

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

**Tuesday, April 16, 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 April 2, 2019 Regular Council Meeting 1-6 Adopt
7. **Consent Agenda:**
  - 7.1 Minutes:
    - Minutes of the April 2, 2019 Committee of the Whole Meeting
    - Minutes of the April 2, 2019 Public Hearing Meeting
    - Penticton Creek and Ellis Creek Restoration Select Committee Draft Minutes of March 12, 2019
    - Parks and Recreation Advisory Committee Minutes of March 14, 2019
    - Parcel Tax Roll Review Panel Minutes of April 9, 2019

*Staff Recommendation: THAT Council approve the Consent Agenda.* 7-20
8. **Committee and Board Reports**
9. **Correspondence:**
  - 9.1 City of Maple Ridge – Request for Resolution and Letter to Premier Horgan 21-25  
*Summary: The City of Maple Ridge has sent correspondence to UBCM Member Municipalities outlining the recent actions taken by the Province that undermines the authority granted to municipal governments. They are requesting Council pass a resolution and send a letter to Premier Horgan and the Union of BC Municipalities (UBCM) expressing their concerns.*

*Staff Recommendation: THAT Council pass the following resolution and send a letter to Premier Horgan and the Union of BC Municipalities (UBCM):*

*WHEREAS the Community Charter acknowledges that municipalities and their Councils are “democratically elected, autonomous, responsible and accountable”; require the authority to determine the public interest of their communities; and the Local Government Act grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;*

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;  
 THEREFORE BE IT RESOLVED that the City of Penticton urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

10. **Staff Reports:**

- |          |      |   |       |
|----------|------|---|-------|
| Coates   | 10.1 | Tax Rate Bylaw No. 2019-11<br><i>Staff Recommendation: THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2019-11", a bylaw that establishes property taxation rates for the 2019 tax year.</i>  | 26-36 |
| Coates   | 10.2 | Billing Policy Update – Electric, Water and Sewer Utilities<br><i>Staff Recommendation: THAT Council approve the amended Billing Policy, a policy that provides direction on billing practices for the electric, water, and sewer utility services.</i>   | 37-55 |
| De Jager | 10.3 | RCMP Report - Gang Activity, Drug Enforcement and the <i>Community Safety Act</i><br><i>Staff Recommendation: THAT Council receive into the record the report titled "Gang Activity, Drug Enforcement and the Community Safety Act"; AND THAT Council send a letter of support for Bill 13-2019 Community Safety Amendment Act, 2019 to Honourable Mike Farnworth, Ministry of Public Safety and Solicitor General.</i>   | 56-57 |
| Campbell | 10.4 | Signing officers and banker for 2019 and subsequent years<br><i>Staff Recommendation: THAT Council approve signing authorities at VALLEY FIRST CREDIT UNION as follows:</i><br><b><u>A Signers</u></b><br><ul style="list-style-type: none"> <li>• Donny van Dyk, Chief Administrative Officer</li> <li>• Jim Bauer, Chief Financial Officer</li> <li>• Angela Campbell, Controller</li> <li>• Wes Renaud, Budget Analyst</li> </ul> <b><u>B Signers</u></b><br><ul style="list-style-type: none"> <li>• John Vassilaki, Mayor</li> <li>• Julius Bloomfield, Councillor</li> <li>• Jake Kimberley, Councillor</li> <li>• Frank Regehr, Councillor</li> <li>• Katie Robinson, Councillor</li> <li>• Judith Sentes, Councillor</li> <li>• Campbell Watt, Councillor</li> </ul> <i>Signing officers for memberships 727214 and 1319244 (City of Penticton) will be for the calendar year ended December 31, 2019 and subsequent years until changed.</i><br>AND THAT Council approve:<br><ul style="list-style-type: none"> <li>• Agnieszka Artymowicz, Director of Finance, South Okanagan Events Centre</li> <li>• Dean Clarke, General Manager, South Okanagan Events Centre</li> <li>• Kevin Webb, SOEC Director of Events, South Okanagan Events Centre</li> <li>• Mary Richards, PTCC Director of Sales, Penticton Trade and Convention Centre</li> <li>• Donny van Dyk, Chief Administrative Officer</li> <li>• Jim Bauer, Chief Financial Officer, City of Penticton</li> <li>• Angela Campbell, Controller, City of Penticton</li> </ul> <i>Signing officers for membership 727313 (South Okanagan Events Centre) for the calendar year ended December 31, 2019 and subsequent years until changed.</i> | 58-59 |
| Campbell | 10.5 | Mid-Year Grant Requests<br><i>Staff Recommendation: THAT Council approves a \$3,290 cash grant and \$1,950 in-kind grant to the Penticton Senior's Drop in Centre for the BC Senior's Week event; THAT Council approves a \$6,780 cash grant to the Penticton Recovery Resource Society; THAT Council approves a \$2,100 in-kind grant to The Penti-Con Association;</i>  | 60-62 |

AND THAT Council approves a \$500 cash grant to the Penticton Concert Band.

Moroziuk 10.6 Transit 2020 - 2022 63-65  
Staff Recommendation: THAT Council support and advise BC Transit of the following Transit service expansions for BC transit planning purposes:

	Implementation Date	Estimated Municipal Share
Matching Service Levels Custom Transit	April 2020	\$12,324
Regional Transit Route 70 Midday Service	September 2020	\$38,641
Upper Wiltse Service	September 2020	\$18,608
Sendero Canyon Service	September 2020	\$15,676
Increase Frequency Route 5	September 2022	\$193,361

AND THAT BC Transit be asked to undertake an update to the Penticton Transit Plan prior to implementing the Increase Frequency on Route 5.

Moroziuk 10.7 Transit Route 70 Penticton to Kelowna 66-67  
Staff Recommendation: THAT Council authorize staff to create 15 park and ride spots in the South Okanagan Event Centre (SOEC) Parking Lot located at the northwest corner of Alberni Street and Eckhardt Avenue;  
 AND THAT Council authorize staff to install two bus stops on the east and west side of Alberni Street just north of Eckhardt Avenue for Transit Route 70 Penticton to Kelowna.

Collison 10.8 Location of Regular Council Meeting May 7 – Penticton Secondary School Library 68  
Staff Recommendation: THAT Council hold the Regular Council Meeting scheduled for Tuesday, May 7, 2019 at the Penticton Secondary School Library, 158 Eckhardt Avenue East.

11. **Public Question Period**

12. **Recess Regular Council Meeting**

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

14. **Bylaws and Permits:**

Collison	14.1	300 Block – Main Street Local Area Service Parcel Tax Bylaw No.2019-09	69-70	Adopt
Collison	14.2	Fees and Charges Amendment Bylaw No. 2019-13 Re: AMR Opt Out Fee Reduction	71-72	Adopt
Laven	14.3	Zoning Amendment Bylaw No. 2019-14 Re: Funeral Services	73-74	2 <sup>nd</sup> /3 <sup>rd</sup>

15. **Land Matters:**

Kunka	15.1	Liquor Primary Licence (Transfer of location) – Royal Canadian Legion Branch 40 Re: 257 Brunswick Street <u>Staff Recommendation:</u> THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) that it support the Liquor Primary License (Transfer of Location) request for the Royal Canadian Legion Branch 40, relocating to 257 Brunswick Street.	75-81	Del/Sub
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Hodges	15.2	Development Variance Permit PL2019-8506 Re: 110 Ellis Street <i>Staff Recommendation: THAT Council, with properly posted speed reductions to 20 km/h, support the Development Variance Permit PL2019-8506 to vary the minimum road vertical curve in the lane at the back of 110 Ellis Street to be reduced from a K Value of 12 to 1 as allowed in the Transportation Association of Canada Guidelines; AND THAT Council require the Developer to enter into a Maintenance Agreement for snow clearing of the entire lane to Westminster until a suitable turnaround can be constructed.</i>	82-99	Del/Sub
Laven	15.3	Local Government Support for Cannabis Retail Stores <i>Staff Recommendation: THAT after hearing from proponents of Zen Canna Corp, Green Essence, Greenery Cannabis Boutique and Bluewater Cannabis consider the following staff recommendations:</i> 1. <i>THAT Council direct staff to send recommendations of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses for the following properties:</i> - 210 Main Street (Green Gaia) - 385 Martin Street (Cannabis Cottage) - 2695 Skaha Lake Road (Spiritleaf) - 103 – 2050 Main Street (BC Cannabis Store)  <i>AND THAT each recommendation include the following comments:</i> - The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated; - The views of the public were captured during a public comment period; and - The local government recommends that the application be approved because of compliance with local regulations and policies. 2. <i>THAT Council direct staff to send a recommendation to the LCRB denying support for the application at 103 – 2050 Main Street (Zen Canna).</i> 3. <i>THAT Council direct staff to send a recommendation to the LCRB denying support for the application at 101 – 437 Martin Street (Green Essence).</i> 4. <i>THAT Council direct staff to send a recommendation to the LCRB denying support for the application at 465 Main Street (Greenery Cannabis Boutique).</i> 5. <i>THAT Council direct staff to send a recommendation to the LCRB denying support for the application for 101 – 130 Nanaimo Avenue W (Bluewater Cannabis).</i>	100-204	Del/Sub

16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

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

**Tuesday, April 2, 2019**  
**at 1:00 p.m.**

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

**Staff:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Anthony Haddad, Director of Development Services  
Mitch Moroziuk, General Manager of Infrastructure (left the meeting at 3:54 p.m.)  
Bregje Kozak, Director Recreation & Facilities (left the meeting at 3:54 p.m.)  
Caitlyn Anderson, Deputy Corporate Officer

**1. Call to Order**

The Mayor called the Regular Council Meeting to order at 1:01 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council Meeting held on April 2, 2019 as presented.

**CARRIED UNANIMOUSLY**

**4. Recess to Committee of the Whole**

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

**5. Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 1:46 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the March 19, 2019 Regular Meeting of Council

183/2019

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the March 19, 2019 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

**7. Consent Agenda:**

184/2019

**It was MOVED and SECONDED**

THAT Council approve the Consent Agenda.

**CARRIED UNANIMOUSLY**

**8. Committee and Board Reports:**

8.1 Agriculture Advisory Committee Minutes of March 18, 2019

185/2019

**It was MOVED and SECONDED**

THAT Council receive into the record the draft Agriculture Advisory Committee Minutes of March 18, 2019.

**CARRIED UNANIMOUSLY**

186/2019

**It was MOVED and SECONDED**

THAT Council invite a Penticton Indian Band member to sit in on the Agriculture Advisory Committee in an advisory capacity role.

**CARRIED  
Councillor Watt, Opposed**

**9. Correspondence:**

9.1 RCMP Day Committee – Request for Support – February 1

187/2019

**It was MOVED and SECONDED**

THAT Council provide the RCMP Day Committee with a letter of support to acknowledge February 1 as Royal Canadian Mounted Police Appreciation Day.

**CARRIED UNANIMOUSLY**

**10. Staff Reports:**

10.1 Speed Monitoring on Municipal Roadways

188/2019

**It was MOVED and SECONDED**

THAT Council receive into the record the report titled "Speed Monitoring on Municipal Roadways".

**CARRIED  
Councillors Regehr and Kimberley, Opposed**

10.2 Permissive Tax Exemption Policy Update

189/2019

**It was MOVED and SECONDED**

THAT Council approve the amended "Permissive Tax Exemption Policy", a policy that provides direction on the requirements and evaluation of applications made pursuant to Section 224 of the Community Charter.

**DEFEATED**

**Mayor Vassilaki, Councillors Regehr, Robinson, Kimberley and Bloomfield, Opposed**

190/2019

**It was MOVED and SECONDED**

THAT Council direct Staff to cap the property taxes foregone percentage in the policy at 1.68% as opposed to the proposed 1.75% into the amended Permissive Tax Exemption policy.

**CARRIED**

**Councillors Sentes and Watt, Opposed**

10.3 2019 City Events

191/2019

**It was MOVED and SECONDED**

THAT Council direct staff to proceed with the planning and implementation of Canada Day/Fireworks, BC Day, 7 nights of Rock the Sun and Santa Parade events for 2019; AND THAT Council approve the increase \$38,465.10 to the City's Sport and Event budget with funds to be found through administrative savings.

**CARRIED**

**Councillors Regehr and Robinson, Opposed**

10.4 Fees and Charges Amendment Bylaw No. 2019-13  
Re: AMR Opt Out Fee Reduction

192/2019

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2019-13", a bylaw that amends Appendix 7 – Electric and reduces the fee to perform monthly manual electric meter reads for Automated Meter Reading Opt Out Customers.

**CARRIED UNANIMOUSLY**

10.5 Energy Retrofit Loan Program Update

193/2019

**It was MOVED and SECONDED**

THAT Council direct staff to amend the terms of the Energy Retrofit Loan Program to reflect the increase in costs of energy audits, allow for participation of non-owner occupied homes and rename the program to "Home Energy Loan Program"; AND THAT Council direct staff to extend the Home Energy Loan Program to December 31, 2022.

**CARRIED UNANIMOUSLY**

10.6 Grants for Renewable Energy Production

194/2019

**It was MOVED and SECONDED**

THAT Council receive into the record the report titled, "Grants for Renewable Energy Production" dated April 2, 2019;

AND THAT Council direct staff to complete the Power Generation Study and then take a more focused approach to grant applications;  
AND THAT the grant research for renewable energy production for planning and capital projects be forwarded to the Penticton Indian Band.

**CARRIED UNANIMOUSLY**

195/2019

**It was MOVED and SECONDED**

THAT Council direct staff to submit a completed "Pilot Project Application Form" for the Generator Peak Shaving Pilot Project to the Federation of Canadian Municipalities under the Green Municipal Fund;  
AND THAT Council direct staff to amend the 2019 Electric Utility Budget to include a \$200,000 Peak Shaving Pilot Project including \$100,000 in Grant funding, if awarded the grant.

**CARRIED UNANIMOUSLY**

10.7 Zoning Amendment Bylaw No. 2019-14  
Re: Funeral Services

196/2019

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2019-14", a bylaw that adds a definition for 'funeral service' in the definition section of Zoning Bylaw 2017-08 and includes the use 'funeral service' in the C3, C4, C5, C6, C7 and M1 zones, be given first reading and be sent to the April 16, 2019 Public Hearing.

**CARRIED UNANIMOUSLY**

10.8 Urban Deer Update and Recommendations

197/2019

**It was MOVED and SECONDED**

THAT Council direct staff to proceed with additional research including the establishment of a committee to address urban deer.

**DEFEATED**

**Councillors Regehr, Robinson, Kimberley and Watt, Opposed**

198/2019

**It was MOVED and SECONDED**

THAT Council direct staff to maintain the status quo approach towards urban deer management in Penticton and re-engage with the Regional District of Okanagan Similkameen and BC Conservation on a regional approach and deal with specific issues on an event by event basis.

**CARRIED**

**Mayor Vassilaki and Councillor Sentes, Opposed**

**11. Public Question Period**

**12. Recess Regular Council Meeting**

The Regular Council Meeting recessed at 3:54 p.m.

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

Council reconvened the Regular Council Meeting at 6:30 p.m.

**14. Bylaws and Permits**

14.1 Zoning Amendment Bylaw No. 2018-76  
Development Variance Permit PL2018-8340  
Re: 909 Government Street

199/2019

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2018-76".

**CARRIED UNANIMOUSLY**

200/2019

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2018-8340".

**CARRIED UNANIMOUSLY**

14.2 Zoning Amendment Bylaw No. 2018-77  
Development Variance Permit PL2018-8343  
Re: 931 Government Street

201/2019

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2018-77".

**CARRIED UNANIMOUSLY**

202/2019

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2018-8343".

**CARRIED UNANIMOUSLY**

14.3 2019-2023 Five Year Financial Plan Bylaw No. 2019-10

203/2019

**It was MOVED and SECONDED**

THAT Council adopt "2019-2023 Five Year Financial Plan Bylaw No. 2019-10".

**CARRIED UNANIMOUSLY**

14.4 Zoning Amendment Bylaw No. 2019-12  
Re: 434 Lakeshore Drive West

204/2019

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-12".

**CARRIED UNANIMOUSLY**

205/2019

**It was MOVED and SECONDED**

THAT Council direct staff to report back on the heritage registry and protection process and any opportunities to strengthen the process.

**CARRIED UNANIMOUSLY**

**15. Land Matters**

15.1 Development Variance Permit PL2019-8457  
Re: 1682 Lawrence Avenue

Delegations/Submissions:

- No one spoke.

