are fine, welcome stores to our town, bring business downtown, keep tax rates fair and want to promote business.
- Jill Bateman, Andrew Place, commercial building on Fairview Road, hoping C7 to be included in the framework.
- Lynn Kelsey, Oakville Street, would not like prohibition on Main Street and Front Street. C7 as site specific possible and make windows attractive.
- Ray Marie Legget, owns business on 400 block of Main Street, need to take precautions, but it has become legal, should be somewhere transparent, build and bring business downtown.
- Kevin Proteau, Van Horne Street, control over where to purchase product from, look into selling organic cannabis.
- Harvey Palish, West Bench, representing a few, not getting access codes from the government because of the mail strike, wants to delay applications to February or March.
- Jeff Lenard, Grandview Street, business on Front Street and Main Street. Wants cannabis to have more freedom than liquor stores, safer than alcohol. Embracing wineries and craft brewers that are open downtown, why not cannabis.
- Daniel Lisman, part of media involved in cannabis, wants to see accepted in C7, Main Street and Front Street, allow more stores within walking distance. More stores, gets more business.
- Brigid Kemp, Warren Avenue West, wants to know what is being sold at the stores, anyone over the age of 19 can purchase it.

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

- No one spoke.

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

- Chris Dawe, owns a business on Front Street, 1000 seniors would like his business so stay open. Letters of support from businesses on Front Street, he would like a one year temporary use permit.

The public hearing for "Zoning Amendment Bylaw No. 2018-66" was terminated at 6:43 p.m. and no new information can be received on this matter.

Mayor Vassilaki returned to the meeting at 6:43 p.m.

3. "Zoning Amendment Bylaw No. 2018-81" (310 Comox Street)

The purpose of "Zoning Amendment Bylaw No. 2018-81" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419, located at 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial).

The applicant is proposing to convert the existing the existing dwelling into a commercial unit.

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

DELEGATIONS

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

- Harvey Palish, representing owners of the property, wanting to use the retail outlet for cannabis as the area will become more commercial.
- Jeff Lenard, Grandview Street, applicants are friends of his, competing business for his own business, owners are successful business owner in a retail/commercial area and familiar with liquor licences.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2018-81" was terminated at 6:50 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

SILGA Southern Interior Local Government Association

December 1, 2018

To: All SILGA Members

Re: SILGA Convention – Call for Nominations 2019

As per the Constitution of the Southern Interior Local Government Association (amended 2017), the “Call for Nominations” is now going out to all member Mayors, Councillors, Regional Chairs and Directors who wish to seek a position on the SILGA Executive for the 2019/2020 term. Elections are to be held at the SILGA Convention in Penticton on May 2, 2019.

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

Excerpt from the SILGA constitution regarding new voting procedures:

7.10 The election of Officers to the Executive shall be held at the Annual General Meeting on a first ballot and that of the Directors at Large subsequently on a second ballot. Any candidate that is unsuccessful in obtaining an Officer position on the first ballot may become a candidate for a Director at Large position on the second ballot.

7.11 If, in the election of the Officers to the Executive on the first ballot, an Electoral Area Director of a regional district is elected, the Director at Large positions will then be filled by the candidates with the most votes.

7.12 If, in the election of the Officers to the Executive on the first ballot, an Electoral Area Director of a regional district is not elected, then in the election of the Directors at Large, the candidate - of those candidates that are Electoral Area Directors of a regional district - with the most votes will be elected as a Director at Large and the balance of the Director at Large positions will be filled by the remaining candidates with the most votes. If only one Electoral

Area Director of a regional district candidate runs for a Director at Large position, that candidate will be acclaimed.

Deadline for nominations is Friday, March 1, 2019. You will be asked to complete a biography and submit a photo for the printing of the official Nominating Committee Report to be contained in the Convention Package.

The SILGA nomination committee is chaired by Past President Chad Eliason, City of Salmon Arm.

All those interested in serving are asked to contact Councillor Eliason at 250-804-9874 or by email at chadeliason@gmail.com or the SILGA office at 250-851-6653. All information should be forwarded to both Councillor Eliason and the SILGA office (yoursilga@gmail.com).

Alison Slater
SILGA Executive Director

SILGA Southern Interior Local Government Association

December 1, 2018

To: All SILGA Members

Call for Resolutions for 2019 Convention

The SILGA Annual General Meeting and Convention is scheduled to be held in Penticton from April 30th to May 3rd, 2019. The SILGA Constitution requires that resolutions to be considered at the Annual Meeting are to be received by the Secretary-Treasurer no later than 60 days prior to this meeting. Friday, March 1st, 2019 will be the deadline for receipt of resolutions.

If your local government wishes to submit a resolution for consideration at the 2019 SILGA Convention, please forward by email your resolution to yoursilga@gmail.com. Any background information on the resolution would be helpful. Each resolution should be endorsed by the sponsoring Member's Municipal Council or Regional Board. The resolution should be relative to regional issues and should not pertain to a finite local interest.

If you do not receive a confirmation email regarding your resolution, please contact the SILGA office at 250 851 6653.

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

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

or go to the resolutions page on the SILGA website at

<http://www.silga.ca/convention/resolutions/>

Resolutions not received by March 1st, 2019 will be considered late resolutions and must go through the following procedures to be considered at the AGM.

Late Resolutions

- (1) Resolutions submitted following the expiry of the regular deadline noted in section 10.4 shall be considered "Late Resolutions" and shall comply with all other submission requirements, except that a copy of the resolution shall be provided to SILGA by noon on the Friday preceding the date of the Annual General Meeting. The resolutions committee will meet on the Tuesday preceding the Annual General Meeting to provide recommendations as to whether the late resolution(s) should be brought to the Members for inclusion in the resolution debate. All late resolutions must be adopted by a Special

SILGA Southern Interior Local Government Association

Resolution of the Member Representatives in attendance at the Annual General Meeting to be included in the discussion.

- (2) Late resolutions will be reviewed by the Resolutions Committee prior to the Meeting and only those of a subject matter which could not have been submitted by the normal deadline date outlined in section 10.4 will be considered.
- (3) Late Resolutions shall be available for discussion after resolutions printed in the resolutions book have been considered.
- (4) Late Resolutions admitted for plenary discussion shall be dealt with in the order presented in the Late Resolutions report.
- (5) In the event that a late resolution is recommended to be admitted for discussion, the sponsoring member of the late resolution shall produce sufficient copies for distribution to the Members at the Annual General Meeting.
- (6) The Late Resolution will, after reading, be properly before the meeting, and the regular procedures for handling resolutions will apply.

Alison Slater
Executive Director, SILGA

Council Report

penticton.ca

Date: January 8, 2019
To: Peter Weeber, Chief Administrative Officer
From: Amber Coates, Revenue Supervisor
Subject: **Utility Bill Print Fee**

File No: 1810-20

Staff Recommendation

THAT Council endorse maintaining the one dollar per paper utility bill fee and direct staff continue promotion and education of e-billing services.

Background

The one dollar per paper bill fee was introduced in early 2015 given the increasing costs of postage and printing utility bills. This fee was established as a means to encourage customers to receive bills electronically, eliminating postage and printing costs and reducing the environmental footprint.

As well, the fee is intended to more directly tie users of paper bill print to the expenses of producing and mailing paper bills rather than indirectly spreading the cost across all tax payers.

Actions that were taken prior to the new fee appearing on the utility bill in 2015 were:

- An e-billing promotional campaign was run from November 2014 to February 2015 with one lucky account holder winning an iPad mini as a prize for signing up during this time period.
- City of Penticton Utilities staff also set up a table at each the Family Day event at the Recreation Centre in February 2015 and the Home Show event at the Trade Centre in March 2015 with a prize for signups at the Home Show event (tickets to Celtic Thunder).
- Signs and hand-outs containing instructions and contact information were made available along the Cashier, Property Tax, and Utilities counters at City Hall.
- Articles were written in the March and April 2015 City Newsletters in an effort to inform citizens of the upcoming change.
- The Penticton Public Library also began to assist the City with registrations during April 2015. City staff attended a Library staff meeting to provide Library staff with the information the customers using their computers may require to complete this process.