206/2019

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2019-8457", for Lot 1, District Lot 2710 Similkameen Division Yale District Plan EPP52845, located at 1682 Lawrence Avenue, a permit to reduce the lot area from 16ha to 0.526 ha to allow for subdivision;  
AND THAT staff be directed to issue "Development Variance Permit PL2019-8457."

**CARRIED UNANIMOUSLY**

15.2 Development Variance Permit PL2019-8474  
Re: 3200 Evergreen Drive

Delegations/Submissions:

- Donna Butler, Winnipeg Street, Ecora Company, spoke in support of the application.
- Brigid Kemp, Warren Avenue West, requested clarification on bareland strata.

207/2019

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2019-8474", for Lot 1, District Lots 190 and 2710 Similkameen Division Yale District Plan KAP74449, located at 3200 Evergreen Drive, a permit to increase the maximum height for single detached dwellings in the RM1 zone from 8.5m to 10.5m;  
AND THAT staff be directed to issue "Development Variance Permit PL2019-8474."

**CARRIED UNANIMOUSLY**

**16. Notice of Motion**

**17. Business Arising**

**18. Council Round Table**

**19. Public Question Period**

**20. Adjournment**

208/2019

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, April 2, 2019 at 7:15 p.m.

**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, April 2, 2019**  
**Recessed from the Regular Council Meeting at 1:00 p.m.**

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

**Staff:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Anthony Haddad, Director of Development Services  
Mitch Moroziuk, General Manager of Infrastructure  
Bregje Kozak, Director Recreation & Facilities  
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

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

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the agenda for the Committee of the Whole meeting held on April 2, 2019 be adopted as amended to add item 3.4.

**CARRIED UNANIMOUSLY**

3. **Delegations and Staff Presentations:**

3.1 Electric Vehicle, Solar Power and Energy Conservation Event – April 6, 2019

Jim Beattie, Chair, Margaret Holm and Jim Corbett, board members, First Things First Okanagan provided Council with an update on their not for profit society that promotes awareness of Climate change and works to inspire individuals and communities to reduce their carbon footprint. On April 6, 2019 they are hosting an event at Burrowing Owl Winery for electric vehicle, solar power and energy conservation.

**It was MOVED and SECONDED**

THAT Council refer to staff the request from First Things First Okanagan to reinstate the Climate Action Sustainability Committee.

**CARRIED UNANIMOUSLY**

3.2 The Penti-Con Association

Lillian Wilson, Chair, The Penti-Con Association provided Council with a presentation on The Penti-Con Association and their annual event.

3.3 Cycling Without Age & Trishaw Bike Designation as a Mobility Aid

Tanya Behardien and Neil Pritchard provided Council an update on the program, Cycling Without Age being offered in Penticton. They provided Council with three requests including the use of the Trishaw Bike on the KVR Trail and sidewalks, assisting with in-kind storage for the bikes and supporting the program in Penticton.

**It was MOVED and SECONDED**

THAT Council refer the request from OneSky Community Resources and Cycling Without Age to staff for more information.

**CARRIED UNANIMOUSLY**

3.4 2021 National Junior A Championship Bid

Stuart Ladyman and Dean Clarke provided Council with an opportunity for the City of Penticton to host the 2021 National Junior A Championship. They are asking for a commitment from the City for \$100,000 for the bid, although the actual funds are not required until 2021.

**It was MOVED and SECONDED**

THAT Council support the bid application to host the 2021 National Junior A Championship event May 15 – 23, 2021;

AND THAT Council commit to a financial contribution in 2021 of \$100,000 if the bid is awarded.

**CARRIED UNANIMOUSLY**

4. **Adjourn to Regular Meeting**

**It was MOVED and SECONDED**

THAT Council adjourn the Committee of the Whole meeting held April 2, 2019 at 1:46 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Angie Collison  
Corporate Officer

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John Vassilaki  
Mayor

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

**Tuesday, April 2, 2019**  
**at 6:00 p.m.**

- Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Kimberley  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt
- Staff:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Anthony Haddad, Director of Development Services  
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. for Zoning Amendment Bylaw No. 2019-12. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed 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. 2019-12" (434 Lakeshore Drive West)**

The purpose of "Zoning Amendment Bylaw No. 2019-12" is to amend Zoning Bylaw No. 2017-08 as follows:

Add the site specific provision to section 10.2.4.3: "In the case of Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3508, located at 434 Lakeshore Drive West, a Bed and Breakfast Home shall be permitted."

The applicants are intending to operate a bed and breakfast (up to 4 sleeping units) at 434 Lakeshore Drive West which is currently zoned R2-Small Lot Residential.

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

**DELEGATIONS**

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

- Peter Ruutel, applicant, in attendance to answer any questions.

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

- Randy Manuel, West View Drive, former heritage advisor, the Warren house is registered on the federal and provincial heritage registry. Wondering if there is a bylaw and permit for a heritage house. Wondering if a heritage alteration permit was done for this application and stressed the importance of referring applications like this to a Committee.

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. 2019-12" was terminated at 6:30 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

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Angie Collison  
Corporate Officer

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John Vassilaki  
Mayor

## Penticton and Ellis Creek Restoration Select Committee Meeting

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

Tuesday, March 12, 2019  
at 9:00 a.m.

- Present:** Councillor Regehr  
Paul Askey, Freshwater Fisheries Society of BC  
Bryn White, South Okanagan Similkameen Conservation Program  
Yi Li, Regional Water Engineer, Ministry of Forests, Lands and Natural Resource Operations  
Doug Maxwell, Member at Large  
Bill Wickett, Penticton Fly Fishers Association  
Zoe Eyjolfson, Okanagan Nation Alliance
- Staff:** Mitch Moroziuk, General Manager of Infrastructure  
Ian Chapman, City Engineer  
Caitlyn Anderson, Deputy Corporate Officer
- Guests:** Jody Good, Mould Engineering  
Dwight Shanner, Aarde Environmental Ltd.

### 1. Call to Order

The Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 9:05 a.m.

### 2. Introduction of Late Items

The Chair requested to add the following items to the agenda:

- South Okanagan Conservation Fund
- Vice-Chair Nomination
- Habitat Conservation Trust Fund / Recreational Fisheries Conservation Partnership Program Update on Funding

### 3. Adoption of Agenda

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

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the agenda for the meeting held on March 12, 2019 as amended to include item 6.2, 6.3 and 6.4.

**CARRIED UNANIMOUSLY**

4. **Adoption of Minutes**

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the December 19, 2018 meeting as circulated.

**CARRIED UNANIMOUSLY**

5. **Business Arising from Prior Meetings**

5.1 Penticton Creek Fundraising Strategy

The City Engineer noted that the fundraising strategy was discussed at the last meeting and that committee members were asked to consider and bring forward any further ideas at this meeting. Members discussed having a society for people to receive a tax-write off and the City of Penticton will have to possibly make an account for people to donate their money too. Having a potential booth at the Downtown Penticton Market would help to promote the committee was discussed. Once there is a final list in place then the committee will look at hiring a professional to create a funding strategy, to include media coverage and donor recognition. Funding could potentially come out of the City Engineer's budget and/or the Engagement Strategist's budget.

The General Manager of Infrastructure explained that an email would be sent through the Deputy Corporate Officer to give everyone an additional opportunity to include any final comments to the list by a set date.

6. **New Business**

6.1 Penticton Creek Reach 12A Draft Predesign

Jody Good from Mould Engineering presented to the Committee the Penticton Creek Reach 12A draft predesign. Details were explained and it was noted the Deputy Fire Chief was awarded a \$750,000 grant for the 12A project. The total preliminary cost is \$950,000. The timeline for the project is extended to 2020. Reach 12A includes structures 37, 38 and 39. Existing details were explained about the current three structures and the master plan explains them as having a very high potential and consequence for failure. Currently the fish are not able to swim through the three structures. An overview of the Cultural Heritage Inventory Mapping was provided based on the recommendations given. Design items were identified, explaining a survey was done in Fall 2018 to include elevation and legal plan adjustments. The legal issues were the most significant as they need to figure out where private property ends and City property starts and whether giving notice will be required. The concrete structures will be replaced with rock to create riffle habitat. The predesign will be completed by March 31, 2019 and the design drawings will be completed in June/July and they will be brought to the Committee before hand. The design will be completed for 2019 to be ready to build in 2020.

Recontouring the three drop structures will alter the stream gradient into pool and riffle combinations that will be optimized to ensure fish passage and potential for some limited spawning habitat. There are standard environmental protocols and precautions related to instream work and protecting water quality downstream during construction.

Dwight Shanner noted that Cottonwood trees are endangered. There is a number of these trees in a gravel bar at the upstream end of the project area and it would be desirable to minimize their disturbance.

The post flood review of the Showcase project is almost complete for 2018 and Reach 3A Lower is to be addressed for 2019.

The General Manager of Infrastructure explained that an email would be sent through the Deputy Corporate Officer to give everyone an opportunity to include any final comments on the pre-design report and PowerPoint presentation by a set date.

## 6.2 South Okanagan Conservation Fund

The Fly Fishers Club made an application for funding assistance to the South Okanagan Conservation Fund in partnership with the City. This was approved by the Regional District of Okanagan Similkameen Board noting that the project was well received by the technical committee. The approved grant is \$160,000 of the \$320,000 required for the design of Reach 3A Upper and 3B.

## 6.3 Vice-Chair Nomination

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

THAT the Penticton and Ellis Creek Restoration Select Committee elect Zoe Eyjolfson as Vice-Chair.

**CARRIED UNANIMOUSLY**

## 6.4 Habitat Conservation Trust Fund (HCTF) / Recreational Fisheries Conservation Partnership Program (RFCPP) Update on Funding and Reporting

The City Engineer and two committee members provided an update on funding and reporting from fisheries conservation funding sources. The chair is completing the reporting to RFCPP for the restoration project completed in 2018. He needs the finished as-built drawings to be provided by Mould engineering or the City Engineer to finish that reporting. The City engineer updated that Steve Matthews had been contracted to help complete the reporting requirements for HCTF funding used on the HCTF project.

It was noted by a Committee member that Penticton Creek was not on the list of approved projects for funding in the upcoming year (a proposal had been submitted to HCTF for a grant to match the SOCF funding for Reach 3A and 3B for a multi-year project with construction expected to start in 2021). This apparent HCTF funding shortfall will require action and the item will be brought to the next meeting for an update.

## 7. **Council Outcome**

Council received the minutes of the December 19, 2018 at their meeting held on February 19, 2019.

## 8. **Next Meeting**

The next meeting is scheduled for Monday, April 29, 2019 at 9:00 a.m.

9. **Adjournment**

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on Tuesday March 12, 2019 at 11:11 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Caitlyn Anderson  
Deputy Corporate Officer

## Parks and Recreation Advisory Committee Meeting

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

Thursday, March 14, 2019  
at 2:00 p.m.

**Present:** Councillor Kimberley  
Isaac Gilbert, Chair  
James Palanio, School District 67, Vice-Chair  
Tyson Bull  
Donna Ritchie  
Gary Dean  
Lesley Chapman  
Robert Ross  
Peter Osborne  
Laura Harp  
John Archer

**Staff:** Bregje Kozak, Director, Recreation and Facilities  
Len Robson, Public Works Manager  
Anthony Haddad, Director of Development Services  
Ben Johnson, Manager, Special Projects  
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to Order:**

The Parks and Recreation Advisory Committee was called to order by the acting chair at 2:03 p.m.

2. **Adoption of Agenda:**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adopt the agenda for the meeting held on March 14, 2019 as presented.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes:**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adopt the minutes of the February 14, 2019 Parks and Recreation Advisory Committee as amended.

**CARRIED UNANIMOUSLY**

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

4.1 Election of Committee Chair and Vice-Chair

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee elect Isaac Gilbert as Chair.

**CARRIED UNANIMOUSLY**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee elect James Palanio as Vice-Chair.

**CARRIED UNANIMOUSLY**

5. **New Business:**

5.1 Background Documents: Parks and Recreation Master Plan, Parks Land Protection and Use Policy and Park Dedication Bylaw No. 2018-37

The Director of Development Services provided a high-level summary of the Parks and Recreation Master Plan and how it will be useful to the committee to develop the Skaha Lake Master Plan. Questions were raised on the Esplanade Park and the River Channel Parkway and if there was, a master plan created yet.

The Director of Development Services provided a high-level summary of the Park Dedication Bylaw and mentioned it is the highest protection the City of Penticton has. Questions were raised on the licence to use at Skaha Lake Park and the difference between licence to use and lease.

The Director of Development Services provided a high-level summary of the Park Land Protection and Use Policy. Questions were discussed about the different dedicated parks.

5.2 Skaha Lake Master Plan

The Director of Development Services provided an overview of Skaha Lake Park, including the scope and deliverables. The Manager of Special Projects will be the project manager to steer this master plan. To create the master plan, all potential stakeholders must be included and they were discussed. Ones to potentially add are: Penticton racing canoe club, kite surfers, wind surfers, stand up paddle boarding, Travel Penticton, Okanagan Nation Alliance, and dog owners. If there are any more that had been missed, they are to be brought forward to the next meeting.

A site visit will be scheduled in early April to walk around Skaha Lake.

Ben Johnson left the meeting at 3:28 p.m.

6. **Council Outcome:**

Council received the minutes of the February 14, 2019 at their meeting held on March 5, 2019.

7. **Next Meeting:**

The next Parks and Recreation Advisory Committee Meeting is scheduled for Thursday, April 11, 2019 at 3:00 p.m.

8. **Adjournment:**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adjourn the meeting held on Thursday March 14, 2019 at 3:46 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Caitlyn Anderson  
Deputy Corporate Officer

**Parcel Tax Roll Review Panel**  
held at City of Penticton Council Chambers  
171 Main Street, Penticton, B.C.

**Tuesday, April 9, 2019**  
**at 1:00 p.m.**

**Present:** Councillor Regehr  
Councillor Watt  
Councillor Bloomfield

**Staff:** Amber Coates, Revenue Supervisor (Collector)  
Angie Collison, Corporate Officer  
Caitlyn Anderson, Deputy Corporate Officer

**1. Call to order**

The Parcel Tax Roll Review Panel meeting was called to order at 1:01 p.m.

**2. Appointment of Chair**

**It was MOVED and SECONDED**

THAT the panel appoint Councillor Regehr as chair of the Parcel Tax Roll Review Panel meeting.

**CARRIED UNANIMOUSLY**

**3. Parcel Tax Roll for "300 Block – Main Street Local Area Service Bylaw No 2017-62"**

**It was MOVED and SECONDED**

THAT the Parcel Tax Roll Review Panel confirm and authenticate the Parcel Tax Roll for the "300 Block – Main Street Local Area Service Bylaw No. 2017-62" by signing the Certificate attached to the this report.

**CARRIED UNANIMOUSLY**

**4. Adjournment**

The Parcel Tax Roll Review Panel meeting adjourned at 1:06 p.m.

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
Frank Regehr  
Chair



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

## Certificate of Parcel Tax Roll Authentication for

### **"300 Block – Main Street Local Area Service Bylaw No. 2017-62"**

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Pursuant to section 206 of the *Community Charter*, the Parcel Tax Roll in the form attached hereto for "300 Block – Main Street Local Area Service Bylaw No. 2017-62" is hereby confirmed and authenticated by the Parcel Tax Roll Review Panel of the City of Penticton.

Confirmed and authenticated by the Parcel Tax Roll Review Panel of the Corporation of the City of Penticton, BC

DATED this 9<sup>th</sup> day of April, 2019.

A handwritten signature in black ink, appearing to read "F. Regehr".

\_\_\_\_\_  
Councillor Frank Regehr

A handwritten signature in black ink, appearing to read "C. Watt".

\_\_\_\_\_  
Councillor Campbell Watt

A handwritten signature in black ink, appearing to read "J. Bloomfield".