The charge was implemented as of May 1st, 2015 and this resulted in a rapid increase in participation at that time as evidenced in the chart below. As of November 30, 2018 the City of Penticton has a 33% uptake for e-billing, or 6,426 of 19,135 active utility accounts.



Public opinion of the e-billing concept itself in general is positive. The majority of the 19,000+ account holders have accepted the charge and either decided to remain with paper or make the move to e-billing on their own initiative.

Based on the difference in volume of calls between February 2015 and May 2015, approximately 489 customers (or 3% of total accounts) desired to save the \$1.00 but struggled with making the change to e-billing. Approximately half of these customers experienced a fair bit of frustration and stress which they in turn expressed to City staff. The other half are wanting to learn but do not have children or computer-savvy friends close by to help.

City staff has been tracking concerns that have passed through the Revenue & Collections Department if the customer feels strongly enough to either write in their concern or was willing to have their name added to our tracking list. To date, the list has 37 (or 0.001% of total accounts) registered concerns.

Category	In Person	Phone	Written	Total
Discriminatory to Seniors		10	2	12
Fraud Concerns			1	1
Illegal			1	1
Impaired Vision		2		2
No Internet Access	2	5	3	10
The Principal of It		6	5	11
Grand Total	2	23	12	37

Financial implication

Partial cost recovery in 2019 is projected at \$140,000. While this does not fully recover the cost of printing and mailing estimated at \$161,000, it does recover a significant portion and charge it directly to the customer receiving the service.

Removal of the partial cost recovery fee will not reduce the actual expense, and will require additional revenue from the general municipal tax rate.

Analysis

The total cost of mailing is directly impacted by the number of customers participating in the mailing. As a whole, the more customers able to participate in e-billing, the more the City reduces expenses, which in turn the savings pass along to customers.

On a per-bill basis, the actual cost of production of one printed bill with mailing at this time is \$1.1494. This includes staff time for printing, supplies such as paper and envelope, as well as bulk rate postage.

The current fee of \$1.00 directly recovers the majority of this cost from the customer receiving the service. The remaining \$0.1494 is indirectly recovered from citizens as a whole in the City through the general municipal tax rate.

The annual total expense with the number of current active accounts being mailed physical utility bills is \$160,920.

Under the \$1.00 direct recovery method, this annual total expense is paid as:

- 1. \$140,000 directly from customers receiving the service; and
- 2. \$20,920 through the general municipal tax rate.

By displaying the fee as a separate line item on the bill, the City continues to receive the benefit of increased e-billing registrations which keeps the total expense from growing at the same rate of new accounts. While customers are told about e-billing when applying for services, this is often a busy time in their lives and the conversation and pamphlet are quickly forgotten. When they receive their first bill is often where we see new customers register as the line item on the bill prompts a reminder of the earlier conversation and the action to go with it.

Alternate recommendations

- 1. THAT Council direct Staff to remove the Monthly Billing/Postage Fee for Electric and Water Bills through an amendment to the Fees & Charges Bylaw No. 2014-07 Appendix 1, and budget the increase to general operating as part of the 2019 Operating Budget for Revenue & Collections.
- 2. THAT Council direct Staff to increase the Monthly Billing/Postage Fee for Electric and Water Bills to a full cost recovery amount of \$1.15 through an amendment to the Fees & Charges Bylaw No. 2014-07 Appendix 1, and budget the decrease to general operating as part of the 2019 Operating Budget for Revenue & Collections.

Respectfully submitted,

Amber Coates
Revenue Supervisor

Chief Financial Officer <i>JWB</i>	Chief Administrative Officer PW
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Council Report

penticton.ca

Date: January 8, 2019 **File No:** 0340-50
To: Peter Weeber, Chief Administrative Officer
From: Laurie Darcus, Director of Corporate Services
Subject: Policy - Banning of Persons from City Facilities or Lands

Staff Recommendation

THAT Council approve 'Banning of Persons from City Facilities or Lands' Policy.

Executive Summary

The goal of this policy to ensure safe and respectful City spaces for citizens, staff and visitors. The City has the responsibility under Worksafe BC to provide staff with a respectful workplace and an added responsibility to ensure our public feels safe in our facilities and public spaces. In addition, the City has a responsibility to ensure our property is protected. Unfortunately there are times when individuals display unacceptable behaviors that are, or perceived as, a threat to personal safety/respect or City property. In cases where the behavior is significantly unacceptable a person will be banned from some or many City facilities and lands. Banning is in most cases warranted, however it is helpful for staff to have a policy that outlines under which conditions a ban may be applied and a process to ensure the bans are reasonable, justified and limited appropriately so that any ban will be upheld if challenged under the law. In addition it is best practice, and legally recommended, that any banned person have the right to an appeal process. The attached policy provides for these requirements and is a guide for staff to make decisions on banning individuals.

Strategic priority objective

Good Governance – enhancing public and staff safety.

Background

Although banning individuals from City public facilities and properties has occurred in the past, there was no organizational policy to ensure consistency and fairness.

Alternate recommendations

THAT Council not approve the policy and direct staff to continue ad hoc with bannings, or provide staff with alternative direction including suggestions for changes to the proposed policy.

Attachments

Attachment A – Policy - Banning of Persons from City Facilities or Lands

Respectfully submitted,

Laurie Darcus
Director of Corporate Services

Concurrence

Chief Administrative Officer PW

Council Policy

Approval date: _____, 2019

Resolution No.

Subject: Banning of Persons from City Facilities or Lands

Goal

The goal of this policy to ensure safe and respectful City spaces for citizens, staff and visitors.

Scope

This policy covers all City owned facilities and lands, including but not limited to City buildings especially those open to the public and open public spaces such as but not limited to parks, beaches and trails.

Policy

In an effort to ensure safe and respectful City spaces for citizens, staff and visitors the City will not accept behaviors from individuals that threaten those spaces and people within those spaces. City staff may ban individuals from City spaces for displays of unacceptable behaviors.

Examples of behaviors that will cause for banning include but are not limited to:

- Physical or verbal threats to City staff or others;
- Cause of damage to City property;
- Theft;
- Use of profanity;
- Use or exchange of alcohol or drugs;
- Smoking of any substance in prohibited areas;
- Causing a disturbance; and
- Intentionally causing an ongoing or significant safety risk.

Banning an individual is a serious matter. The decision to ban an individual from one or more City spaces must be reasonable, justifiable, and limited in time and scope. Any individual ban will depend on what is reasonable on a case-by-case basis.

Process for Banning Individuals

A City Manager or Director¹ will have authority to ban individuals for unacceptable behavior following the process below:

1. The Manager or Director will attempt to speak to the individual and identify for that individual the unacceptable behavior. If the individual immediately recognizes and acknowledges the misbehavior and the Manager or Director believes the individual will not repeat the behavior, and the behavior is somewhat minor in nature, no further action may be required.
2. If the individual refuses to modify the behavior, repeats behavior, or displays behavior that poses significant risk to safety of people and/or security of property, the Manager or Director will ask the person to leave the City space or arrange to have that person removed from the City space and advised that they will be banned, the reasons for the banning, and the limits of the banning (time and space).
3. The Manager or Director will obtain the person's name, address and any other contact information available.
4. The Manager or Director will follow up with a letter to the banned person outlining the following:
 - a. Date and description of display of unacceptable behavior or incident containing as much detail as possible, including why it has been deemed unacceptable (e.g. unacceptable public behavior that makes others uncomfortable or feel unsafe, a threat to the physical, mental or emotional well-being of staff, citizens or visitors, etc.). The letter will also include an Appeal Process (see below).
 - b. Description of the ban – from which City spaces, for what length of time. Note that the ban must be reasonable and justifiable. A complete ban from all public City spaces is not warranted if behavior was specifically displayed at only one location. A time limit must be established (one day, one month, one year, two years, etc. – infinite is not an option) which suits the unacceptable behavior. For example, a one month ban may be appropriate where unacceptable use of profanity in a loud disruptive way made people uncomfortable, as long as the individual displaying this behavior confirms they will refrain from repetitive behavior. A two or more year ban may be appropriate where an individual has verbally or physically threatened someone.
 - c. If the Director or Manager deems it reasonable, an option is to require the individual to only speak to specific identified people employed by the City. For example, the Manager, or any Manager may be the first point of contact for any interaction with the City. The goal is to protect front line and other staff from possible negative and/or unacceptable behaviors.
5. If an address or contact information has not been obtained, the incident will be documented with the same information as noted in 4. above and saved into the City's electronic document management system under the appropriate structure.
6. A banned individual may show immediate or delayed remorse and may request a meeting with the appropriate Manager or Director to request a lift of the ban. The Manager or Director may determine through an interview if the person is ready and prepared to be readmitted to City facilities or lands. On a case by case basis banned individuals may be requested to submit a background or criminal record check, or provide a suitable reference.
7. A ban may be extended if it is determined that the banned individual is still subject to misbehavior.

¹ Where this policy refers to Manager or Director, the policy may also be enforced and acted upon by any designate of the Manager or Director.

8. It is preferred that any banned individual meet with the Manager or Director prior to the ban expiring at which time it will be determined if the ban needs to be extended. On a case by case basis banned individuals may be requested to submit a background or criminal record check, or provide a suitable reference.
9. Where photos have been taken of the banned person, these may not be posted anywhere that is visible to the public. These photos are strictly for use by staff who may need to identify individuals. Photos will be destroyed once the ban is over or lifted.

Appeal Process

When a person has been banned from City facilities, they will have the right to request a reconsideration of that banning through an Appeal Process. The Appeal process will be as follows:

1. The person will make the request for reconsideration of the banning, or to appeal the ban, preferably in writing to the Manager or Director who has issued the ban.
2. The request should include the reasons for the request/dispute, and commitments to any changes that individual will make to ensure the unacceptable behaviors are not repeated. A verbal or written apology to those who were affected may be required.
3. If the Manager or Director may make the decision to lift the ban. If the Manager or Director refuses to lift the ban, the banned individual has the right to request an Appeal through a hearing by Council by providing written submission to the Corporate Officer. The Corporate Officer will schedule a hearing, normally during a Regular Council Meeting day. The scheduled date will be based on the ability of the banned person to attend and enough time will be given for the requester to review the City's submission to Council, but not greater than 30 days from the date the request is received unless agreed to by the person requesting the hearing.
4. The Manager or Director will prepare a written submission for presentation at the Council hearing outlining the details of the banning, and provide that written material to the hearing requester as soon as reasonably possible for the requester to prepare their submission.
5. The requester will provide the Corporate Officer with written copies of their submission to Council which will include reasons why the ban should be lifted or removed. The written copy must be provided to the Corporate Officer at least seven (7) days prior to the hearing.
6. At the hearing, the Manager or Director will present to Council the reasons for the banning. Council will then hear from the banned individual the reasons why the ban should be lifted or removed. Council may direct questions through the meeting Chair to the presenters at any time during the hearing.
7. The Manager or Director will have an opportunity to respond to any comments or concerns presented by the banned individual.
8. Council will present any final questions, debate the issue, and provide the banned individual with a decision whether to confirm the ban or remove/lift the ban.

Previous revisions - None

Certified Correct

Angie Collison, Corporate Officer

Bylaw No. 2018-66

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. 2018-66".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

- 2.1 Amend section 3.2 Definitions and delete the definition **CANNABIS DISPENSARY** and replace with the following:

CANNABIS RETAIL STORE means a business selling cannabis products through a storefront with a 'cannabis retail store' license issued from the BC Liquor and Cannabis Regulation Branch.

- 2.2 Remove section 7.9 Cannabis Dispensary in its entirety.

- 2.3 Add the following to 11.4 C4 – General Commercial 11.4.1 Permitted Uses

.30 cannabis retail store

- 2.4 Add the following to 11.5 C5 – Urban Centre Commercial 11.5.1 Permitted Uses

.36 cannabis retail store

- 2.5 Add the following to 11.6 C6 – Urban Peripheral Commercial 11.6.1 Permitted Uses

.31 cannabis retail store

READ A FIRST time this	4	day of	December, 2018
A PUBLIC HEARING was held this	18	day of	December, 2018
READ A SECOND time AS AMENDED this	18	day of	December, 2018
A SECOND PUBLIC HEARING was held this	8	day of	January, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 7 day of December, 2018 and the 12 day of December, 2018 and the 28 day of December, 2018 and 2 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*
 this _____ day of _____, 2019

for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2018-51

A Bylaw outlining the orderly civic addressing of properties and buildings and appropriate naming of streets, respecting the cultural, social and natural history of Penticton.

WHEREAS section 39 of the *Community Charter* provides that a Council may assign names and numbers to a highway, assign numbers to buildings or structures and require owners or occupiers of real property to place assigned numbers in a conspicuous place on or near the property;

AND WHEREAS the Municipal Council is desirous of enacting such a bylaw that will create an orderly way to assign addresses to properties and buildings and to assign street names to new streets that reflect and enhance Penticton's cultural and natural history;

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

1. Title

This Bylaw may be cited for all purposes as "Civic Address and Street Naming Bylaw No. 2018-51".

2. Definitions

In this Bylaw the following definitions have the following meanings:

"**Administrative Guidelines**" means Administrative Guidelines for Assigning Civic Addresses, as amended from time to time.

"**Building Unit**" includes a residential dwelling unit, industrial or commercial premises operated as a separate business within a single building or series of buildings, to which a separate address may be assigned under the Administrative Guidelines.

"**Property Line**" means the boundary between a parcel of land on which an address is located and the highway.

3. Scope

This Bylaw applies within the City of Penticton.

4. Severability

A declaration by a court of competent jurisdiction that a section or provision of this Bylaw, including anything shown on Schedules to the Bylaw is invalid, shall not affect the validity of the Bylaw or any part of the Bylaw other than the section or provision, or part of the Schedule declared to be invalid.

5. Enforcement

The Director of Development Services, Planning Manager, Building and Permitting Manager, Fire Inspector, Building Inspector, License Inspector and Bylaw Enforcement Officer are authorized to enforce the provisions of this Bylaw.

6. General provisions

- 6.1 Civic addresses shall be assigned by the City Planning Department in accordance with this Bylaw and the associated Administrative Guidelines.
- 6.2 An address not assigned by the City under this Bylaw or otherwise is deemed to not be a valid civic address.
- 6.3 No building permit, business licence or municipal utility account shall be issued to a property, residential dwelling unit or other Building Unit without a valid civic address.
- 6.4 No person shall post any address that is in conflict with the most recent civic address that has been issued by the City.

7. Re-addressing existing properties or units

- 7.1 A property or a building or Building Unit will be assigned an address through property redevelopment at the time of subdivision or building permit issuance, as outlined in the Administrative Guidelines.
- 7.2 For all other address change requests, consideration will be given to the change of a street address or unit number change upon receipt of a formal written request with sufficient justification and where the new street number and unit number(s) fit within the existing addressing framework of the street or building.
- 7.3 Consideration will be given to changing addresses in the following instances:
 - (a) where a residential dwelling or other building is on a corner lot and faces a different street than what it is currently addressed;
 - (b) where an owner objects to the existing street number as being culturally objectionable;
 - (c) for marketing purposes; or
 - (d) in the case of a subdivision or redevelopment where there is a need to accommodate additional addresses.
- 7.4 The applicant for an address change under section 7.2 must pay the prescribed fee in the City's Fees and Charges Bylaw.
- 7.5 The City assumes no responsibility for:

- (a) the costs associated with any change to an address;
- (b) the notification of any person or organization that a change of address has occurred; nor
- (c) losses, damages or claims arising for any reason from a change of address.