\_\_\_\_\_  
Councillor Julius Bloomfield

### 300 Main Street Revitalization Project Parcel Tax Roll

Folio	House	Street	Frontage (metres)	Total Parcel Tax (without interest)	Total Per Year for 20 Years (inc. interest)
04932-010	399	MAIN ST	46.529	\$28,328.61	\$2,301.41
04938-000	363	MAIN ST	9.144	\$5,567.21	\$452.28
04939-000	359	MAIN ST	9.144	\$5,567.21	\$452.28
04940-000	357	MAIN ST	9.144	\$5,567.21	\$452.28
04941-000	353	MAIN ST	9.144	\$5,567.21	\$452.28
04942-010	347	MAIN ST	9.144	\$5,567.21	\$452.28
04943-000	341	MAIN ST	9.144	\$5,567.21	\$452.28
04944-000	333	MAIN ST	18.288	\$11,134.42	\$904.56
04946-000	329	MAIN ST	9.144	\$5,567.21	\$452.28
04947-000	325	MAIN ST	9.144	\$5,567.21	\$452.28
04949-000	317	MAIN ST	18.288	\$11,134.42	\$904.56
04950-000	309	MAIN ST	9.144	\$5,567.21	\$452.28
04953-000	301	MAIN ST	27.432	\$16,701.63	\$1,356.84
04954-000	302	MAIN ST	18.288	\$11,134.42	\$904.56
04956-000	310	MAIN ST	9.144	\$5,567.21	\$452.28
04957-000	314	MAIN ST	9.144	\$5,567.21	\$452.28
04958-000	318	MAIN ST	9.144	\$5,567.21	\$452.28
04959-000	322	MAIN ST	9.144	\$5,567.21	\$452.28
04960-000	326	MAIN ST	9.144	\$5,567.21	\$452.28
04961-000	330	MAIN ST	9.144	\$5,567.21	\$452.28
04962-000	334	MAIN ST	9.144	\$5,567.21	\$452.28
04963-000	340	MAIN ST	9.144	\$5,567.21	\$452.28
04965-000	342	MAIN ST	18.244	\$11,107.63	\$902.38
04966-000	350	MAIN ST	9.144	\$5,567.21	\$452.28
04968-000	354	MAIN ST	18.288	\$11,134.42	\$904.56
04969-000	362	MAIN ST	7.166	\$4,362.93	\$354.44
04970-000	366	MAIN ST	9.159	\$5,576.34	\$453.02
04971-000	370	MAIN ST	9.235	\$5,622.62	\$456.78
04972-000	374	MAIN ST	9.129	\$5,558.08	\$451.54
04974-100	390	MAIN ST	18.065	\$10,998.65	\$893.53
<b>TOTAL ( 30 )</b>			<b>382.703</b>	<b>\$233,004.00</b>	<b>\$18,929.22</b>



Office of the Mayor

April 5, 2019

Member Municipalities  
c/o Union of BC Municipalities  
Suite 60 - 10551 Shellbridge Way  
Richmond, BC V6X 2W9

Dear UBCM Member Municipalities:

*I am writing on behalf of Maple Ridge City Council to inform you of recent action taken by the Province of British Columbia that undermines the authority granted to municipal governments, and request that you pass a resolution to be forwarded to Premier Horgan and the Union of BC Municipalities (UBCM) expressing concern for the impact this action has on the roles defined for local government within the Community Charter (CC) and the Local Government Act (LGA).*

By way of background, I share with you the recent experience of the City of Maple Ridge, where on two separate occasions, we have been subjected to the Province's unilateral action to bypass local government autonomy and public process, inconsistent with our local zoning.

In May 2018, the Province of BC made application to the City of Maple Ridge to rezone provincially-owned properties on 11749 & 11761 Burnett Street (as referenced in [Item 1108 of the May 22, 2019 Council Meeting Report](#)) to build purpose built supportive housing. Citizens attended a public meeting hosted by local MLAs and presented a 10,000 name petition against this application citing several considerations that made the site unsuitable including its proximity to a daycare, two schools, a seniors centre, and that the proposed model itself was inadequate to meet the complex mental health and addiction support services required, particularly persons coming from a camp environment. Following the public process, the City rejected the application. The Provincial Government responded to this decision by taking unilateral action to install housing through the Rapid Response to Homelessness (RRH) program on a nearby provincially-owned site on Royal Crescent, next to senior and low income housing, without any local consultation citing emergency measures were needed to ensure camp closure, which did not happen.

Since this Council took office in November 2018, we have taken swift and deliberate steps to address mental health and housing problems in our community, especially with regard to the ongoing presence of the St. Anne Camp that was first established in May 2017. We have endeavored to open positive channels of communication with the Province of BC to deliver a workable plan that addresses immediate and long term housing needs in our community, while respecting the views that have been clearly stated by local citizens. This began with post-election meetings in October 2018 with our local MP, MLAs, Fraser Health Authority, BC Housing and related non-profit service providers followed by Council's development of a Strategic Plan which includes direction to establish a Community Safety Plan as a major tenet of this work. These steps have been followed up most recently with a meeting in Victoria on February 25, 2019 with Ministers we felt needed to be present to assist us in our plan, that being Ministers of Health, Mental Health and Addictions, Poverty and Housing to discuss a broad range of problems including housing affordability, delivery of addiction and mental health services, community safety, and how we can move forward on these matters in Maple Ridge.

/2

City of Maple Ridge

11995 Haney Place, Maple Ridge, British Columbia V2X 6A9 CANADA

Telephone: 604-463-5221 • Fax: 604-467-7329 • Email: [enquiries@mapleridge.ca](mailto:enquiries@mapleridge.ca) • [www.mapleridge.ca](http://www.mapleridge.ca)

UBCM Member Municipalities  
April 5, 2019  
Page 2

On Monday, March 4, just one week after that meeting, I received a phone call from the Housing Minister demanding that the City deliver a "Social Housing Plan" within five days to address short and long term needs, including providing immediate housing to facilitate the closure of the St. Anne Camp. Council immediately passed a resolution and then delivered on this request in seven days, with all related resolutions from Council to demonstrate our willingness and commitment to collaborate for a mutually beneficial outcome. The Plan was immediately rejected by the Province. The Province cited the unsuitability of the City's chosen property, despite City staff's assessment that the site could accommodate immediate housing needs to achieve camp closure. One week later, Minister Robinson announced publicly that RRH housing would be installed on Burnett Street, at the same location local residents and the previous Council had already rejected through the usual local application process.

Maple Ridge Council is gravely concerned by this second instance of the Provincial Government overriding local autonomy. The initial 53 housing units installed on Royal Crescent did not end the St. Anne Camp as promised by the Province, with units populated by both camp residents and other homeless individuals identified by BC Housing as a regional housing provider. In five months' time, the facility has experienced two deaths, and seen few moving forward as evidenced by statistics provided by the operator. Increasing crime at this location, the St. Anne Camp, and all other low barrier facilities in Maple Ridge indicates that the chosen model is not suitable to help people in a very serious state of poor mental health often coupled with significant substance misuse problems. Moreover, we have seen that other communities working to address closure of camps experienced similar results (e.g. Nanaimo, Victoria, Surrey and now Maple Ridge).

The emphasis that has been placed on low barrier housing in Maple Ridge, which includes approximately 950 rental supplements for untreated persons mostly suffering from substance misuse and mental health problems, has eliminated most of our affordable housing stock that is critical for people on low income, veterans, seniors, single parents and persons with disabilities. Furthermore, ongoing criminal activity has overtaxed all front line resources. These are real and significant local concerns that have been swept aside by the Province's action.

What our community needs is a comprehensive health care facility focusing on mental and physical health, addictions recovery, and services to move people forward to a better place in their lives. We asked for this as part of our Social Housing Plan to the Province, a Plan which recognizes that local governments' role is to make decisions in the best interest of local residents. By acting unilaterally, the Province has imposed regional priorities at the expense of Maple Ridge citizens, and taken away our Council's ability to represent the best interests of our community.

We therefore ask you, our fellow local governments, to consider the ramifications of this unilateral action by the Province of BC to overrule municipal land use regulations and dispense with public consultation and collaboration with local government. In our view, it sets a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia, and could have repercussions for a wide range of sensitive matters that municipalities might consider, such as a waste incineration plant, a prison, a communication tower, etc. For projects such as these, it is particularly important that senior government initiatives go through proper process including site assessment and suitability evaluation, and for the Province of BC to respect the authority that has been granted to local governments to carry out due public process and represent the best interests of their communities in order to ensure approval.

UBCM Member Municipalities

April 5, 2019

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We appreciate that initiatives such as the RRH program may or may not be suitable in your community. Local government holds the authority and responsibility of making the right decisions based on a balance of all interests and weighing local and regional needs, while working with our senior government partners.

*Enclosed you will find a proposed resolution that is strictly about the importance of local government autonomy. We ask that you consider passing this resolution and forward a copy to Premier Horgan and the UBCM to let them know that local governments require the Province of BC to respect local democracy and work collaboratively with us to move forward on projects and programs of mutual concern that balance the interests of all BC residents.*

Thank you for your consideration of this important matter.

Yours sincerely,



Michael Morden  
Mayor

Attach: Sample Resolution  
Sample Letter to Premier Horgan

cc: Maple Ridge Council

Sample Resolution

WHEREAS the *Community Charter*<sup>1</sup> acknowledges that municipalities and their Councils are “democratically elected, autonomous, responsible and accountable”; require the authority to determine the public interest of their communities; and the *Local Government Act*<sup>2</sup> grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;

THEREFORE BE IT RESOLVED that [*Enter Municipality*] urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

<sup>1</sup>*Community Charter*, SBC 2003, c.26, part 1

<sup>2</sup>*Local Government Act*, RSBC 2015, c.1, part 1

[Enter Date]

Premier Horgan  
West Annex Parliament Buildings  
Victoria, BC V8V 1X4

Dear Premier Horgan:

Due to our concern over recent action taken by the Ministry of Municipal Affairs & Housing to undermine jurisdiction granted to municipal governments, the Council of [Enter Municipality] endorsed the following resolution on [Enter Date]:

WHEREAS the *Community Charter* acknowledges that municipalities and their Councils are “democratically elected, autonomous, responsible and accountable”; require the authority to determine the public interest of their communities; and the *Local Government Act* grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;

THEREFORE BE IT RESOLVED that [Enter Municipality] urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

We therefore urge the Government of BC to respect local government autonomy and engage in collaborative consultation with municipalities and constituents on any land use or other matters of concern to the Provincial Government.

Yours sincerely,

[Signatory]

# Council Report

penticton.ca

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Amber Coates, Revenue Supervisor  
**Subject:** **Tax Rates Bylaw No. 2019-11**

File No: 1970-02

## Staff Recommendation

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2019-11", a bylaw that establishes property taxation rates for the 2019 tax year.

## Background

Pursuant to Section 197 of the *Community Charter*, annual property tax rates must be adopted by Bylaw prior to May 15. The property tax rates are prepared after the adoption of the City's Financial Plan.

During 2019 Budget deliberations, Council approved a 3.60% General Municipal levy increase net of non-market changes, from the 2018 Financial Plan Schedule B amount of \$31,540,871 with Resolution 128/2019. This increase can be broken down to:

- 2.00% Inflation; and
- 1.60% General Increase.

At the April 17, 2018 Regular Council Meeting, Council passed Resolution 159/2018 approving the City of Penticton Property Taxation Distribution Policy. The policy adopts the **revenue neutral approach** to be followed in property tax rate setting for the General Municipal Levy. The revenue neutral approach is used to maintain the same level of revenue in each class before considering non-market change. This approach prevents against shifts in the tax burden between classes and also ensures any tax increases will be consistent across classes. This approach works best in dynamic market conditions such as those currently experienced by the City.

Rates for the Regional District Okanagan-Similkameen (RDOS) and the Okanagan-Similkameen Regional Hospital District (OSRHD) are set with the City of Penticton Tax Rate Bylaw as well. RDOS and OSRHD remit an annual levy requisition to the City and rates are calculated using provincial ratios and the hospital purposes taxable assessment base. Programs funded through the RDOS levy include:

- General Government
- Invasive Species, Destruction of Pests and Environmental Conservation
- Illegal Dumping and Solid Waste Management Plan
- Regional Trails, Regional Growth Strategy, and Heritage – Sub Regional
- Regional Transit and Economic Development

- Okanagan Basin Water Board
- Nuisance Control
- Emergency Planning
- Sterile Insect Release Program
- 911 Emergency Call System and Mosquito Control Program

The City also collects on behalf of BC Assessment, the Municipal Finance Authority, and School District 67. These do not require rates set by City bylaw as these taxing authorities set their rates through their own Bylaws, Resolutions, and Orders in Council. The overviews for typical properties contained in this report do not include levies for these taxing authorities as they are not available at the time of this report writing.

Monies collected on behalf of these agencies are in turn remitted back to the taxing authorities annually.

### Analysis

The 2019 Revised Assessment Roll has been received from BC Assessment which contains decisions made by the Property Assessment Review Panel (PARP) as a result of assessment notice appeals, and any other corrections to the roll deemed necessary by BC Assessment. The Revised Roll captures both market and non-market changes. The Revised Roll indicates that of the total increase in assessment of \$739,587,656 an estimated 2.76% or \$204,462,052 of the change in taxable assessment is the result of non-market change. Non-market change is generally defined as new construction or demolitions.

#### **2019 Summary of Non-Market Change**

<b>2019 NMC *Revised Roll</b>	<b>2019 NMC Assessment Distribution</b>	<b>2019 Taxable Assessment Values</b>	<b>NMC New Revenue (Realized)</b>
01 - Residential	96.85%	\$198,026,400	\$731,287
02 - Utilities	0.00%	-\$10,100	-\$286
05 - Light Industry	2.71%	\$5,531,300	\$36,625
06 - Business & Other	1.69%	\$3,452,648	\$23,205
08 - Rec/Non Profit	-1.17%	-\$2,387,300	-\$12,337
09 - Farm	-0.07%	-\$150,896	-\$2,003
<b>Total</b>	<b>100.00%</b>	<b>\$204,462,052</b>	<b>\$776,492</b>

At the conclusion of the 2019 budget deliberations, Council passed Resolution 133/2019 directing Staff to adjust the Business class ratio to 1.82, with the intention of increasing to 2.00 by the 2021 tax year. Historically there has been direction to tie the Business class with the Light Industry class; however, when reviewing the 2019 values it was determined Light Industry would see a significantly larger typical increase than the Business class. In order to maintain equity between the commercial classes, Staff has developed a rate and ratio for the Light Industry class that matches the typical percentage increase instead of matching the ratio.

The property class for Utilities is capped at a maximum rate of 40.0000, and at 28.2946 the City of Penticton remains significantly below the prescribed maximum. This property class includes properties used for telecommunications, gas distribution systems, and electrical power systems.

### 2019 Summary of Property Assessment, Taxation, Rates and Ratios

Property Class	2019 Municipal Rates	2019 Municipal Ratios	2019 General Municipal Revised Roll	2019 Taxable Assessment Distribution	2019 Municipal Tax Levy	2019 Tax Burden Distribution
1 Residential	3.6929	1.00	\$6,666,350,914	84.58%	\$24,618,005	74.16%
2 Utilities	28.2946	7.66	\$18,991,238	0.24%	\$537,349	1.62%
3 Supportive Housing	3.6929	1.00	\$10	0.00%	\$0	0.00%
5 Light Industry	6.6215	1.79	\$107,813,600	1.37%	\$713,884	2.15%
6 Business & Other	6.7210	1.82	\$1,073,399,295	13.62%	\$7,214,353	21.73%
8 Recreation/Non-Profit	5.1678	1.40	\$10,887,000	0.14%	\$56,262	0.17%
9 Farm	13.2720	3.59	\$4,335,629	0.06%	\$57,542	0.17%
<b>Total:</b>			<b>\$7,881,777,686</b>	<b>100.00%</b>	<b>\$33,197,396</b>	<b>100.00%</b>

New growth and increasing assessments in the Residential class continue to outpace that in the other property classes. Multi-year comparisons of how the City of Penticton's assessment and tax distributions have changed year to year are available in Attachment D.

The Business ratio continues to remain both below the supported Canadian Federation of Independent Business ratio of no more than 2.00, as well as lower than all but one of those in the region.

Municipality	Business Multiplier
Vernon (2018)	2.85
<b>Provincial Average (2018)</b>	<b>2.73</b>
Kelowna (2018)	2.38
West Kelowna (2018)	2.33
<b>Comparison Average (2018)</b>	<b>2.28</b>
Summerland (2018)	2.25
<b>Penticton (2019)</b>	<b>1.82</b>
Osoyoos (2018)	1.60

The typical Business property is summarized in the following table.

Typical Business Property	2018	2019	% Change	\$ Change
<i>Taxable Assessment</i>	\$1,132,663	\$1,175,766	3.81%	\$43,103
<i>Municipal Rate</i>	6.5324	6.7210	2.89%	
<b>Typical municipal business levy</b>	<b>\$7,399</b>	<b>\$7,902</b>	<b>6.80%</b>	<b>\$503</b>
<i>Taxes for Other Governments</i>				
RDOS - General	\$429	\$435	1.44%	\$6
RDOS - SIR	\$117	\$108	-7.85%	-\$9
RDOS - 911 & Mosquito	\$180	\$208	15.34%	\$28
Regional Hospital	\$787	\$762	-3.12%	-\$25
<b>Overall Gen. Mun. &amp; RDOS Change:</b>	<b>\$8,912</b>	<b>\$9,415</b>	<b>5.65%</b>	<b>\$503</b>

In reviewing our Residential competitiveness, data is available through information collected by the Province of BC to compare Total Taxes and Charges for typical residential properties. This would mean a reasonably holistic overview of the cost to residential properties in that charges for the municipality taxes, the taxes for other governments, parcel taxes, and charges for city services, etc. are included. In 2018, using the same comparator regional municipalities as for business, residential costs show Penticton as second lowest in the region.

Municipality	2018 Total Residential Taxes & Charges
West Kelowna	\$5,124
Summerland	\$4,388
Kelowna	\$4,339
Vernon	\$4,044
<b>Penticton</b>	<b>\$3,944</b>
Osoyoos	\$3,062

The typical Residential property is summarized in the following table.

Typical Residential Property	2018	2019	% Change	\$ Change
<i>Taxable Assessment</i>	\$417,387	\$451,446	8.16%	\$34,059
<i>Municipal Rate</i>	3.9255	3.6929	-5.93%	
<b>Typical municipal residential levy</b>	<b>\$1,638</b>	<b>\$1,667</b>	<b>1.78%</b>	<b>\$29</b>
<i>Taxes for Other Governments</i>				
RDOS - General	\$58	\$68	17.59%	\$10
RDOS - SIR	\$16	\$17	5.60%	\$1
RDOS - 911 & Mosquito	\$24	\$33	35.57%	\$9
Regional Hospital	\$107	\$119	11.67%	\$12
<b>Overall Gen. Mun. &amp; RDOS Change:</b>	<b>\$1,843</b>	<b>\$1,904</b>	<b>3.30%</b>	<b>\$61</b>

The taxable assessed value for 2019 typical properties is calculated by removing the 2019 non-market change for new properties and comparing only the value of properties that existed both in 2018 and 2019 with no significant changes (for example, building a new garage). This approach provides the closest true comparison available for a property owner year over year. Detailed information regarding this calculation for all property classes is available towards the end of Attachment B, 2019 General Municipal Rate Calculations.

**Attachments**

Attachment A – Tax Rates Bylaw No. 2019-11

Attachment B – 2019 General Municipal Rate Calculations

Attachment C – 2019 Regional District Okanagan-Similkameen Budget Requisition

Attachment D – Assessment and Tax Distribution Comparisons

Respectfully submitted,

Amber Coates  
Revenue Supervisor

Approvals

Chief Financial Officer  <i>LWB</i>	Chief Administrative Officer  <b>DyD</b>
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**The Corporation of the City of Penticton**

**Bylaw No. 2019-11**

*A Bylaw for the levying of property tax rates for the year 2019*

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

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

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

1. This Bylaw may be cited for all purposes as "Tax Rates Bylaw No. 2019-11".
2. The following rates are hereby imposed and levied for the year 2019.
  - 2.1 For lawful general purposes of the municipality on the value of land and improvements taxable for general Municipal purposes, rates appearing on Column "A" of the Schedule 'A' attached hereto and forming part hereof;
  - 2.2 For hospital purposes on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "B" of the Schedule 'A' attached hereto and forming a part hereof;
  - 2.3 For purposes of the Regional District of Okanagan-Similkameen on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "C" of the Schedule 'A' attached hereto and forming a part hereof;
  - 2.4 For purposes of the Regional District of Okanagan-Similkameen 9-1-1 Emergency Telephone Service and Mosquito Control, on the assessed value of improvements taxable for Regional Hospital District purposes, rates appearing in Column "D" of the Schedule 'A' attached and forming a part thereof;
  - 2.5 For purposes of Regional District of Okanagan-Similkameen Sterile Insect Release Program, on the assessed value of land taxable for Regional Hospital District purposes, rates appearing in Column "E" of the Schedule 'A' attached and forming a part hereof.

3. There shall be added to the current year's taxes unpaid on each parcel of land and improvements upon the Collector's Roll the 1<sup>st</sup> day of August, 2019, ten percent (10%) of the amount thereof, which shall from the 1<sup>st</sup> day of August, 2019, be deemed to be the amount of the current year's taxes unpaid upon such lands and improvements and the date upon which such percentage shall be added as provided by the said *Community Charter* shall be and the same is hereby set accordingly.

READ A FIRST time this                      day of                      , 2019

READ A SECOND time this                      day of                      , 2019

READ A THIRD time this                      day of                      , 2019

ADOPTED this                      day of                      , 2019

\_\_\_\_\_  
John Vassilaki, Mayor

\_\_\_\_\_  
Angie Collison, Corporate Officer

# The Corporation of The City of Penticton

## Schedule 'A'

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

2019	A	B	C	D	E
Property Class	General Municipal	Regional Hospital District	RDOS	RDOS 911 Emergency Telephone Service & Mosquito Control	RDOS Sterile Insect Release Program
1 Residential	3.6929	0.2647	0.1511	0.0721	0.0374
2 Utilities	28.2946	0.9264	0.5287	0.2523	0.1310
3 Supportive Housing	3.6929	0.2647	0.1511	0.0721	0.0374
4 Major Industry	6.6215	0.8999	0.5136	0.2450	0.1273
5 Light Industry	6.6215	0.8999	0.5136	0.2450	0.1273
6 Business & Other	6.7210	0.6485	0.3701	0.1766	0.0917
7 Managed Forest Land	6.7210	0.7940	0.4532	0.2162	0.1123
8 Recreation/Non-Profit	5.1678	0.2647	0.1511	0.0721	0.0374
9 Farm	13.2720	0.2647	0.1511	0.0721	0.0374

2019 NET TAXABLE *Revised Roll	2019 Assessment Distribution	Land	Improvements	Total
01 - Residential	84.58%	\$3,221,993,414	\$3,444,357,500	\$6,666,350,914
02 - Utilities	0.24%	\$6,535,538	\$12,455,700	\$18,991,238
03 - Supportive Housing	0.00%	\$5	\$5	\$10
04 - Major Industry	0.00%	\$0	\$0	\$0
05 - Light Industry	1.37%	\$50,538,200	\$57,275,400	\$107,813,600
06 - Business & Other	13.62%	\$544,628,105	\$528,771,190	\$1,073,399,295
07 - Managed Forest	0.00%	\$0	\$0	\$0
08 - Rec/Non Profit	0.14%	\$10,887,000	\$0	\$10,887,000
09 - Farm	0.06%	\$4,335,629	\$0	\$4,335,629
<b>Total</b>	<b>100.00%</b>	<b>\$3,838,917,891</b>	<b>\$4,042,859,795</b>	<b>\$7,881,777,686</b>

2019 NMC *Revised Roll	2019 NMC Assessment Distribution	Land	Improvements	Total	NMC New Revenue (Realized)
01 - Residential	96.85%	\$58,933,200	\$139,093,200	\$198,026,400	\$731,287
02 - Utilities	0.00%	-\$10,200	\$100	-\$10,100	-\$286
03 - Supportive Housing	0.00%	\$0	\$0	\$0	\$0
04 - Major Industry	0.00%	\$0	\$0	\$0	\$0
05 - Light Industry	2.71%	\$531,400	\$4,999,900	\$5,531,300	\$36,625
06 - Business & Other	1.69%	-\$2,386,196	\$5,838,844	\$3,452,648	\$23,205
07 - Managed Forest	0.00%	\$0	\$0	\$0	\$0
08 - Rec/Non Profit	-1.17%	-\$2,232,600	-\$154,700	-\$2,387,300	-\$12,337
09 - Farm	-0.07%	-\$150,896	\$0	-\$150,896	-\$2,003
<b>Total</b>	<b>100.00%</b>	<b>\$54,684,708</b>	<b>\$149,777,344</b>	<b>\$204,462,052</b>	<b>\$776,492</b>

Property Class	Prior Year Revised Roll	Current Year Revised Roll (Net of NMC)	Prior Year Tax Rates	Prior Year Tax Levy	Current Year Revenue Neutral Rates	Revenue Neutral Ratios
01 - Residential	\$5,980,324,277	\$6,468,324,514	3.9255	\$23,475,763	3.6293	1.00
02 - Utilities	\$18,035,031	\$19,001,338	28.7747	\$518,953	27.3114	7.53
03 - Supportive Housing	\$10	\$10	3.9255	\$0	3.9255	1.00
04 - Major Industry	\$0	\$0	6.5551	\$0	6.1997	1.71
05 - Light Industry	\$96,736,800	\$102,282,300	6.5551	\$634,119	6.1997	1.71
06 - Business & Other	\$1,030,723,287	\$1,069,946,647	6.5324	\$6,733,097	6.2929	1.73
07 - Managed Forest	\$0	\$0	6.5324	\$0	6.2929	1.73
08 - Rec/Non Profit	\$11,885,000	\$13,274,300	5.5713	\$66,215	4.9882	1.37
09 - Farm	\$4,485,625	\$4,486,525	12.8080	\$57,452	12.8054	3.53
<b>Total</b>	<b>\$7,142,190,030</b>	<b>\$7,677,315,634</b>		<b>\$31,485,599</b>		

133/2019

1.82

Current Year Tax Increase	3.60%	Prior Year Schedule B Budget	\$31,540,871.00
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Property Class	Current Year Revised Roll (Net of NMC)	Prior Year Tax Levy plus Budget Increase less Ratio Shift (6-1)	Current Year Rates	Current Year Ratios	Current Year Revised Roll	Current Year Tax Levy	Tax Burden	Assessment Distribution
01 - Residential	\$6,468,324,514	\$23,886,718	3.6929	1.00	\$6,666,350,914	\$24,618,005	74.16%	84.58%
02 - Utilities	\$19,001,338	\$537,635	28.2946	7.66	\$18,991,238	\$537,349	25.84%	15.42%
03 - Supportive Housing	\$10	\$0	3.6929	1.00	\$10	\$0		
04 - Major Industry	\$0	\$0	6.6215	1.79	\$0	\$0		
05 - Light Industry	\$102,282,300	\$677,259	6.6215	1.79	\$107,813,600	\$713,884		
06 - Business & Other	\$1,069,946,647	\$6,975,488	6.7210	1.82	\$1,073,399,295	\$7,214,353		
07 - Managed Forest	\$0	\$0	6.7210	1.82	\$0	\$0		
08 - Rec/Non Profit	\$13,274,300	\$68,599	5.1678	1.40	\$10,887,000	\$56,262		
09 - Farm	\$4,486,525	\$59,545	13.2720	3.59	\$4,335,629	\$57,542		
<b>Total</b>	<b>\$7,677,315,634</b>	<b>\$32,205,244</b>			<b>\$7,881,777,686</b>	<b>\$33,197,396</b>		

Schedule B Budget	\$33,197,395
Difference	\$1

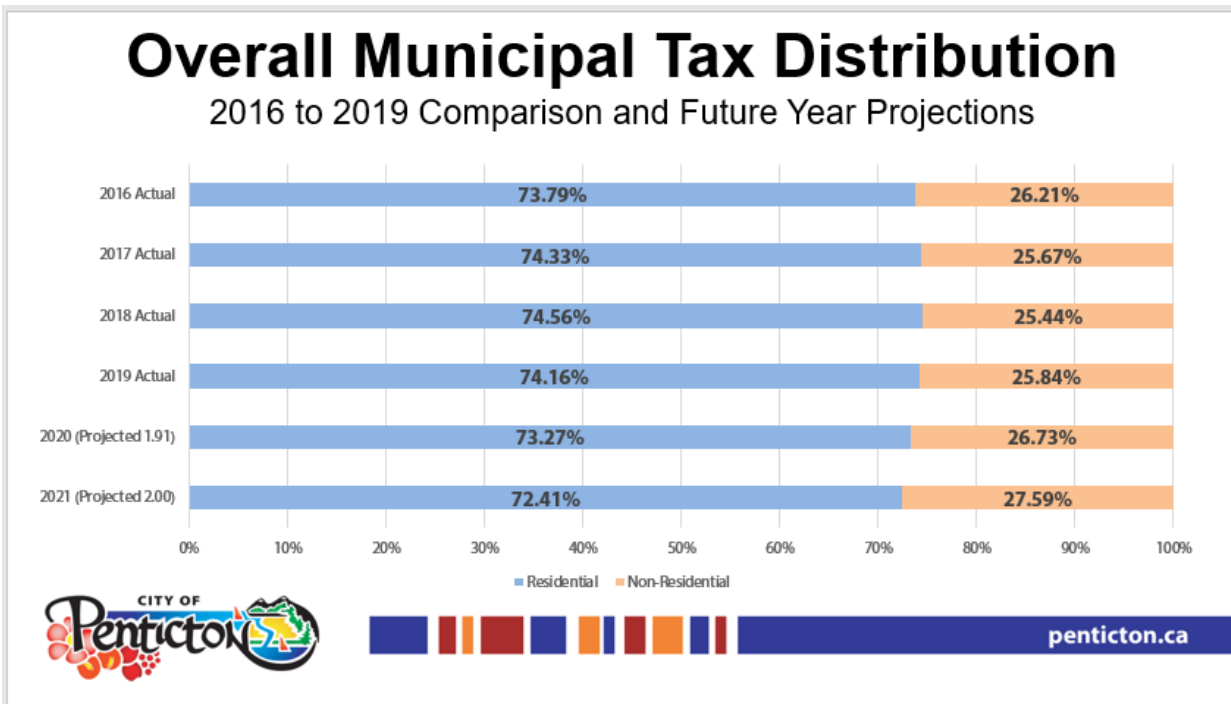
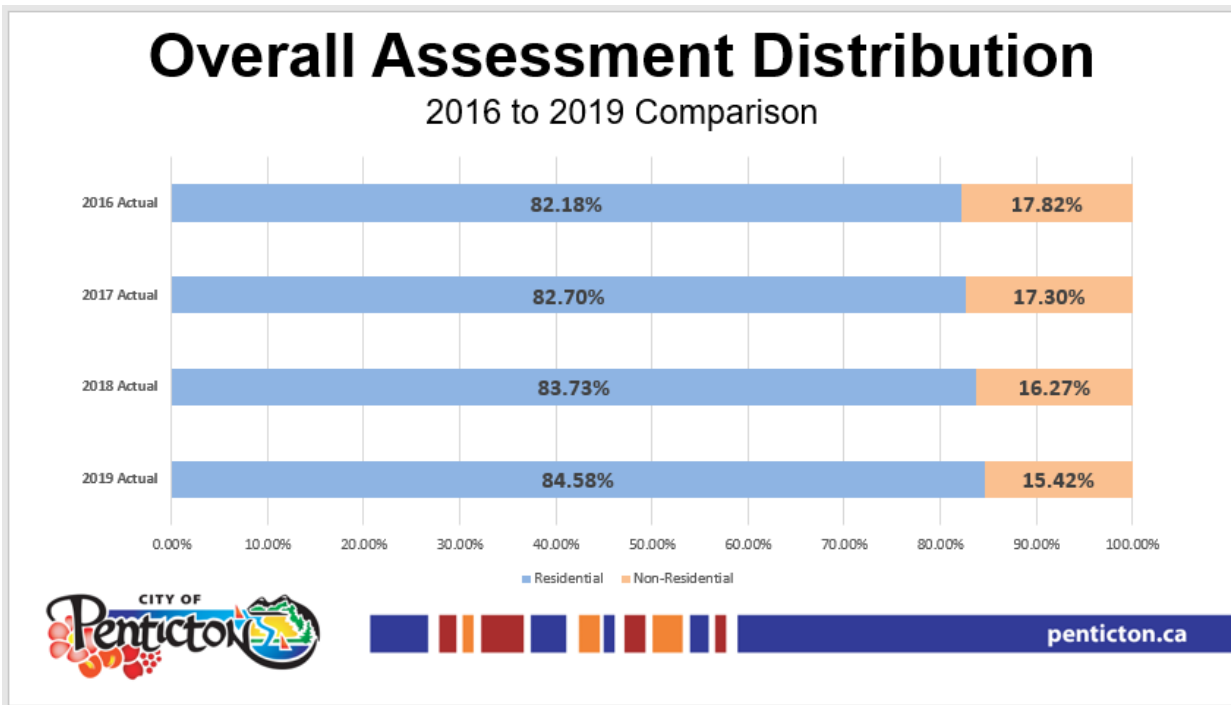
Prior Year Occurrences	Prior Year Average Assessment	Prior Year Typical General Municipal Tax	Current Year Typical Assessment (Net of NMC)	Current Year Typical General Municipal Tax	Current Year Typical Increase (%)	Current Year Typical Increase (\$)
14,328	\$417,387	\$1,638	\$451,446.43	\$1,667	1.78%	\$29
30	\$601,168	\$17,298	\$633,377.93	\$17,921	3.60%	\$623
5	\$2	\$0	\$2.00	\$0	0.00%	\$0
0	\$0	\$0	\$0.00	\$0	0.00%	\$0
85	\$1,138,080	\$7,460	\$1,203,321.18	\$7,968	6.81%	\$508
910	\$1,132,663	\$7,399	\$1,175,765.55	\$7,902	6.80%	\$503
0	\$0	\$0	\$0.00	\$0	0.00%	\$0
17	\$699,118	\$3,895	\$780,841.18	\$4,035	3.60%	\$140
275	\$16,311	\$209	\$16,314.64	\$217	3.60%	\$8