7.6 In the case where the subdivision or development of land triggers the change of an address for property(ies) not involved in the subdivision or development, all costs arising from the change of address shall be at the expense of the subdivider, paid to the City's Planning Department as determined by the Fees and Charges Bylaw, with reimbursement forwarded by the Planning Department to the affected property owner.

8. Address number visibility for buildings and individual units in buildings

8.1 Every owner shall place and maintain assigned address numbering, on a contrasting background and of a character size in conformance with Table 1 on the building and in a place that is easily visible from the Property Line.

Table 1: Minimum size of street address characters

Distance from the Property Line	Minimum character size (non-illuminated)	Minimum character size (illuminated)
0-6 m	10 cm (4 in)	7.5cm (3 in)
6-20 m	15 cm (6 in)	10 cm (4 in)
Greater than 20 m	20 cm (8 in)	15 cm (6 in)

8.2 For buildings which are greater than 20 metres from the Property Line or where numbers are not visible from all directions on the street or in the case of a panhandle lot, the following also applies:

- (a) in addition to the civic address on the building, a duplicate set of numbers must be permanently displayed beside the driveway at the Property Line to which the civic number applies; and
- (b) the numbers must meet the requirements as outlined in Table 1.

8.3 Where landscaping or other structures obscure the visibility of a building from the street, the owner must erect on the property, a sign not exceeding 0.4m² in size, clearly visible from the Property Line displaying the street numbers in accordance with the minimum character sizes outlined in Table 1.

8.4 Where an individual unit of a commercial or residential building has exterior access, every owner shall place and maintain the assigned unit number, on a contrasting background and of a size in conformance with Table 1, on the unit entry door or in close proximity to the unit entry.

- 8.5 Where an individual Building Unit entry having an exterior entry is not visible from the street, the owner must erect directional signage indicating the direction that unit is located on the building or property in a location clearly visible from the Property Line.
- 8.6 For buildings with internal units, the owner must place unit numbers:
- (a) on each unit door way or in close proximity to the door; and
 - (b) the unit numbers must be of a minimum character size of 10 cm (4 in).
- 8.7 For properties with back lanes, the assigned civic address must be affixed to a building, sign or fence so that the property's civic address is also identifiable from the Property Line adjacent to the back lane.
- 8.8 For vacant properties (properties with no buildings), civic addressing does not have to be posted.
- 8.9 All building and unit numbers and signage shall be made of a durable material and affixed to the building, signage or other surface so as to not be easily removed.
- 8.10 In the case where more than one property or building is accessed via a common driveway:
- (a) individual civic numbers and/or unit numbers must be clearly posted on each building as described in Table 1;
 - (b) each civic address must be displayed at the street as described in section 8.2; and
 - (c) if a driveway branches to provide access to more than one property, numbers meeting the requirements of section 8.2 shall be displayed at each point of intersection to indicate which driveway leads to which address.
- 8.11 In the case where physical access to a property is only from an un-named lane, easement or private road, an address marker will be placed at the Property Line and directional signage will be installed at the lane entrance to where the property may be accessed.

9. Assigning Street Names

- 9.1 City Council is the approving authority for the assignment of new street names. Proposals for new names will be brought forward to City Council from Planning Department staff.
- 9.2 Names that are phonetically similar to other street names in Penticton or nearby communities and or names of persons who are alive are generally to be avoided.
- 9.3 Names for new streets will generally be selected from the "Street Name Reserve List" maintained by the City's Planning Department and amended from time to time.

- 9.4 New names will be added to the list through Council approval, with recommendation for inclusion or non-inclusion from the Arts, Creative, Cultural Innovations, Heritage and Museum Council Advisory Committee (or similarly empowered Council advisory committee).
- 9.5 Consideration of street names will be given to names that portray a strong positive image and have historical, natural, cultural or social significance or after persons who have made significant contributions to the community, province or country.
- 9.6 Names selected from the list will be highlighted and/or removed once used.
- 9.7 In the application of street names, the following principles will apply:
- (a) an attempt will be made to provide a common theme for a roadway network or neighbourhood; and
 - (b) street names will follow the theme to allow for the particular street to have a specific connection to the area of the City that the street is located.
 - (c) lanes will not be given street names except in the case where a properties are located on a highway that does not provide physical access to the property and where physical access is only from the lane.
 - (d) street names used in neighbouring jurisdictions will generally be avoided.
- 9.8 Re-naming of existing streets will follow Council's "Street Name Change Policy".
- 9.9 Street name suffixes will be used as follows:
- | | |
|-------------------|---|
| Avenue (Ave): | A through local road, collector or arterial carrying east-west traffic. |
| Boulevard (Blvd): | A through local road, collector or arterial running in any direction. |
| Crescent (Cr): | A local roadway curvilinear in nature shaped as a crescent. |
| Court (Ct): | A non-through local roadway (typically a cul-de-sac). |
| Drive (Dr): | A lengthy collector or arterial running in any direction. |
| Lane (Ln): | A through local roadway under 8.0m in width (usually not named). |
| Place (Pl): | A non-through local roadway (typically a cul-de-sac). |
| Road (Rd): | A roadway servicing rural areas. |
| Street (St): | A through local road, collector or arterial carrying north south traffic. |
| Way: | A through local road, collector or arterial running in any direction. |
| North (N) | A road running in a northern direction |
| South (S) | A road running in a southern direction |
| East (E) | A road running in an eastern direction |
| West (W) | A road running in a western direction |

10. Penalties

- 10.1 Except as otherwise provided in this Bylaw, any person who violates any of the provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw commits an offence and is liable on summary conviction to a fine of not more than \$2000.
- 10.2 In addition to any other penalty, the Licence Inspector or the Bylaw Officer may issue a Bylaw Notice or Municipal Ticket Information to a person for a violation of this Bylaw.
- 10.3 Each day during which an offence is continued shall be deemed to constitute a new and separate offence.

READ A FIRST time this	18	day of	December, 2018
READ A SECOND time this	18	day of	December, 2018
READ A THIRD time this	18	day of	December, 2018
ADOPTED this		day of	, 2019

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: January 8, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 3550 Valleyview Road
Subject: **Zoning Amendment Bylaw No. 2019-01**

File No: 2018 PRJ-154

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2019-01", a bylaw to add Section 9.2.6.11: "In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use," be given first reading and forwarded to the January 22, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-01", a road dedication is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned A (Agriculture) and RC (Country Residential Housing) and is located within the Agricultural Land Reserve (ALR). Photos of the site are included as Attachment D. The lot is approximately 8.58 ha in area and features a single family dwelling, accessory structures and a straw-bale guest house which is the subject of this rezoning application. Surrounding properties are designated by the OCP as AG (Agriculture) and RC (Country Residential). The property is located in the south east portion of the City, close to the intersection of Crescent Hill Road and Valleyview Road. Organic vegetables and flowers are grown on approximately 2 acres of the parcel, with cattle, horses and residential uses occupying the remaining portions of the land. The lot slopes significantly from east to west.

In 2004, a 1-storey, 600ft² straw-bale guest house was constructed on the subject property without a building permit. The house has a living room, bedroom and a bathroom, but no cooking facilities. The applicant is proposing to use this house as agri-tourism accommodation, which requires an amendment to the zoning bylaw and compliance to the current BC building code.