Current Year Occurrences	Current Year Average Assessment (incl NMC)	Current Year Average General Municipal Tax	Current Year Average Increase
15,035	\$443,388.82	\$1,637	-0.04%
38	\$499,769.42	\$14,141	-18.25%
6	\$1.67	\$0	0.00%
0	\$0.00	\$0	0.00%
90	\$1,197,928.89	\$7,932	6.33%
1,172	\$915,869.71	\$6,156	-16.81%
0	\$0.00	\$0	0.00%
15	\$725,800.00	\$3,751	-3.70%
264	\$16,422.84	\$218	4.29%

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN  
2019 Budget Comparative Requisition**

<u>CITY OF PENTICTON</u>	<u>2019</u>	<u>2018</u>	<u>NET CHANGE</u>	<u>% CHANGE</u>
<b><u>Participating Directors determine budget by weighted vote</u></b>				
911 EMERGENCY CALL SYSTEM	\$ 373,234	\$ 357,654	\$ 15,580	
DESTRUCTION OF PESTS	2,189	-	2,189	
EMERGENCY PLANNING	124,747	92,493	32,254	
ENVIRONMENTAL CONSERVATION	227,885	227,486	399	
GENERAL GOVERNMENT	554,565	492,900	61,665	
HERITAGE (Subregional)	5,922	8,144	(2,222)	
ILLEGAL DUMPING	14,243	12,910	1,333	
MOSQUITO CONTROL	2,108	3,172	(1,064)	
INVASIVE SPECIES (formerly noxious weeds)	20,712	18,981	1,731	
NUISANCE CONTROL	10,560	10,333	227	
REGIONAL ECONOMIC DEVELOPMENT (OK FILM COMM)	14,494	14,466	28	
REGIONAL GROWTH STRATEGY - SUB-REGIONAL	8,316	5,698	2,618	
REGIONAL TRAILS	105,423	107,647	(2,224)	
REGIONAL TRANSIT	20,526	-	20,526	
SOLID WASTE MANAGEMENT PLAN	73,586	60,332	13,254	
<b>Subtotal</b>	<b>1,558,510</b>	<b>1,412,216</b>	<b>146,294</b>	<b>10.36%</b>
<b><u>Requisitions from Other Multi-Regional Boards</u></b>				
OKANAGAN BASIN WATER BOARD	321,255	313,062	8,193	
S.I.R. PROGRAM	177,787	177,825	(38)	
<b>Subtotal</b>	<b>499,042</b>	<b>490,887</b>	<b>8,155</b>	<b>1.66%</b>
<b>TOTAL</b>	<b>\$ 2,057,552</b>	<b>\$ 1,903,103</b>	<b>\$ 154,449</b>	<b>8.12%</b>
<b>Average Res Tax Rate/\$1000</b>	<b>\$ 0.22</b>	<b>\$ 0.22</b>	<b>\$ (0.00)</b>	
<b>Average Taxes per Res Property</b>	<b>\$ 100.99</b>	<b>\$ 92.79</b>	<b>\$ 8.20</b>	
MUNICIPAL DEBT REPAYMENT	\$ 4,270,917	\$ 5,830,290		
PARCEL TAX: STERILE INSECT RELEASE	\$ 33,946	\$ 34,186	\$ (240)	
<u>Requisitions prior to 2016</u>	<u>Property Taxes</u>	<u>SIR Parcel Taxes</u>	<u>Total</u>	
2017	\$1,851,898	35,174	\$ 1,887,072	
2016	\$1,579,117	34,396	\$ 1,613,513	
2015	\$1,555,480	37,199	\$ 1,592,679	

Attachment D – Assessment and Tax Distribution Comparisons



# Council Report

penticton.ca

**Date:** April 16, 2019 File No: 1820-20  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Amber Coates, Revenue Supervisor  
**Subject:** **Billing Policy Update – Electric, Water, and Sewer Utilities**

## Staff Recommendation

THAT Council approve the amended Billing Policy, a policy that provides direction on billing practices for the electric, water, and sewer utility services.

## Background



The Billing Policy was last reviewed in October 2015 in preparation to align water consumption billing with the electric consumption billing to a monthly basis as recommended through the 2015 Utility Rate Review.

It is good governance to periodically review policies to incorporate updated information and best practices.

## Analysis

A general formatting update was applied to the policy to allow for a more simplified reference to particular sections.

As well, authority for approving alternate access to electric and water meters was updated to the Electric Utility Supervisor and/or the Water Foreman, or their designates, as applicable. Previously this authority was granted to the Revenue Supervisor. This change will ensure field staff have access to the meters in compliance with any requirements for safety or work efficiencies that may not be known to the Revenue Supervisor.

The two significant changes in the amended policy are:

1. Removal of the Bed & Breakfast Facilities section which provided direction on usage of the E15 – Special Residential Electric Bill code and owner-occupied businesses.
  - a. This definition is no longer relevant to today's wide variety of home-based businesses.
  - b. Due to the resources and time that would be required to monitor the variety of home-based businesses and identify those that may qualify for an alternate rate compared to the small

additional potential revenues the activity may generate, the City is demising the E15 – Special Residential Electric Bill code.

- 2. Addition of the Back-Billing (Under-Billing and Over-Billing) section which was lacking in the prior policy.
  - a. While many municipalities are silent on public Council-endorsed policy on this issue in relation to water and sewer billing, the City of Penticton has the additional responsibility of billing for Electric services. Both BC Hydro and FortisBC have well-developed Terms and Conditions that address this possibility as there are electrical installations that can become quite complex.
  - b. Those practices that could be identified for other utility providers were extremely diverse, unique to the circumstances and methodology of billing for water and sewer.
  - c. The Back-Billing sections for each BC Hydro and FortisBC were reviewed and incorporated to the City of Penticton Billing Policy in a manner which may be applied to all three services, as well as aligning any refund interest calculations to existing City practices.
  - d. As Electric, Water, and Sewer services are billed together on a monthly basis, it is more administratively feasible and understandable to our customers to treat any back-billing in a consistent and equal manner.
    - i. The only exception is that for the Electric Utility, there is an added layer of oversight by the Government of Canada’s Industry Canada’s Weights and Measures (commonly referred to as Measurement Canada). Any direction received by this authority would supersede City authority.

**Alternate recommendations**

- 1. THAT Council continue to endorse the Billing Policy as approved December 7, 2015 by Council Resolution 582/2015.
- 2. THAT Council provide alternate direction to Staff for amendments to the Billing Policy.




**Attachments**

- Attachment A – Amended Billing Policy
- Attachment B – BC Hydro Back-Billing Section
- Attachment C – FortisBC Back-Billing Section
- Attachment D – Current Billing Policy

Respectfully submitted,

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Amber Coates  
Revenue Supervisor

Chief Financial Officer  	General Manager Infrastructure  	Chief Administrative Officer  
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Approval date:

**Resolution No.:**

**Subject: Billing Policy**

## 1.0 Goal

The goal is to provide clarity and consistency on billing practices for the electric, water, and sewer utility services.

## 2.0 Scope

The City intends to provide for accurate and timely billing for metered and unmetered electric, water, and sewer utility services to its customers in a consistent, transparent, and sustainable manner to protect a fair collection of funds in relation to the delivery of these services to its customers.

## 3.0 Policy

### 3.1 CYCLE AND WALK SEQUENCE ASSIGNMENTS

- a. The City's method of reading and billing utility accounts is based upon a structure of two distinct cycles known as "Cycle 030" and "Cycle 060". All accounts within Cycle 030 are billed on the last working day of each month whereas accounts in Cycle 060 are billed on the 15<sup>th</sup> of each month (where the 15<sup>th</sup> falls on a weekend or holiday, billings of accounts are mailed on the preceding business day).
- b. Within each cycle, there is a further division of accounts into "routes", which serve as smaller, more manageable units of accounts. Within each route, the order of reading of meters is determined by assigning each account a five-digit sequential identifier, which simply determines in what order an account will be read within a route. The route number together with the sequential identifier is known as the "walk sequence".
- c. The initial assignment of a walk sequence, as well as any subsequent changes, is handled by the utility clerks in consultation with the meter reader and utility service persons. Any changes within a route will effect what time of the month that a metered account is read whereas changes from one cycle to another will change a customer's billing and discount dates.

- d. The organization of routes within cycles is primarily based on geographical considerations but other factors (such as any advantages from grouping types of accounts within a route, for example, City or school accounts) may also be considered.
- e. The City is unable to accommodate a customer request to have their account switched from one cycle to another because of the impact on reading efficiency.

### **3.2 ESTIMATED BILLINGS**

- a. Electric and water meters are read and billed on a monthly basis and estimates will only be used where circumstances dictate in a manner consistent with City bylaws. Any estimates used will be so identified on the bill.
- b. City bylaws empower the Collector/Revenue Supervisor to estimate electric and water consumption and, in so doing, to consider any relevant history, circumstances or factors that may affect a customer's consumption. Every reasonable effort is made to arrive at a fair estimate of consumption.
- c. The City's estimate system is designed to arrive at a reasonable estimate of consumption and is normally based on the "per diem" consumption for the account during the same period in the preceding year. Whether an estimate ends up being high or low, the customer's next billing based on an actual reading will normally correct any inaccuracies that may have resulted from the estimate.
- d. If a customer whose account has been estimated provides the City with a reliable reading that indicates the estimate used has resulted in a substantial over or under billing; the Collector/Revenue Supervisor may authorize a manual adjustment to the current billing rather than wait until the correction of any inaccuracies in the next regular billing.

### **3.3 FINAL BILLINGS**

- a. Because of the City's status as a municipal utility and the resulting liability of registered owners for all utility services supplied by the City to the serviced property, reasonable precautions are taken to limit owners' exposure to loss. As a result, the signatures of registered owners (or their agents authorized in writing) and proper identification are required to initiate or terminate services with the City.
- b. Utility accounts are normally finalized by the City upon receipt of a signed authorization from the registered owner (or their agent authorized in writing) accompanied by appropriate ID. The most common authorization is a signed application for disconnection completed at City Hall. If the customer is unable to attend City Hall in person, the application for disconnection is available on the City's public website or can be emailed or faxed to the customer. The customer can then fax or email back a signed copy of the application with a copy of their ID. Telephone notification is not acceptable because of the lack of signature.

- c. Accounts may also be finalized when a new occupant applies for service or when a registered owner certifies that an existing customer has vacated the premises. In the event of the death of a customer, the executor, administrator or trustee, or the next of kin if there is no executor, administrator or trustee, may act on behalf of the deceased customer. Satisfactory documentation may be required.
- d. When a customer's account is finalized, final readings are obtained on all electric and water metered services and the final billing is normally produced within five business days.
- e. In the case of rental properties, where owners or their agents are required by the Residential Tenancy Act to return security deposits within 15 days, owners are asked to direct their tenants to provide them with a receipted final bill as proof of payment.
- f. In accordance with Section 258 (1) & (2) of the *Community Charter*, final utility accounts that are due and payable by December 31<sup>st</sup> and remain unpaid to the City as of that date, are subject to transfer to taxes in arrears on the benefitting property effective January 1<sup>st</sup> of the following year and will be collected by the City in the same manner and with the same remedies as property taxes.

### **3.4 METER READINGS AND BILLINGS**

- a. Electric and water meters are read and billed on a monthly basis with estimates being used only where circumstances dictate and any estimates will be so identified on the bill. In addition to the regular monthly readings, actual readings will be obtained whenever a customer applies to have a service connected or disconnected in his/her name.
- b. If an accurate electric or water meter reading be unavailable due to meter failure, temporary inaccessibility or any other reason, the Collector/Revenue Supervisor may estimate consumption using the best available information.
- c. Where water service is provided without a water meter being in place, the monthly basic charge is based on the size of the service and includes a built-in allowance for consumption (un-metered rate).
- d. Access to both electric and water meters, during regular City working hours, is a requirement of service to any location. Whereas it is the City's preference to have open access to meters, circumstances exist where access must be made available through the use of LSDA (Locksmith Dealers of America) keys. In extenuating circumstances, the use of keys, padlocks or lock boxes (key vaults) may be used; such alternate access is to be reviewed with the on/off and meter reading staff and in the case of each meter is subject to the approval of the Electric Utility Supervisor and/or the Water Foreman, or their designates, as applicable. Any costs associated with alternate access are to be borne by the customer and may be debited to the next billing on the account.

- e. Customers are required to ensure that meter access is not prevented or restricted due to:
  - i. The storage of materials/vehicles,
  - ii. The growth of bushes/plants, or
  - iii. The presence of a pet in the access path to the meter (should a pet normally be contained within the access path; the customer must ensure that the pet is alternately contained for three days before & after the normal reading date).
- f. If a problem exists in regard to meter access, the customer will be requested to correct the situation within a reasonable period of time, usually 7 to 10 days. Failure to comply may result in the disconnection of utility services until such time as the access problem is resolved and a reconnection charge has been paid.
- g. A customer may request a re-read of an electric or water meter and such a request will be accommodated as soon as practicable upon payment of the required fee. If the re-read identifies a reading error on the City's part; the re-read fee will be credited back to the customer.
- h. A customer may also request a meter accuracy test with the applicable fee being refundable if the meter in question is found to be measuring outside the standard limits. A water meter test is conducted by City staff whereas an electric meter test is carried out by Measurement Canada, a division of the Government of Canada's Industry Canada's Weights and Measures.
- i. The customer must exercise all reasonable diligence to protect the City's meters, key vaults, padlocks, etc. from damage or defacement and is responsible for any costs resulting from damage, defacement or theft.

### **3.5 BACK-BILLING (UNDER-BILLING AND OVER-BILLING)**

- a. Back-billing means the re-billing for services rendered (Electric, Water, and/or Sewer services) because the original billings were discovered to be either too high (over-billed) or too low (under-billed). The discovery may be made by either the customer or the City of Penticton. The cause of the billing error may include any one or more of the following non-exhaustive reasons:
  - i. Stopped meter
  - ii. Metering equipment failure
  - iii. Missing meter now found
  - iv. Switched meters
  - v. Double metering
  - vi. Incorrect meter connections
  - vii. Incorrect use of any prescribed apparatus respecting the registration of a Meter
  - viii. Incorrect meter multiplier
  - ix. Application of an incorrect rate
  - x. Incorrect reading of meters or data processing, and
  - xi. Tampering, fraud, theft or any other criminal act.
- b. Where metering or billing errors occur, energy and/or water consumption for billing purposes will be determined based on the records of the City of Penticton or, to the extent they are available

and accurate, the records of the customer. Specifically, in regards to energy consumption for billing purposes, provisions of the *Electricity and Gas Inspection Act* (Canada) will apply.

- c. In every case of under-billing or over-billing, the cause of the error will be remedied without delay, and the customer will be promptly notified of the error and of the effect upon the customer's ongoing bill.
- d. In every case of over-billing, the City of Penticton will refund to the customer all money incorrectly collected for the duration of the error, except that if the date the error first occurred cannot be determined with reasonable certainty, the maximum refund period will (subject to paragraphs e. and f.) be two years back from the date the error was discovered. Interest will be paid to the customer on a monthly compounding basis using the monthly business prime rate less 3.00%, consistent with the City's practice for prepayment interest on property tax accounts.
  - i. The prime interest rate is the interest rate commercial banks charge their most credit-worthy business customers. It is a baseline rate upon which all floating rate loans are negotiated, and based on the overnight rate that is set by the Bank of Canada.
  - ii. In instances where changes of occupancy have occurred, the City of Penticton will make a reasonable attempt to locate the former customer.
- e. In every case of under-billing customers will be offered reasonable terms of payment for the under billed amount and all under-billed amounts will be interest-free and be billed and paid in equal installments corresponding to the normal billing cycle.
- f. In every case of under-billing that is the result of negligence or accidental damage to the meter or the metering equipment on the part of the customer or their designate, or if a reasonable customer would have cause to know they have been under-billed, the City of Penticton will back-bill the customer for the duration of the error up to a maximum of:
  - i. Six months for Residential Service; and
  - ii. One year for all other customers.
- g. In every case of under-billing that is the result of willful tampering, fraud, theft or any other criminal act on the part of the customer or their designate, the City of Penticton will back-bill for the whole period of under-billing, subject to the applicable limitation period provided by law.
  - i. In addition, the customer will be charged the applicable fee from the City of Penticton Fees & Charges bylaw for tampering, illegal connections, or any other administrative fee required to recover costs of work related to the service
- h. If a customer disputes the City's assessment of an under billed amount based on Water, Energy consumption or Demand or duration of the error, the City will not threaten or cause termination of the Water nor Electrical Service as a result of Customer's failure to pay the disputed portion of the back billing, unless there are no reasonable grounds for the Customer to dispute same. The undisputed portion of the bill will be paid by the customer and the City may cause termination of the Water or Electrical Service if such undisputed portion of the bill is not paid.

- i. Subject to paragraph 3.5 g. above, in all instances of back billing where changes of occupancy have occurred, the City will make a reasonable attempt to locate the former Customer. If, after a period of one year, such Customer cannot be located, the over or under billing applicable to that Customer will be cancelled.

**Previous revisions**

Approval Date: December 7, 2015

Council Resolution: 582/2015

Approval Date: January 21, 2013

Council Resolution: 47/2013

Approval

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**5.7 Back-Billing**

Pursuant to the *Utilities Commission Act*, this Electric Tariff constitutes the consent of the British Columbia Utilities Commission to allow BC Hydro, in the circumstances herein specified, to charge, demand, collect and receive from its Customers in respect of a regulated service rendered a greater or lesser compensation than that specified in the Terms and Conditions or applicable Rate Schedules.

1. Back-billing means the re-billing by BC Hydro for services rendered to a Customer because the original billings were discovered to be either too high (over-billed) or too low (under-billed). The discovery may be made by either the Customer or BC Hydro, including as a result of an inspection under the *Electricity and Gas Inspection Act (Canada)*. The cause of the billing error may include any one or more of the following non-exhaustive reasons:
  - (a) Stopped meter
  - (b) Metering Equipment failure
  - (c) Missing meter now found
  - (d) Switched meters
  - (e) Double metering
  - (f) Incorrect meter connections
  - (g) Incorrect use of any prescribed apparatus respecting the registration of a meter
  - (h) Incorrect meter multiplier
  - (i) Application of an incorrect rate
  - (j) Incorrect reading of meters or data processing, and
  - (k) Tampering, fraud, theft or any other criminal act.
  
2. Whenever the dispute procedure of the *Electricity and Gas Inspection Act (Canada)* is invoked, the provisions of that Act will apply, except insofar as they purport to determine the nature or extent of legal liability flowing from metering or billing errors.

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ACCEPTED: June 24, 2018

ORDER NO. G-166-17



COMMISSION SECRETARY

3. Where metering or billing errors occur and the dispute procedure under the *Electricity and Gas Inspection Act (Canada)* is not invoked, Energy consumption and Demand for billing purposes will be determined based on the records of BC Hydro or, to the extent they are available and accurate, the records of the Customer, or if no such records are available, based on BC Hydro's reasonable and fair estimates made consistently within each Customer class or according to the agreement for Service with the Customer, if applicable.
4. In every case of under-billing or over-billing, the cause of the error will be remedied without delay, and the Customer will be promptly notified of the error and of the effect upon the Customer's ongoing bill.
5. The provisions of paragraph 7 below do not apply and, subject to the applicable limitation period provided by law, back-billing may be applied for the whole period of under-billing or over-billing if:
  - (a) There are reasonable grounds to believe that the Customer has tampered with or otherwise used BC Hydro's Service in an unauthorized way, or evidence of fraud, theft or another criminal act exists, or if a reasonable Customer should have known of an under-billing and failed to promptly bring it to the attention of BC Hydro; or
  - (b) The required adjustment to the Customer's bill is minor, such as in the case of an estimated bill under section 5.2.1 (Regular Billing) or section 5.6 (Monthly Equal Payments); or
  - (c) The required adjustment to the Customer's bill relates to the under-billing or over-billing of a standard charge set out in section 11 (Schedule Standard Charges), except Legacy Meter Charges and Radio-off Meter Charges under section 11.4 (Miscellaneous Standard Charges).

In addition, the Customer is liable for the direct (unburdened) administrative costs incurred by BC Hydro in the investigation of any incident of tampering, unauthorized use or criminal activity, including the direct costs of repair and replacement of equipment.

Under-billing resulting from circumstances described in this paragraph 5 will bear interest at the rate normally charged by BC Hydro on unpaid accounts from the date of the original under-billed invoice until the amount under-billed is paid in full.

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ACCEPTED: June 24, 2018

ORDER NO. G-166-17



COMMISSION SECRETARY

6. In every case of over-billing, BC Hydro will refund to the Customer all money incorrectly collected for the duration of the error, except that if the date the error first occurred cannot be determined with reasonable certainty, the maximum refund period will be two years back from the date the error was discovered. Interest will be paid to the Customer at a rate equal to BC Hydro's weighted average cost of debt, calculated for BC Hydro's most recent fiscal year.
7. Subject to paragraph 5 above, in every case of under-billing, BC Hydro will back-bill the Customer for the duration of the error up to a maximum of:
  - (a) Six months for Residential Service, small General Service (commercial) or Irrigation Service Customers; and
  - (b) One year for all other Customers or such other time period as is set out in a special or individually negotiated contract with BC Hydro.

BC Hydro will offer under-billed Customers reasonable terms of payment for the under-billed amount; if requested by the Customer, the payment term will be equivalent in length to the back-billing period. All under-billed amounts will be interest free and be billed and paid in equal installments corresponding to the normal billing cycle. Delinquency in payment of such installments will, however, be subject to the usual Late Payment Charges pursuant to section 6.3 (Late Payment Charge).

If a Customer disputes BC Hydro's assessment of an under-billed amount based on Energy consumption or Demand or duration of the error, BC Hydro will not threaten or cause Termination as a result of Customer's failure to pay the disputed portion of the back-billing, unless there are no reasonable grounds for the Customer to dispute same. The undisputed portion of the bill will be paid by the Customer and BC Hydro may threaten or cause Termination if such undisputed portion of the bill is not paid.

8. Subject to paragraph 5 above, in all instances of back-billing where changes of occupancy have occurred, BC Hydro will make a reasonable attempt to locate the former Customer. If, after a period of one year, such Customer cannot be located, the over- or under-billing applicable to that Customer will be cancelled.

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ACCEPTED: June 24, 2018

ORDER NO. G-166-17



COMMISSION SECRETARY

## 19. Back-Billing

### 19.1 When Required

FortisBC Energy may, in the circumstances specified in this Section 19 (Back-Billing), charge, demand, collect or receive from its Customers in respect of a regulated Service rendered to its Customers a greater or lesser compensation than that specified in the Rate Schedules applicable to that Service.

In the case of a minor adjustment to a Customer's bill, such as an estimated bill or a Monthly Payment Plan bill, such adjustments do not require back-billing treatment to be applied.

### 19.2 Definition

Back-billing means the rebilling by FortisBC Energy for Services rendered to a Customer because the original billings are discovered to be either too high (over-billed) or too low (under-billed). The discovery may be made by either the Customer or FortisBC Energy, and may result from the conduct of an inspection under provisions of the federal statute, the *EGI Act*. The cause of the billing error may include any of the following non-exhaustive reasons or a combination of them:

- (a) stopped meter;
- (b) metering equipment failure;
- (c) missing meter now found;
- (d) switched meters;
- (e) double metering;
- (f) incorrect meter connections;
- (g) incorrect use of any prescribed apparatus respecting the registration of a meter;
- (h) incorrect meter multiplier;
- (i) the application of an incorrect rate;
- (j) incorrect reading of meters or data processing;
- (k) tampering, fraud, theft or any other criminal act.

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Order No.: G-135-18 Issued By: Diane Roy, Vice President, Regulatory Affairs

Effective Date: November 1, 2018 Accepted for Filing: \_\_\_\_\_

BCUC Secretary: Pending BCUC endorsement

Original Page 19-1

### 19.3 Application of Act

Whenever the dispute procedure of the *EGI Act* is invoked, the provisions of that Act apply, except those which purport to determine the nature and extent of legal liability flowing from metering or billing errors.

### 19.4 Billing Basis

Where metering or billing errors occur and the dispute procedure under the *EGI Act* is not invoked, the consumption and demand will be based upon the records of FortisBC Energy for the Customer, or the Customer's own records to the extent they are available and accurate, or if not available, reasonable and fair estimates may be made by FortisBC Energy. Such estimates will be on a consistent basis within each Customer class or according to an agreement for Service with the Customer, if applicable.

### 19.5 Tampering / Fraud

If there are reasonable grounds to believe that the Customer has tampered with or otherwise used FortisBC Energy's Service in an unauthorized way, or there is evidence of fraud, theft or other criminal acts, or if a reasonable Customer should have known of the under-billing and failed to promptly bring it to the attention of FortisBC Energy, then the extent of back-billing will be for the duration of the unauthorized use, and the provisions of Sections 19.8 (Under-billing) to 19.11 (Changes in Occupancy), below, do not apply.

In addition, the Customer is liable for the direct (unburdened) administrative costs incurred by FortisBC Energy in the investigation of any incident of tampering, including the direct costs of repair, or replacement of equipment.

Under-billing resulting from circumstances described above will bear interest at the rate normally charged by FortisBC Energy on unpaid accounts from the date of the original under-billed invoice until the amount under-billed is paid in full.

### 19.6 Remediating Problem

In every case of under-billing or over-billing, the cause of the error will be remedied without delay, and the Customer will be promptly notified of the error and of the effect upon the Customer's ongoing bill.

### 19.7 **Over-billing**

In every case of over-billing, FortisBC Energy will refund to the Customer all money incorrectly collected for the duration of the error; except that, if the date of when the error first occurred cannot be determined with reasonable certainty, the maximum refund period will be two years back from the date the error was discovered. Simple interest, computed at the short-term bank loan rate applicable to FortisBC Energy on a Monthly basis, will be paid to the Customer.

### 19.8 **Under-billing**

Subject to Section 19.5 (Tampering / Fraud), above, in every case of under-billing, FortisBC Energy will back-bill the Customer for the shorter of

- (a) the duration of the error;
- (b) six Months for Residential or Commercial Service; and
- (c) one Year for all other Customers or as set out in a special or individually negotiated agreement for Service with FortisBC Energy.

### 19.9 **Terms of Repayment**

Subject to Section 19.5 (Tampering / Fraud), above, in all cases of under-billing, FortisBC Energy will offer the Customer reasonable terms of repayment. If requested by the Customer, the repayment term will be equivalent in length to the back-billing period. The repayment will be interest free and in equal instalments corresponding to the normal billing cycle. However, delinquency in payment of such instalments will be subject to the usual late payment charges.

### 19.10 **Disputed Back-bills**

Subject to Section 19.5 (Tampering / Fraud), above, if a Customer disputes a portion of a back-billing due to under-billing based upon either consumption, demand or duration of the error, FortisBC Energy will not threaten or cause the discontinuance of Service for the Customer's failure to pay that portion of the back-billing, unless there are no reasonable grounds for the Customer to dispute that portion of the back-billing. The undisputed portion of the bill will be paid by the Customer and FortisBC Energy may threaten or cause the discontinuance of Service if such undisputed portion of the bill is not paid.



Approval date: December 7, 2015

**Resolution No.: 582/2015**

**Subject: Billing Policy**

## Goal

To provide clarity and consistency on the billing policies of the Utilities Department.

## Scope

To detail the policies surrounding billing.

## Policy

### BED AND BREAKFAST FACILITIES

1. "Bed & Breakfast" operations, by definition, consist of single-family dwellings offering overnight accommodation to the travelling public in no more than four sleeping rooms without cooking facilities where the room rate includes breakfast served on the premises.
2. "B & B's" fall into different categories based primarily on the number of sleeping rooms available and the number of guests accommodated. As a result, the electric rates charged vary based on similar factors. The applicable rates are as follows:
  - a. Residential Rate Code 10 – Will be charged on B & B's that are limited to one available sleeping room accommodating no more than two guests.
  - b. Residential/Special Rate Code 15 – Will be charged on all other owner-occupied B & B's.
  - c. Commercial Rate Code 20/25/30/35 – Will be charged on all non-owner occupied B & B's.
    - i. If a non-owner occupied B & B were to contain a separately metered manager's living quarters, then that service would be eligible for the Residential Rate Code 10.
3. The City's Business Licence database will be used as a source of information for the determination of which category and rate code is applicable to a B & B.
4. Should a B & B change the nature of its operation or cease to operate as a B & B, the utility customer is responsible for providing notice in writing to the utility staff so that any resulting change in rate code can be effected.

## CYCLE AND WALK SEQUENCE ASSIGNMENTS

5. The City's method of reading and billing utility accounts is based upon a structure of two distinct cycles known as "Cycle 030" and "Cycle 060". All accounts within Cycle 030 are billed on the last working day of each month whereas accounts in Cycle 060 are billed on the 15<sup>th</sup> of each month (where the 15<sup>th</sup> falls on a weekend or holiday, billings are mailed on the preceding workday).
6. Within each cycle, there is a further division of accounts into "routes", which serve as smaller, more manageable units of accounts. Within each route, the order of reading of meters is determined by assigning each account a five digit sequential identifier, which simply determines in what order an account will be read within a route. The route number together with the sequential identifier is known as the "walk sequence".
7. The initial assignment of a walk sequence, as well as any subsequent changes, is handled by the utility clerks in consultation with the meter reader and utility servicemen. Any changes within a route will effect what time of the month that a metered account is read whereas changes from one cycle to another will change a customer's billing and discount dates.
8. The organization of routes within cycles is primarily based on geographical considerations but other factors (such as any advantages from grouping types of accounts within a route, for example, City or school accounts) may also be considered.
9. The City is unable to accommodate a customer request to have their account switched from one cycle to another because of the impact on reading efficiency.

## ESTIMATED BILLINGS

10. Electric and water meters are read and billed on a monthly basis and estimates will only be used where circumstances dictate. Any estimates used will be so identified on the bill.
11. City bylaws empower the Collector/Revenue Supervisor to estimate electric and water consumption and, in so doing, to consider any relevant history, circumstances or factors that may affect a customer's consumption. Every reasonable effort is made to arrive at a fair estimate of consumption.
12. No system of estimating can guarantee 100% accuracy. However, the City's system is designed to arrive at a reasonable estimate of consumption and is normally based on the "per diem" consumption for the account during the same period of time in the preceding year. Whether an estimate ends up being high or low, the customer's next billing based on an actual reading will normally correct any inaccuracies that may have resulted from the estimate.
13. Should a customer whose account has been estimated provide the City with a reliable reading that indicates the estimate used has resulted in a substantial over or under billing; the Collector/Revenue Supervisor may authorize a manual adjustment to the current billing rather than wait until the next regular billing.

## FINAL BILLINGS

14. Because of the City's status as a municipal utility and the resulting liability of registered owners for all utility services supplied by the City to the property, every reasonable precaution is taken to insure that owners' exposure to loss is limited. As a result, signatures and proper identification is required to initiate and terminate services with the City.
15. Utility accounts are normally finalized by the City upon receipt of a signed authorization from the customer accompanied by appropriate ID. The most common authorization is an application for disconnection completed at City Hall and signed by the customer. If the customer is unable to attend City Hall in person, the application for disconnection is available on the public website, or can be emailed or faxed to the customer. The customer can then fax or email back a signed copy of the application with a copy of their ID. Telephone notification is not acceptable because of the lack of signature.
16. Accounts may also be finalized when a new occupant applies for service or when a registered owner certifies that an existing customer has vacated the premises. In the event of the death of a customer, the executor or, where there is no executor, the next of kin will be permitted to act on behalf of the deceased customer. Satisfactory documentation may be required.
17. When a customer's account is finalized, final readings are obtained on all electric and water metered services and the final billing is normally produced within five business days.
18. In the case of rental properties, where owners or their agents are required by the Residential Tenancy Act to return security deposits within 15 days, owners are asked to direct their tenants to provide them with a receipted final bill as proof of payment.
19. In accordance with Section 258 (1) & (2) of the *Community Charter*, final utility accounts that are due and payable by December 31<sup>st</sup> and remain unpaid as of that date, are subject to transfer to taxes in arrears on the benefitting property effective January 1<sup>st</sup> of the following year.