As per Part 2 (Permitted Uses), Section 3 (1a) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation of the Agricultural Land Commission Act, accommodation for agri-tourism on a farm is permitted as a non-farm use, unless prohibited by a local government bylaw, if:

- i) All or part of the parcel is classified as a farm under the assessment act, which is the case here.

- ii) The accommodation is limited to 10 sleeping units (with no cooking facilities). The proposal is for one sleeping unit.
- iii) The total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel. The proposal is for less than 1% of the parcel.

Proposal

The applicant is proposing to legalize the existing straw-bale guest house and convert it to a sleeping unit for agri-tourism accommodation. Since this use is in fact prohibited by our Zoning bylaw, a site-specific zoning amendment to the Agriculture (A) zone is required, which states:

- "In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use."

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. Comments were received as follows:

Road Dedication

A portion of Valleyview Road has historically crossed through the subject property. It is not an ideal situation to have a public road crossing through private property as the City is not able to maintain the steep bank alongside the east portion of Valleyview Road (*Figures 7 and 9*). The proposed zoning amendment allows the City to rectify this situation. The exact dimensions of the road dedication will not be known until a surveyor is on-site with City engineers to determine the best location for the new property line. The intention is for the City to have enough land to safely maintain the road while minimizing the impact on the homeowner. It is not the City's intention to widen the road as part of this rezoning application. The City has agreed to pay for the surveying and legal costs, but will not pay for the land costs. The owner is well aware and has agreed to the conditions.

Building Permit Requirements

If the request for the zoning amendment is supported, conformance to the current building code is required. Since a straw-bale house is not a permitted method of construction in the BC Building Code, engineer sign off and alternate solutions to the building code will be required as part of building permit issuance. Electrical and plumbing permits will also be required.

Analysis

Support "Zoning Amendment Bylaw No. 2019-01"

The City's OCP policies speak to supporting and promoting agri-tourism and bed and breakfast operations. This provides a unique opportunity for tourists to experience the agricultural industry first hand and better understand the processes involved with fruit and wine production. The increase in tourists in the area can also provide an economic benefit for farmers.

As part of a rezoning application, staff analyzed the impacts on neighbouring properties and on farming operations. In this case, the proposed straw-bale house is existing, located in an area outside of the farming operations occurring on the property. There is an adequate buffer from adjacent properties, and the traffic increase will be minimal. The driveway will not be expanded and parking for the accommodation will utilize existing spaces. The property's principal use remains as agriculture, with the proposed guest suite acting as a supplementary income to support farming operations. Additionally, support of the rezoning will correct a historically encroaching road onto private property.

The straw-bale house could be considered a carriage house under Zoning Bylaw No. 2017-08 if it had a cooking facility. This would be a permitted use, and no zoning amendment would be required. The issue is, however, that the ALC does not allow carriage houses, thus it must meet the provisions for agri-tourism accommodation which is highlighted in the Background section of this report.

To conclude, agri-tourism accommodation is permitted by the ALC and the impact on the neighbourhood will be minimal with the zoning change. The owner has shown a willingness to legalize the guest house while also agreeing to give away land to correct the boundary of Valleyview Road. For these reasons, Staff are recommending that Council support the application.

Agriculture Advisory Committee

Staff generally seek advice from the City's Agriculture Advisory Committee for rezoning applications on agriculture land. The applicant applied for the rezoning application at the end of May of this year, and the previous Agriculture Advisory Committee has not met since April of this year due to a busy growing season. Due to the recent municipal election, a new Agriculture Advisory Committee has not yet been put in place and therefore won't be meeting until the spring. Given the minor scale of the proposal, and the further hold up that it will cause the applicant, staff felt comfortable proceeding without advice from the committee. Council may wish to postpone first reading of the bylaw until advice is sought from the Agriculture Advisory Committee.

Deny/Refer Zoning Amendment

Approval of the amendment would allow the property owner to construct up to 10 sleeping units on this property in the future for the purposes of agri-tourism accommodation. If this is a concern, Council may wish to limit the number of permitted sleeping units to one. Additionally, Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate. Staff do not recommend denial of the zoning amendment as the encroaching road situation will be not corrected without paying for the land costs.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-01"
2. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-01", and direct staff to engage the land owner on purchasing the land within the road dedication area.
3. THAT Council refer the bylaw to the City's Agriculture Advisory Committee for a recommendation.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Preliminary Road Dedication Design
- Attachment G: Building Elevations
- Attachment H: Floor Plan
- Attachment I: Letter of Intent
- Attachment J: Zoning Amendment Bylaw No. 2019-01