## METER READINGS AND BILLINGS

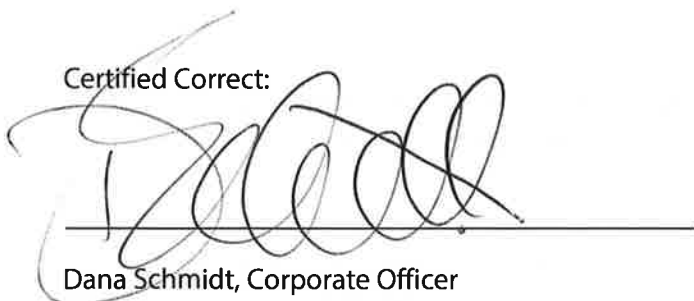
20. Electric and water meters are read and billed on a monthly basis with estimates being used only where circumstances dictate and any estimates will be so identified on the bill. In addition to the regular monthly readings, actual readings will be obtained whenever a customer applies to have a service connected or disconnected in his/her name.
21. Should an accurate electric or water meter reading be unavailable due to meter failure, temporary inaccessibility or any other reason, the Collector/Revenue Supervisor may estimate consumption using the best available information.
22. Where water service is provided without a water meter being in place, the monthly basic charge is based on the size of the service and includes a built-in allowance for consumption (un-metered rate).

23. Access to both electric and water meters, during regular City working hours, is a requirement of service to any location. Whereas it is the City's preference to have open access to meters, circumstances exist where access must be made available through the use of LSDA (Locksmith Dealers of America) keys. In extenuating circumstances, the use of keys, padlocks or lock boxes (key vaults) may be used; such alternate access is to be reviewed with the on/off and meter reading staff and is subject to the approval of the Collector/Revenue Supervisor. Any costs associated with alternate access are to be borne by the customer and may be debited to the next billing on the account.
24. Customers are required to insure that meter access is not prevented or restricted due to:
- a. The storage of materials/vehicles,
  - b. The growth of bushes/plants, or
  - c. The presence of a pet in the access path to the meter (should a pet normally be contained within the access path, the customer must insure that the pet is alternately contained for three days before & after the normal reading date).
- Should a problem exist in this regard, the customer will be requested to correct the situation within a reasonable period of time, usually 7 to 10 days. Failure to comply may result in the disconnection of utility services until such time as the access problem is resolved and a reconnection charge has been paid.
25. A customer may request a re-read of an electric or water meter and such a request will be accommodated as soon as practical upon payment of the required fee. Should the re-read identify a reading error on the City's part; the re-read fee will be credited back to the customer.
26. A customer may also request a meter accuracy test with the applicable fee being refundable if the meter in question is found to be measuring outside the acceptable limits. A water meter test is conducted by City staff whereas an electric meter test is carried out by Measurement Canada, a division of the Government of Canada's Industry Canada's Weights and Measures.
27. The customer will exercise all reasonable diligence to protect the City's meters, key vaults, padlocks, etc. from damage or defacement and is responsible for any costs resulting from damage, defacement or theft.

**Previous revisions**

Approval Date: January 21, 2013  
Council Resolution: 47/2013

Certified Correct:



Dana Schmidt, Corporate Officer

# Council Report

penticton.ca

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Supt. Ted De Jager, Detachment Commander, PSSORD

File No:

**Subject: RCMP Report – Gang Activity, Drug Enforcement and the Community Safety Act**

## Staff Recommendation

THAT Council receive into the record the report titled “Gang Activity, Drug Enforcement and the Community Safety Act”;

AND THAT Council send a letter of support for Bill 13-2019 *Community Safety Amendment Act, 2019* to Honourable Mike Farnworth, Ministry of Public Safety and Solicitor General.

## Strategic priority objective

This report addresses the Council priority of good governance in that policing services support quality of life, enhance public safety and promote economic and the social well-being of our community. Education and enforcement activity seek to maximize public engagement through response, effective communication and community outreach.

## Background

Following the presentation to council outlining proposed planning guidelines and timelines for police operations in Penticton, this report is the result of the request for more information concerning gang activity, drug enforcement and the proposed Community Safety Act.

Gang activity in Penticton is limited to low level gang-type collaboration among youth and certain affiliations in the drug trade. These groups are very loosely connected and do not form the traditional structure of an organized gang. Although some of the activity can be characterized as gang related, the current situation indicates that this activity is more related to lifestyle and a desire to make money to support that lifestyle, in particular through drug dealing.

Crime groups in Penticton and the surrounding areas often mimic gang activity but lack the organized structure normally associated with that activity. That said, the drug trade in Penticton, is directly linked to larger gangs in the Okanagan and the province in general. Although these gangs do not have a direct presence in Penticton, they do control certain types of criminal activity and are targeted through local enforcement and provincial level teams such as the Combined Forces Special Enforcement Unit (CFSEU).

Youth gangs in Penticton are not prevalent, although youth do tend to gather in groups, particularly off school grounds during vacation periods. Youth actively is closely monitored in cooperation with school districts and service agencies.

The Community Safety Act was originally introduced in 2013 and after some amendments, is now before the legislature. It is unknown when the proposed legislation will come into law, but it will take some time, as would be expected with any new legislation. The Act is Supported by the BC Association of Chiefs of Police in that it provides additional tools to combat criminal activity and activity which causes members of the public to feel unsafe in their own neighborhoods. The proposed act will allow for confidential complaints to a dedicated government unit with respect to criminal activity such as drug dealing and gang activity. The structure of this new unit is not known at this time, but it will work closely with police agencies. This legislation is not designed to replace existing law found in responsibilities of local governments with respect to unsightly properties or the responsibilities of landlords to deal with a problem tenant.

**Current Status**

Selection of drug section positions is currently under way. The unit will be referred to as the Street Enforcement Unity(SEU). The NCO I/C of the unit has been selected and his position will be funded provincially. The two constable positions will be selected on April 16, with the intent to deploy the unit in an operational capacity within thirty days. The unit will target street level dealers and supply chains to interdict the supply of drugs into the community. The provincial component of the unit will allow members to work with regional resources to target offenders where they operate and where they live, even if they are not in Penticton.

The PSOSRD SEU will work closely with the Target Enforcement Unit (TEU), since prolific offenders in our community tend to have close affiliations with the drug trade. Again, this is not considered gang actively in the traditional sense, although organized gangs support the supply of drugs into the community.


The Downtown/Youth Liaison Officer has been selected. Constable Dave Dixon will work as part of the Community Safety and Enforcement Team (CSET) in the downtown core. Part of his duties will be to interact with youth through the YES Project and Foundry. He will work along with his CSET partners, SEU and TEU to introduce "End Gang Life" material from CFSEU into presentations and activities. The key to preventing youth involvement in gangs is early intervention and support.

**Financial implication**

The activities outlined in this report are funded through the contract and already identified in the 2019 municipal budget.

Respectfully submitted,

Superintendent T.E. De Jager  
Detachment Commander. PSOSRD RCMP

Director  	Chief Administrative Officer  <b>DvD</b>
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# Council Report

penticton.ca

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Angela Campbell, Controller  
**Subject:** **Signing officers and banker for 2019 and subsequent years**

File No:

## Staff Recommendation

THAT Council approve signing authorities at VALLEY FIRST CREDIT UNION as follows:

### A Signers

- Donny van Dyk, Chief Administrative Officer
- Jim Bauer, Chief Financial Officer
- Angela Campbell, Controller
- Wes Renaud, Budget Analyst

### B Signers

- John Vassilaki, Mayor
- Julius Bloomfield, Councillor
- Jake Kimberley, Councillor
- Frank Regehr, Councillor
- Katie Robinson, Councillor
- Judith Sentes, Councillor
- Campbell Watt, Councillor

Signing officers for memberships 727214 and 1319244 (City of Penticton) will be for the calendar year ended December 31, 2019 and subsequent years until changed.

AND THAT Council approve:

- Agnieszka Artymowicz, Director of Finance, South Okanagan Events Centre
- Dean Clarke, General Manager, South Okanagan Events Centre
- Kevin Webb, SOEC Director of Events, South Okanagan Events Centre
- Mary Richards, PTCC Director of Sales, Penticton Trade and Convention Centre
- Donny van Dyk, Chief Administrative Officer
- Jim Bauer, Chief Financial Officer, City of Penticton
- Angela Campbell, Controller, City of Penticton

Signing officers for membership 727313 (South Okanagan Events Centre) for the calendar year ended December 31, 2019 and subsequent years until changed.

**Background**

With each change in Mayor or Council, or changes in senior managers with signing authorities financial institutions require a resolution approving the new signing authorities. If no changes occur in a calendar year a resolution for that year is not required by the financial institution. Charges against any of the City's accounts must be signed by two signers.

Signing authorities on the City of Penticton membership 727214 and 1319244 consist of two groups – A signers and B signers. Charges against the City's account must be signed by two A signers or by one A signer and one B signer.

Normal City practice is that all cheques are signed by two A signers. Only in rare circumstances when two A signers are not available will a B signer be requested to sign.

Signing authorities on the SOEC (membership 727313) account require signing of two individuals on the list.

The signing authority for this purpose is to legally validate the charges against the account as required by the financial institution and is distinct from authorities to expend as set out in the City's purchasing policy.

Respectfully submitted,



Angela Campbell  
Controller

Chief Financial Officer  <i>JWB</i>	Chief Administrative Officer  <b>DvD</b>
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# Council Report

penticton.ca

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Angela Campbell, Controller  
**Subject:** **Mid-Year Grant Requests**

File No:

## Staff Recommendation

THAT Council approves a \$3,290 cash grant and \$1,950 in-kind grant to the Penticton Senior's Drop in Centre for the BC Senior's Week event;

THAT Council approves a \$6,780 cash grant to the Penticton Recovery Resource Society;

THAT Council approves a \$2,100 in-kind grant to The Penti-Con Association;

AND THAT Council approves a \$500 cash grant to the Penticton Concert Band.

## Background

The City has received grant applications from four organizations applying for mid-year grant requests. Annually the City receives grant applications as part of the budget deliberation process and subsequently receives mid-year applications from organizations that did not apply during the regular intake.

During the 2019 budget deliberation process, the City used funding principles to determine the level of grant funding provided with new requests to address the increase in grant requests and to meet the budget allocation for grants. These principles included funding new requests at 70% and requests equal to or under \$500 were funded at 100%.

## Financial Implication

During the budget process an amount is allocated to 'other' grants to fund requests that are made during the year. The current remaining budget available to allocate is \$22,333; funding these requests using the above principles which is contained in the staff recommendation would leave \$7,714 to fund any further 2019 requests. Funding the requests at 100% would leave a remaining balance of \$1,674.

## Analysis

All four grant applications meet the eligibility requirements of the Municipal Grant Policy and have provided sufficient information to have their requests considered for funding. Attachment A shows the relevant information for each grant applicant.

**Alternate Recommendations**

1. THAT Council approves a \$4,700 cash grant and \$2,775 in-kind grant to the Penticton Senior’s Drop in Centre for the BC Senior’s Week event;  
  
THAT Council approves a \$9,684 cash grant to the Penticton Recovery Resource Society;  
  
THAT Council approves a \$3,000 in-kind grant to The Penti-Con Association;  
  
AND THAT Council approves a \$500 cash grant to the Penticton Concert Band.
2. THAT Council provide alternate direction to staff on the level of funding for each grant application.

**Attachments**

Attachment A – Grant Application Summary

Respectfully submitted,



Angela Campbell  
Controller

Chief Financial Officer  <i>JWB</i>	Chief Administrative Officer  <b>DvD</b>
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**Mid-Year Grant Requests  
Schedule A - Grant Application Summary**

Category	Organization Name	Grant type	Length of Years	Event/Program/Project Description	Grant request Cash	Grant request In-kind	Total Requests	Cash Award	In-Kind Award	Total Recommended
Arts, Culture & Heritage	The Penti-Con Association	Sustainable	2	The Penti-Con is located in the Trade and Convention Center and runs from June 8th to June 9th, taking up the 7th of June for set-up and preparation. It brings in a myriad of vendors from around the western coast as well as pop culture entertainment (actors, bands, creators) and offers fun competitions for attendees to take part in. The Penti-Con books over thirty hotel rooms around Penticton for its guests and staff, while encouraging others to stay instead of commuting from nearby cities.	\$0.00	\$3,000.00	\$3,000.00	\$0.00	\$2,100.00	\$2,100.00
Arts, Culture & Heritage	Penticton Concert Band	Sustainable	5	The band performs 8-10 concerts per year with the majority in Penticton, but a few in Summerland/Oliver/Osoyoos. They perform at Peachfest as well as on Canada Day. They play mostly for honorariums but free for charitable organizations. The band is in constant need of new music, folders, instruments (mainly percussion ) We pay rent at Skaha Lake Middle School as well.	\$500.00	\$0.00	\$500.00	\$500.00	\$0.00	\$500.00
Health, Safety & Social Services	Penticton Recovery Resource Society (Discovery House)	Sustainable	5	The Penticton Recovery Resource Society operates Discovery House, two long term, live-in, addiction recovery homes in Penticton, BC serving 18 clients at a time. We are seeking subsidy support of \$9684 which would subsidize an addiction recovery bed for a single year. We are applying for sustainable support. (5 years). We will commit 1 bed specifically to serving local Penticton residents who are in need of addiction recovery services and are homeless or at risk or experiencing homelessness.	\$9,684.00	\$0.00	\$9,684.00	\$6,779.00	\$0.00	\$6,779.00
Health, Safety & Social Services	Penticton Senior's Drop-In Centre	Seed	1	The purpose of this week is to celebrate our community's seniors, offer them informative, recreational and socially engaging events to say 'thank you' for all they have done and will continue to do.	\$4,700.00	\$2,775.00	\$7,475.00	\$3,290.00	\$1,950.00	\$5,240.00
					<b>\$14,884.00</b>	<b>\$5,775.00</b>	<b>\$20,659.00</b>	<b>\$10,569.00</b>	<b>\$4,050.00</b>	<b>\$14,619.00</b>

# Council Report

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Mitch Moroziuk, General Manager of Infrastructure  
**Subject:** **Transit 2020 - 2022**

File No: 8500-03

**Recommendation:**

THAT Council support and advise BC Transit of the following Transit service expansions for BC transit planning purposes:

Item	Implementation Date	Estimated Municipal Share
Matching Service Levels Custom Transit	April 2020	\$12,324
Regional Transit Route 70 Midday Service	September 2020	\$38,641
Upper Wiltse Service	September 2020	\$18,608
Sendero Canyon Service	September 2020	\$15,676
Increase Frequency Route 5	September 2022	\$193,361

AND THAT BC Transit be asked to undertake an update to the Penticton Transit Plan prior to implementing the Increase Frequency on Route 5.

**Strategic priority objective**

This project supports the:

Community Building Priorities of: Ensuring City services are customer focused, sustainable, effective and relevant; and Establishing a long term active transportation strategy.

Social Development Priority of: Removing physical and social barriers which impede the full participation of all citizens.

**Background**

On March 27, 2019 BC Transit requested the City of Penticton to provide input into future transit expansion initiatives in Penticton. BC Transit provided the Table 1 below, based on the Transit Future Plan.

<b>Item</b>	<b>Implementation Date</b>	<b>Annual Service Hours</b>	<b>Vehicle Requirements</b>	<b>Estimated Annual Revenue</b>	<b>Estimated Total Cost</b>	<b>Estimated Municipal Share</b>
Upper Wiltse Service	September 2021	400	0	\$5,500	\$45,223	\$18,608
Increase Frequency Route 5	September 2021	2,620	2	\$36,375	\$368,036	\$193,361
Sendero Canyon Service	September 2022	325	0	\$4,500	\$37,846	\$15,676

Table 1 – BC Transit Possible Conventional Transit Expansions

In addition to the items set out in Table 1 the City would also be responsible for the following Custom Transit and Regional Transit expansions:

Matching Service Levels Custom Transit – The City provides Conventional and Custom Transit services that have different operating hours. Conventional Transit is available Monday to Saturday 0630 – 2200 and Sunday 0900 – 1900. Custom Transit is available Monday to Friday 0700 – 1700 with no Saturday or Sunday service. In order to provide equal opportunity to access transit services it is proposed to increase the Taxi Supplement budget by \$37,000 total, \$12,324 Municipal Share in 2020. Taxi Supplement is being used as on a cost per ride basis it is \$12.41 per ride vs \$26.09 per ride for the Custom Transit Bus.