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map

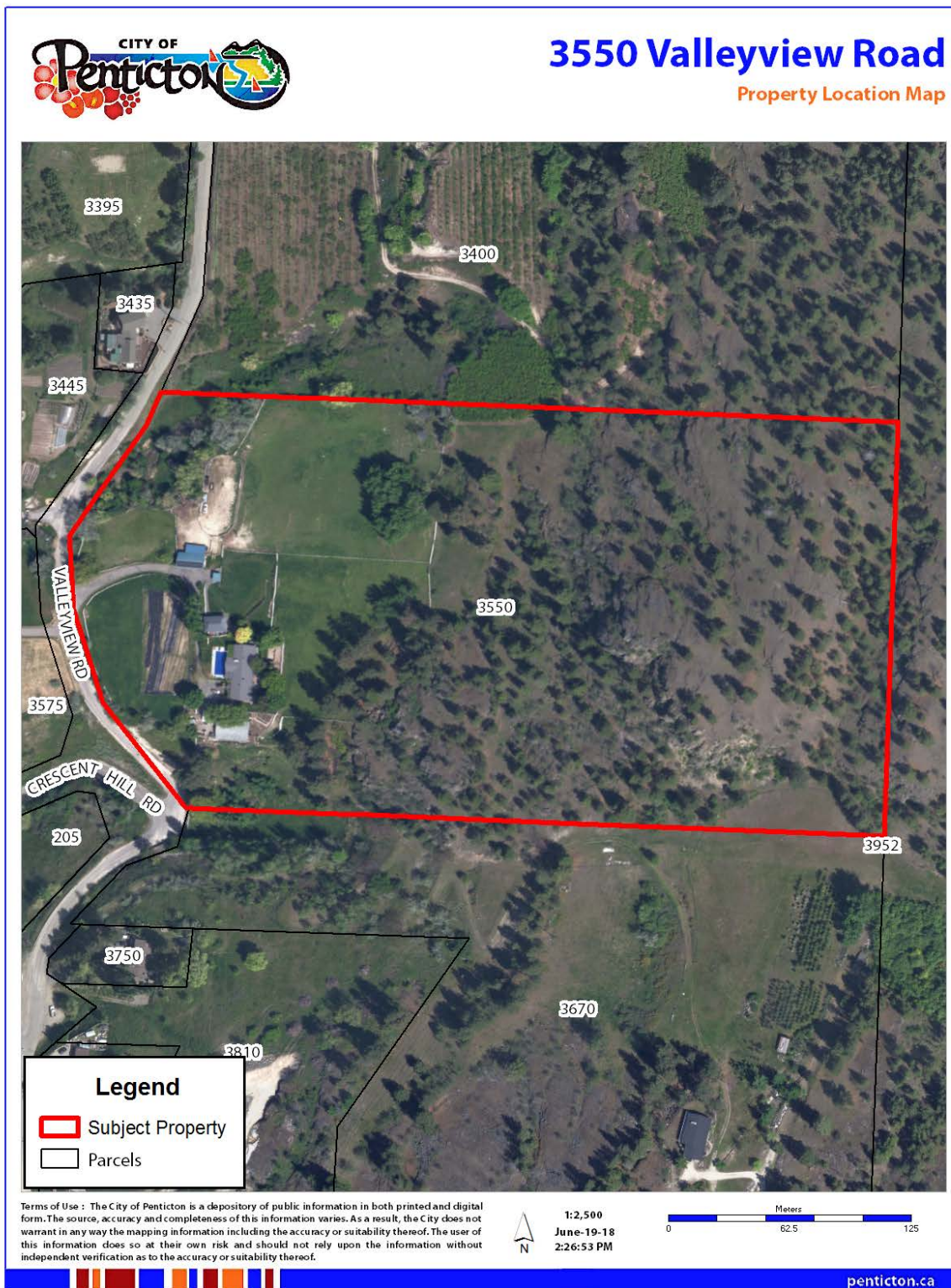


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

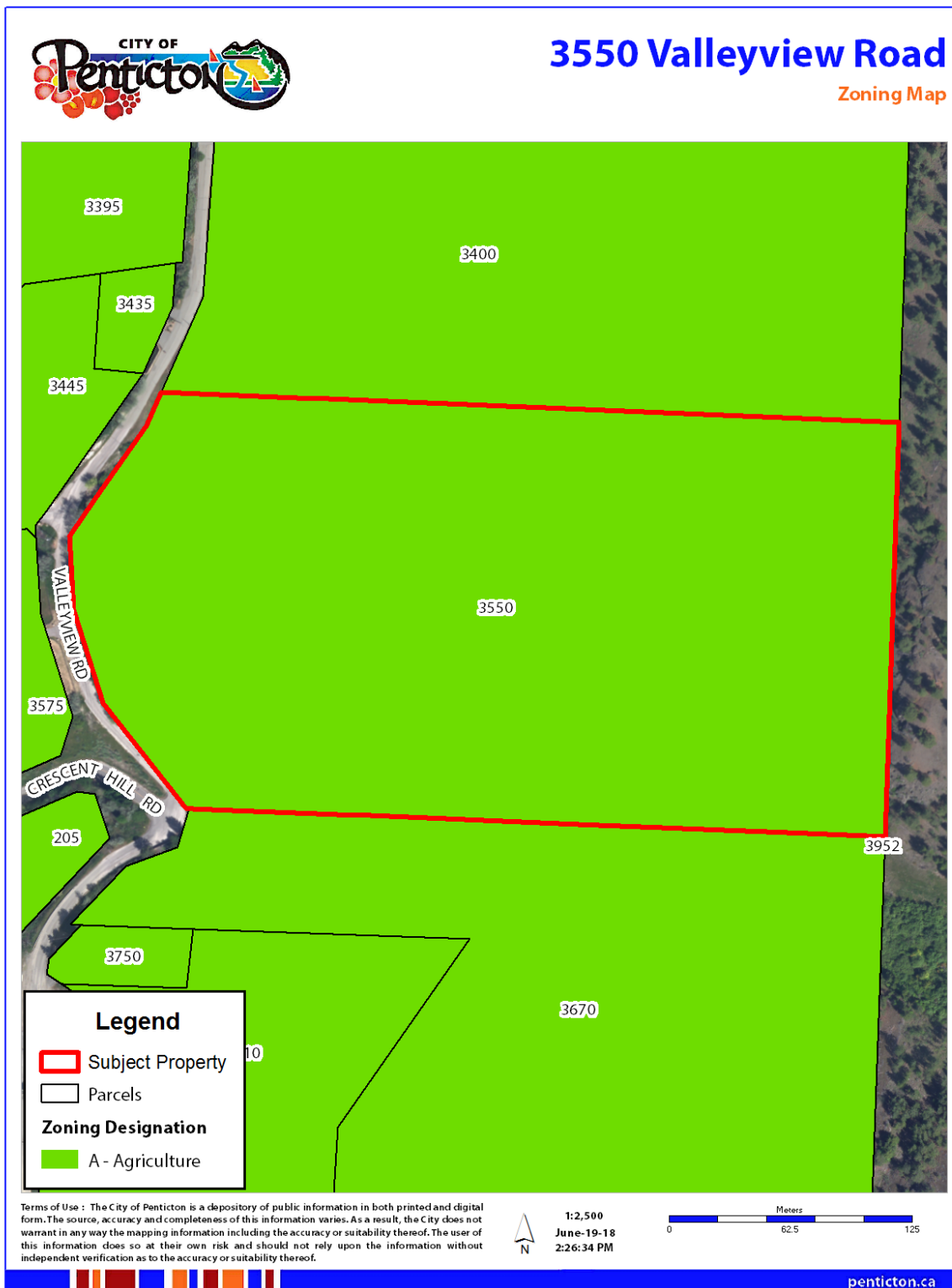


Figure 2: Zoning Map

Attachment C- OCP Map

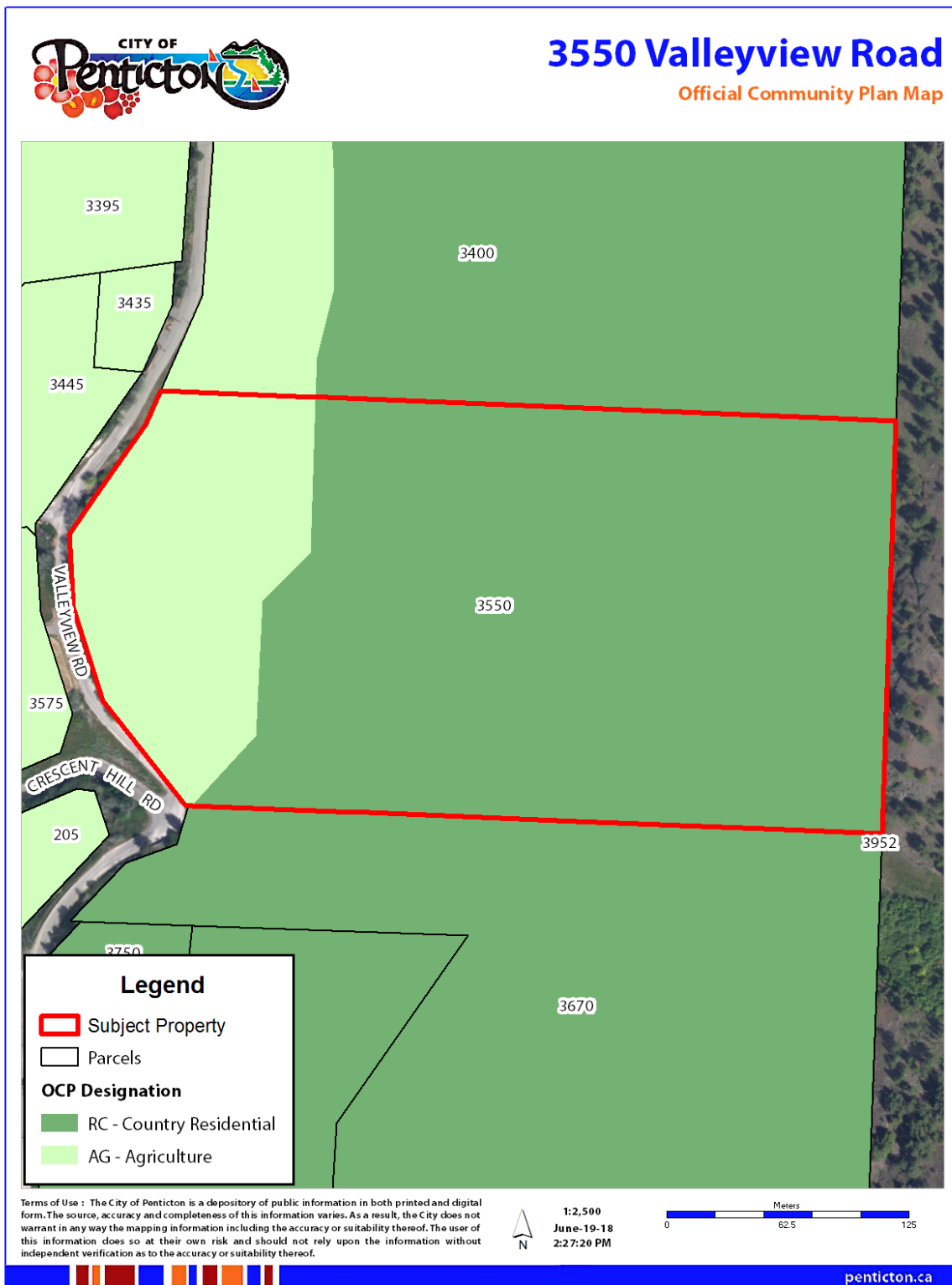


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South Elevation



Figure 5: East Elevation



Figure 6: Existing Dwelling



Figure 7: Slope at Intersection of Crescent Hill and Valleyview Road

Attachment E – Site Plan



Figure 8: Site Plan showing existing structures

Attachment F – Preliminary Road Dedication Design

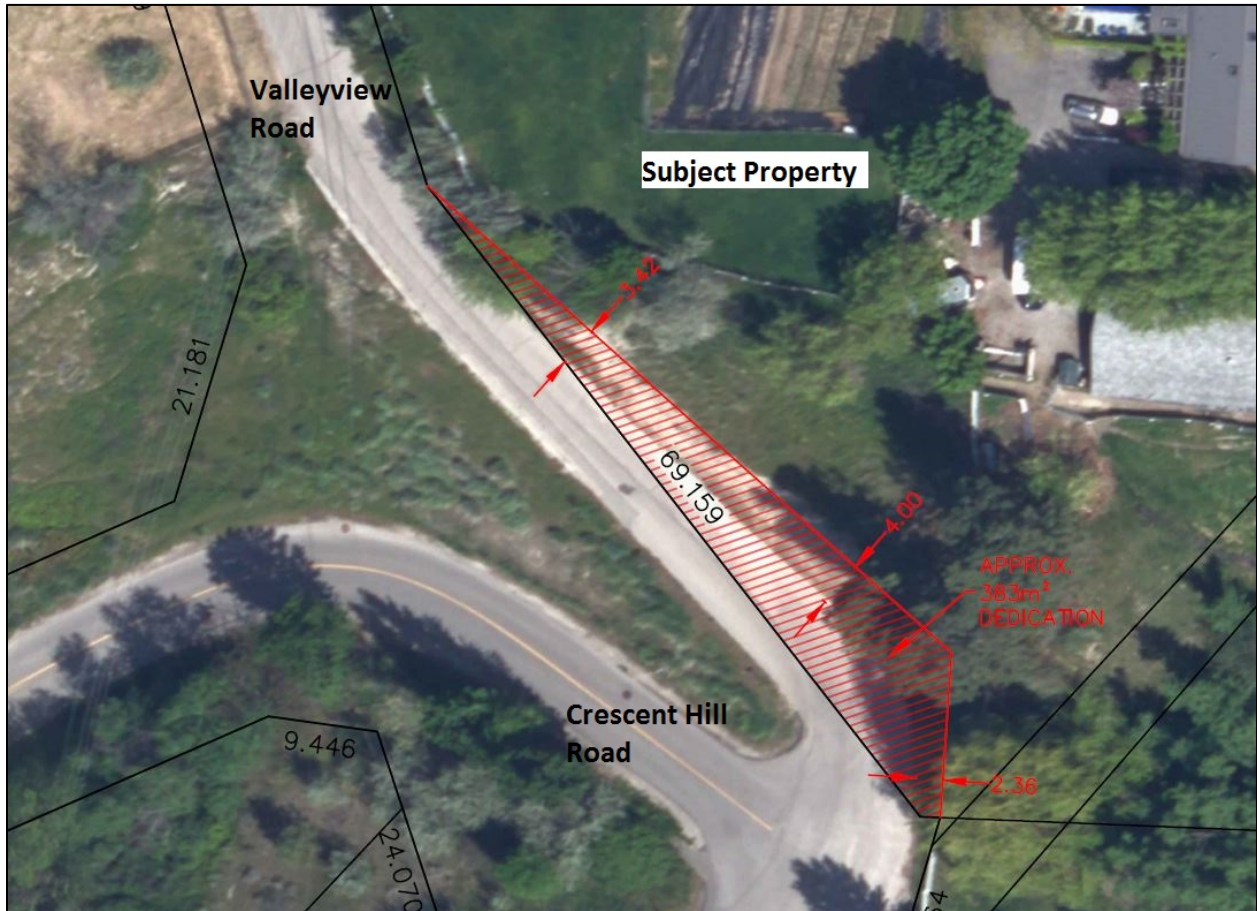


Figure 9: Preliminary Design

Attachment G – Building Elevations

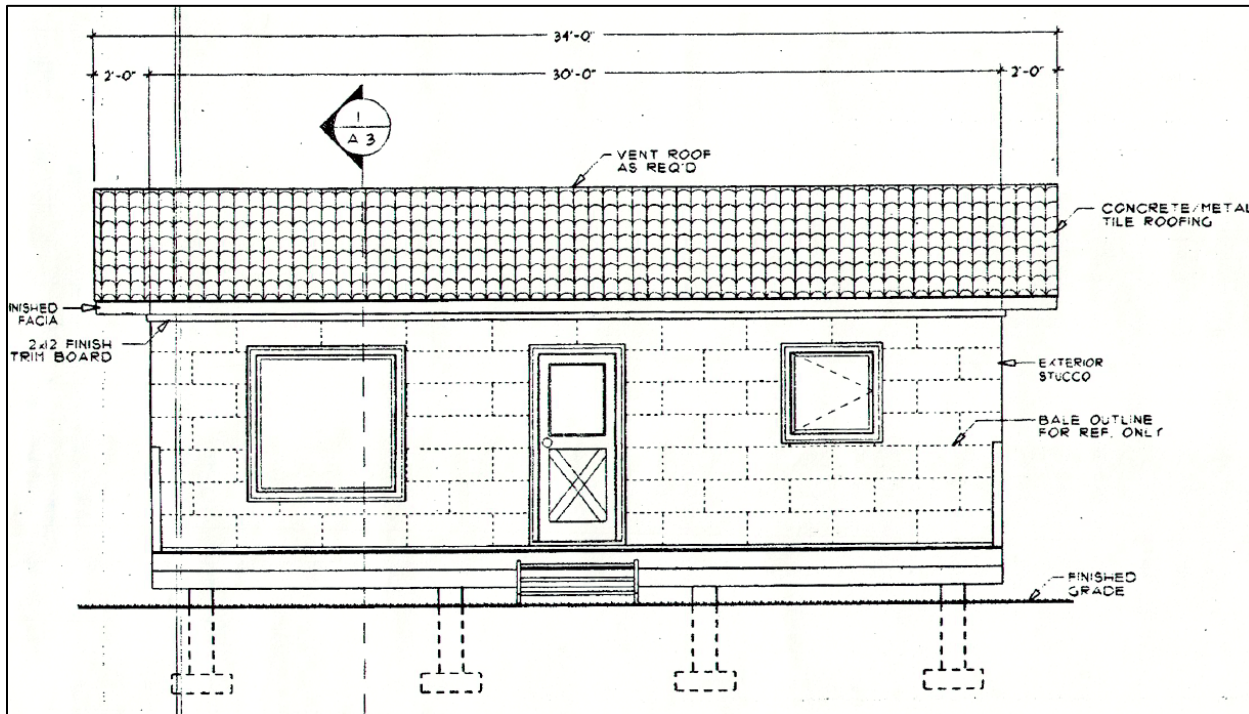


Figure 10: South Elevation

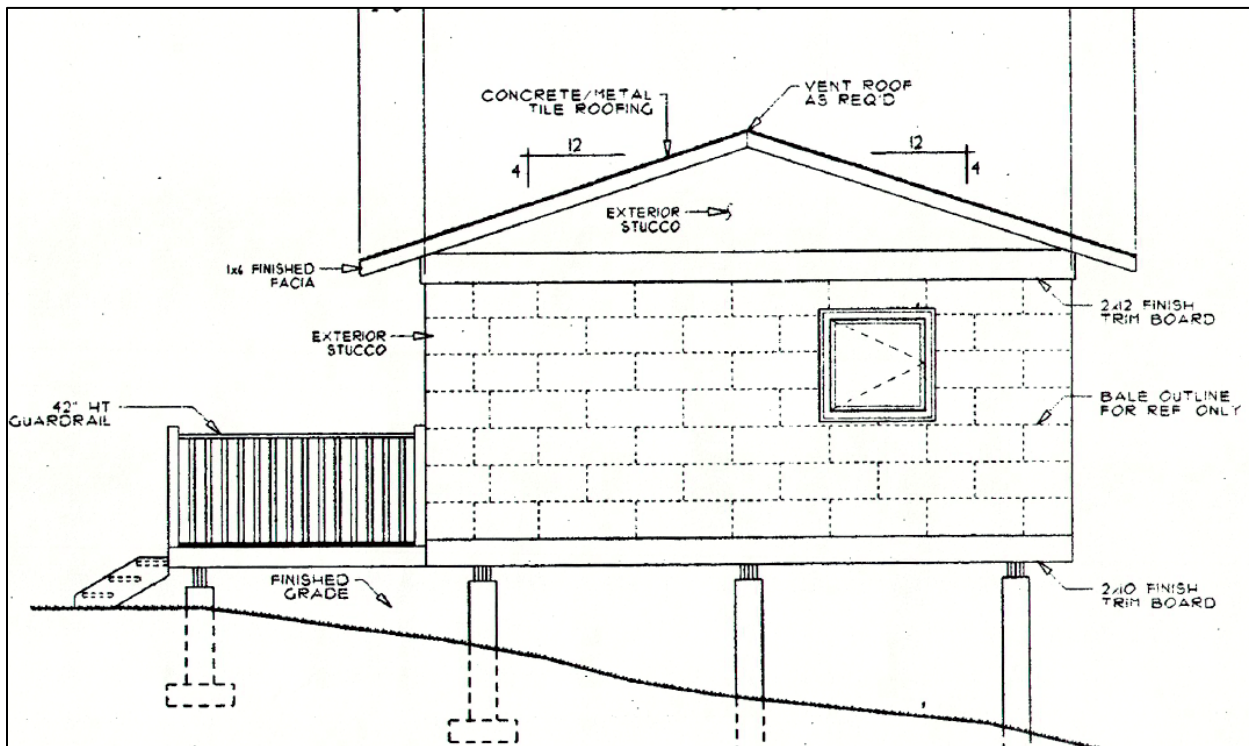


Figure 11: East Elevation

Attachment H – Floor Plan

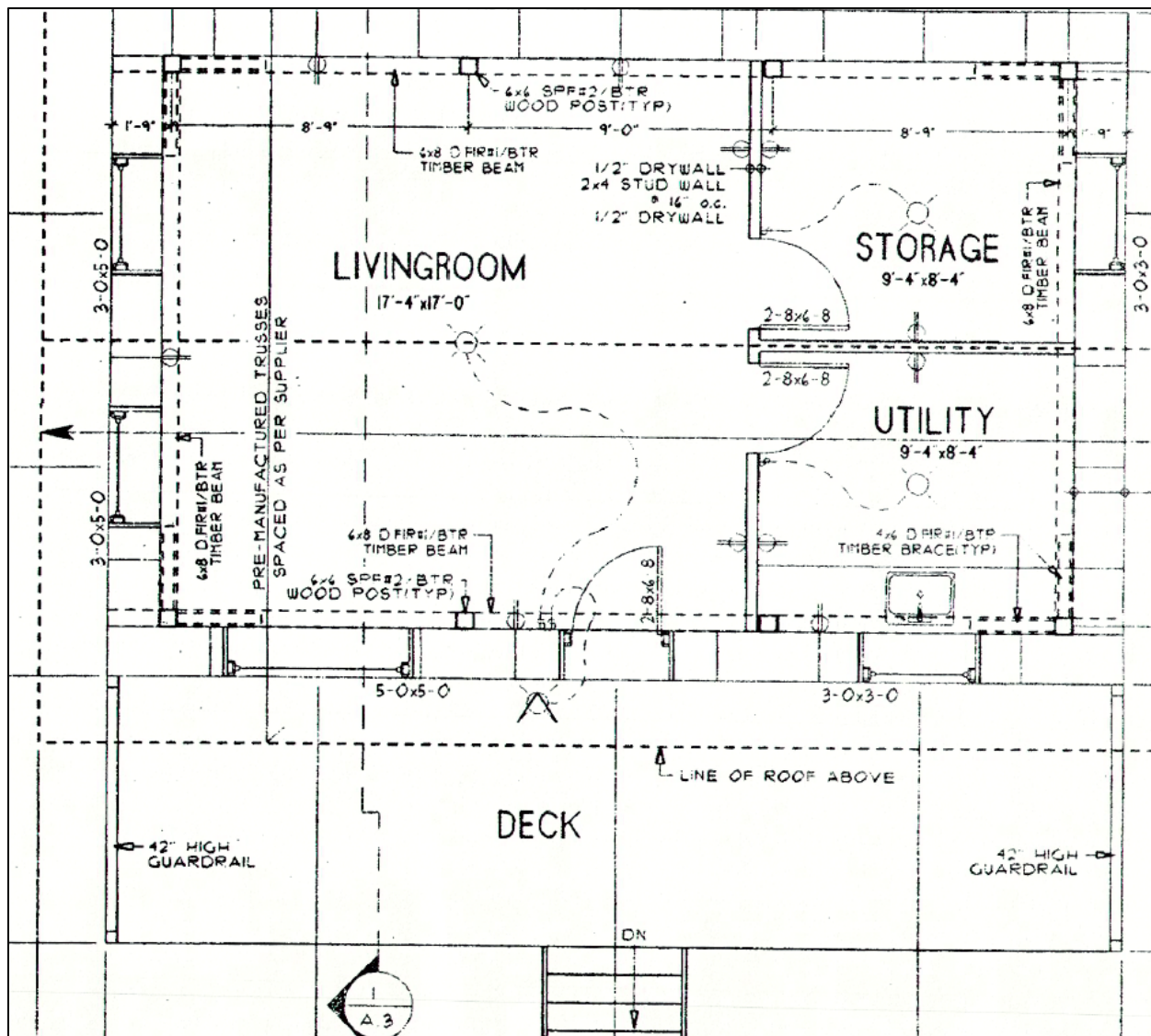


Figure 12: Floor Plan

Attachment I – Letter of Intent

3550 Valleyview Road
Penticton, B.C.,
V2A 8W9

May 29, 2018

City of Penticton
Planning Department-Development Services Division
171 Main Street
Penticton, B.C.,
V2A 5A9


Dear Planning Department,

This is a request to obtain a Rezoning/Zoning Bylaw Text Amendment for tourist accommodation for the above property.

This would be temporary accommodation for the travelling public in a detached building with a sleeping room on our property. (Agritourism). This building does not have a kitchen and would be only used for short term rentals during the summer months while we are present on the property.

Our plan is to supplement our farm income with this building and also to promote tourism and agriculture within Penticton.

Sincerely,



Colleen and Bradford Raison

Figure 13: Letter of Intent

Bylaw No. 2019-01

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. 2019-01".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 9.2.6:

.11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.

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

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
ADOPTED this	day of	, 2019

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2019 and the ___ day of ____, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Agriculture (A) Zone – Site Specific Zoning Amendment

Add agri-tourism as a permitted use at 3550 Valleyview Rd

- 50 -



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-01

Date: _____

Corporate Officer: _____