Regional Transit Route 70 Midday Service – The Regional District of Okanagan Similkameen will be adding two midday return trips on the Route 70 Penticton to Kelowna Route. The City contribution to this is estimated at \$38,641.

During the 2019 budget process the City heard from people located in Sendero Canyon that they would like to see transit service provided in advance of increasing the frequency of service on Route 5 and at the same time as service is provided to the Upper Wiltse area. With respect to increasing the frequency of Service on Route 5 it might be best to wait until such time as BC Transit had an opportunity to update the City of Penticton Transit Plan.

Based on the above it is proposed that Council support the following Transit Service expansions:

<b>Item</b>	<b>Implementation Date</b>	<b>Estimated Municipal Share</b>
Matching Service Levels Custom Transit	April 2020	\$12,324
Regional Transit Route 70 Midday Service	September 2020	\$38,641
Upper Wiltse Service	September 2020	\$18,608
Sendero Canyon Service	September 2020	\$15,676
Increase Frequency Route 5	September 2022	\$193,361

Table 2 – Proposed Penticton Transit Expansion

The request from BC Transit is out of sync with the City of Penticton Budget process. BC Transit needs the information so that it can plan service expansions on a provincial wide basis in a manner that lines up with the Provincial Budget. Council would always have the opportunity to decide not to implement an expansion during the City budget process. BC Transit would be notified and they would reallocate the service expansion hours to another municipality.

**Financial implication**

Should Council approve these transit increases as part of the 2020 budget process the financial impact to the City is estimated at \$85,249 in 2020 and beyond and a further \$193,361 in 2022 and beyond. There will also be some additional small costs required to install bus stops in Sendero Canyon and Upper Wiltse.

**Analysis**

The recommended Transit Service expansions will provide equal opportunity to Custom Transit customers, will address the requests heard during the 2019 budget process to provide Transit service to the Sendero Canyon area and will provide expanded Penticton to Kelowna service.

Should Council choice they could provide alternate and specific direction to staff on future transit expansion initiatives.

**Alternate recommendations**

Alternative 1

THAT Council provide specific direction to staff on future transit expansion initiatives.

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA  
General Manager of Infrastructure

CFO <i>JWB</i>	CAO <b>DvD</b>
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**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Mitch Moroziuk, General Manager of Infrastructure  
**Subject:** **Transit Route 70 Penticton to Kelowna**

File No: 8500-03

**Recommendation:**

THAT Council authorize staff to create 15 park and ride spots in the South Okanagan Event Centre (SOEC) Parking Lot located at the northwest corner of Alberni Street and Eckhardt Avenue;

AND THAT Council authorize staff to install two bus stops on the east and west side of Alberni Street just north of Eckhardt Avenue for Transit Route 70 Penticton to Kelowna.

**Strategic priority objective**

This project supports the Community Building Priorities of: Ensuring City services are customer focused, sustainable, effective and relevant; and Establishing a long term active transportation strategy.

**Background**

The Regional District of Okanagan Similkameen in concert with BC Transit will be launching Transit Route 70, Penticton to Kelowna, in September of 2019. The City has received a request from BC Transit to establish a Park and Ride facility for 15 – 20 cars and two bus stops. The facility will be required from 0600 – 1830 Monday to Friday.

City staff have worked with BC Transit to find a location for the Park and Ride facility and have determined that the best location from a bus access point of view and from the point of view of where City parking is available, the SOEC parking lot located at the northwest corner of Alberni Street and Eckhardt Avenue would be the most suitable location. Two transit stops would also be located on the east and west side of Alberni Street just north of Eckhardt Avenue for Transit Route 70. See Figure 1 below.



Figure 1

It is proposed to set aside 15 Park and Ride stalls in the Alberni Eckhardt lot for use of the Route 70 customers. In addition there will also be 4 other locations where Route 70 customers will be able to access the bus in Penticton: Superstore; Peachtree Square; Cherry Lane Mall; and Wade and Martin.

In order to finalize the planning for Transit Route 70 Penticton to Kelowna the Regional District of Okanagan Similkameen and BC Transit need certainty on the bus stop and Park and Ride locations.

**Financial implication**

The financial impact to the City will be limited to the cost to sign the Alberni Eckhardt Parking lot, the cost to sign the six transit stops and the cost to establish the two new transit stops on Alberni Street north of Eckhardt Avenue. The total cost is estimated at \$1,500.

**Analysis**

Staff have worked with BC Transit to find a location for a Park and Ride lot for Transit Route 70 Penticton to Kelowna that is close to City owned parking and a street where transit stops could be created.

The best location found was the Alberni and Eckhardt SOEC parking lot. This lot sees little use during the day and is a suitable location from the point of creating bus stop access. The use of this lot for Park and Ride purposes was checked with the Director of Recreation and Facilities and with the South Okanagan Event Centre manager who both support it.

Alternatively Council could instruct staff to find an alternate location for a Park and Ride lot.

**Alternate recommendations**

Alternate 1

THAT staff be directed to find an alternate location for a Park and Ride lot.

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA  
General Manager of Infrastructure

DRF <i>BK</i>	CAO <b>DyD</b>
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# Council Report

penticton.ca

**Date:** April 16, 2019 File No: 0550-02  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Angie Collison, Corporate Officer  
**Subject:** Location of Regular Council Meeting May 7 – Penticton Secondary School Library

## Staff Recommendation

THAT Council hold the Regular Council Meeting scheduled for Tuesday, May 7, 2019 at the Penticton Secondary School Library, 158 Eckhardt Avenue East.

## Executive Summary

In an effort to engage the youth and promote local government awareness, arrangements are underway to hold a Council meeting at Penticton Secondary School Library on Tuesday, May 7, 2019 at 1:00 p.m.

## Background

As outlined in the Council Procedure Bylaw No. 2018-35, all Council meetings must take place within City Hall except when Council resolves to hold meetings elsewhere. The meeting will begin at 1:00 p.m. and to accommodate school hours, recess around 3:00 p.m. The Regular Meeting will reconvene at 6:00 p.m. at City Hall to discuss the remaining items on the agenda.

We anticipate student led delegations on topics of interest that the local government has jurisdiction over.

Like all Council meetings, everyone is welcome to attend. Social media and newspaper ads will run over the next few days to notify the public of the location change.

Respectfully submitted,

Angie Collison  
Corporate Officer

Chief Administrative  
Officer

**DvD**

*A bylaw to impose a local area service parcel tax for the improvements on the 300 block of Main Street.*

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

AND WHEREAS the City of Penticton has adopted the "300 Block - Main Street Local Area Service Bylaw No. 2017-62" a bylaw to authorize the construction of sidewalk improvements on the 300 block of Main Street;

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

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

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

**1. Title**

This Bylaw may be cited for all purposes as the "300 Block – Main Street Local Area Service Parcel Tax Bylaw No. 2019-09".

**2. Establishment of Parcel Taxes for the 300 Block - Main Street Revitalization Project**

- (1) Council hereby imposes a parcel tax for the 300 Block – Main Street Revitalization Project, for the calendar year 2019 for a maximum period of 20 years, the calendar year of 2038.
- (2) The parcel tax roll used to levy this parcel tax shall be the "300 Main Street Revitalization Project Parcel Tax Roll" as attached as Schedule A hereto and forming part of this bylaw.
- (3) This parcel tax shall be levied for each parcel that has the opportunity to be provided with local area service improvements, as outlined in Schedule A to this Bylaw.
- (4) Each year, property owners shall pay the annual tax rate/meter of adjusted frontage for a period of 20 years.
- (5) The property owner may elect to pay the balance of unpaid annual payments using the methods of cost recovery as outlined in the "300 Block – Main Street Local Area Service Bylaw No. 2017-62".

READ A FIRST time this	5	day of	March, 2019
READ A SECOND time this	5	day of	March, 2019
READ A THIRD time this	5	day of	March, 2019
ADOPTED this		day of	, 2019

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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

## Schedule A

### 300 Main Street Revitalization Project Parcel Tax Roll

Folio	House	Street	Frontage (metres)	Total Parcel Tax (without interest)	Total Per Year for 20 Years (inc. interest)
04932-010	399	MAIN ST	46.529	\$28,328.61	\$2,301.41
04938-000	363	MAIN ST	9.144	\$5,567.21	\$452.28
04939-000	359	MAIN ST	9.144	\$5,567.21	\$452.28
04940-000	357	MAIN ST	9.144	\$5,567.21	\$452.28
04941-000	353	MAIN ST	9.144	\$5,567.21	\$452.28
04942-010	347	MAIN ST	9.144	\$5,567.21	\$452.28
04943-000	341	MAIN ST	9.144	\$5,567.21	\$452.28
04944-000	333	MAIN ST	18.288	\$11,134.42	\$904.56
04946-000	329	MAIN ST	9.144	\$5,567.21	\$452.28
04947-000	325	MAIN ST	9.144	\$5,567.21	\$452.28
04949-000	317	MAIN ST	18.288	\$11,134.42	\$904.56
04950-000	309	MAIN ST	9.144	\$5,567.21	\$452.28
04953-000	301	MAIN ST	27.432	\$16,701.63	\$1,356.84
04954-000	302	MAIN ST	18.288	\$11,134.42	\$904.56
04956-000	310	MAIN ST	9.144	\$5,567.21	\$452.28
04957-000	314	MAIN ST	9.144	\$5,567.21	\$452.28
04958-000	318	MAIN ST	9.144	\$5,567.21	\$452.28
04959-000	322	MAIN ST	9.144	\$5,567.21	\$452.28
04960-000	326	MAIN ST	9.144	\$5,567.21	\$452.28
04961-000	330	MAIN ST	9.144	\$5,567.21	\$452.28
04962-000	334	MAIN ST	9.144	\$5,567.21	\$452.28
04963-000	340	MAIN ST	9.144	\$5,567.21	\$452.28
04965-000	342	MAIN ST	18.244	\$11,107.63	\$902.38
04966-000	350	MAIN ST	9.144	\$5,567.21	\$452.28
04968-000	354	MAIN ST	18.288	\$11,134.42	\$904.56
04969-000	362	MAIN ST	7.166	\$4,362.93	\$354.44
04970-000	366	MAIN ST	9.159	\$5,576.34	\$453.02
04971-000	370	MAIN ST	9.235	\$5,622.62	\$456.78
04972-000	374	MAIN ST	9.129	\$5,558.08	\$451.54
04974-100	390	MAIN ST	18.065	\$10,998.65	\$893.53
<b>TOTAL ( 30 )</b>			<b>382.703</b>	<b>\$233,004.00</b>	<b>\$18,929.22</b>

**The Corporation of the City of Penticton**

**Bylaw No. 2019-13**

*A bylaw to amend the Fees and Charges Bylaw No. 2014-07*

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the “Fees and Charges Bylaw No. 2014-07”;

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 as “Fees and Charges Amendment Bylaw No. 2019-13”.

2. **Amendment:**

2.1 Amend “Fees and Charges Bylaw No. 2014-07” Appendix 7 – Electric by deleting and replacing the following:

<b>AMR OPT OUT</b>	<b>2018</b>	<b>2019</b>
AMR Opt Out manual electric meter reading for an individual meter	\$19.25	<del>\$27.50</del> \$17.80
AMR Opt Out manual combined electric and water meter reading for an individual for an individual meter read	\$20.25	<del>\$28.50</del> \$18.80
AMR Opt Out manual electric meter reading for a meter bank installation	\$19.25 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter	<del>\$27.50</del> \$17.80 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter
AMR Opt Out combined electric and water meter reading for a combined electric and water meter bank installation	\$20.25 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.	<del>\$29.50</del> \$18.80 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.

READ A FIRST time this	2	day of	April, 2019
READ A SECOND time this	2	day of	April, 2019
READ A THIRD time this	2	day of	April, 2019
ADOPTED this		day of	, 2019

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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

**Bylaw No. 2019-14**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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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. 2019-14".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Amend section 3.2 Definitions and add the following:

**FUNERAL SERVICE** means premises used for the care and preparation of human remains for interment or cremation. The use funeral service may also include holding of bereavement rites and ceremonies and associated retail sales of funeral products as accessory uses.

2.2 Add the following to 11.3 C3 – Mixed Use Commercial 11.3.1 Permitted Uses

.22 funeral service

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

.31 funeral service

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

.37 funeral service

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

.32 funeral service

2.6 Add the following to 11.7 C7 – Service Commercial 11.7.1 Permitted Uses

.38 funeral service

2.7 Add the following to 12.1 M1 – General Industrial 12.1.1 Permitted Uses

.30 funeral service

- 2.8 Add the following to section 12.1.3 Other Regulations
  - .6 A **funeral service** shall be limited to 250m<sup>2</sup> **gross floor area**.
- 2.9 Delete Site Specific Provision 12.1.4.2 in its entirety.

READ A FIRST time this	2	day of	April, 2019
A PUBLIC HEARING was held this	16	day of	April, 2019
READ A SECOND time this		day of	, 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 5 day of April, 2019 and the 10 day of April, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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John Vassilaki, Mayor

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

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for Minister of Transportation & Infrastructure

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Angie Collison, Corporate Officer

# Council Report

penticton.ca

**Date:** April 16, 2019 **File No:** Civic  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Ken Kunka, Building and Permitting Manager  
**Address:** 257 Brunswick Street  
**Subject:** **Liquor Primary Licence (Transfer of location) – Royal Canadian Legion Branch 40**

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## Staff Recommendation

THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) that it support the Liquor Primary License (Transfer of Location) request for the Royal Canadian Legion Branch 40, relocating to 257 Brunswick Street.

## Strategic priority objective

N/A

## Background & Proposal

The City has received an application from the Royal Canadian Legion Branch 40, relocating to 257 Brunswick Street, (Attachment A), seeking a new Liquor Primary licence (Transfer of Location) from their current location at 502 Martin Street, Penticton.

The proposed Liquor Primary hours will have a proposed:

- operating hours from 11:00am to 1:00am Monday to Saturday & 11:00am to 12:00am (midnight) on Sundays; with
- Interior occupant load of 100 persons.

## Proposal Intent

The applicant has outlined that the relocation of the Legion is necessary to be financially viable. They will continue to run similar functions as at the former Martin Street location. The applicant has provided a community impact statement to outline their request (Attachment B).

## Site Context

The current property is zoned C6 – Urban Peripheral Commercial and the use meets Zoning regulations. There are no restrictions on the hours of operation under the Zoning Bylaw. The property is located in a mixed residential and commercial area (Map – Attachment A). There is no requirement for on-site parking spaces and no outstanding Building or Fire Code issues in relation to their current operations. The proposed use matches the former operations of the Arm Navy & Airforce Veterans Club – Unit No.97, which ceased operations in the spring of 2018.

Current uses near the proposed property include:

- East – commercial and lawn bowling club;
- North – mixed commercial ;
- South – commercial and mixed residential;
- West – mixed commercial, office and residential.

#### Liquor and Cannabis Regulation Branch (LCLB) Legislation, Policy and Bylaw Review

“Liquor primary” means an establishment where the service of liquor is for on-premises consumption.

“Liquor primary club” means a private club that is licensed to serve liquor to members and their guests.

The LCRB application process for a Liquor-Primary licence requires a municipal resolution (within 90 days) before the Province will consider the application further. The change request is currently under a parallel review with LCRB.

The Liquor and Cannabis Regulation Branch regulations requires that the City review and provide resolution taking into consideration:

- The location of the establishment, person capacity and hours of liquor service of the establishment;
- The impact of noise on nearby residents;
- The impact on the community if the application is approved (example - public nuisance (RCMP), traffic issues, etc.); and
- Public input for the community in the immediate vicinity of the proposed endorsement service area(s) and how input was gathered.

#### **Financial implication**

Mandatory public consultation notification costs will be offset through the City’s Liquor application review fees.

#### **Analysis**

##### Technical Review

As part of the Liquor and Cannabis Regulation Branch (LCRB) requirements, the City has conducted an assessment of the technical criteria as well as conducting a public consultation review. In consideration of the criteria, the following information has been provided from staff and the City’s Liquor Licencing Technical Review Committee (LLTRC).

#### **Location of establishment, person capacity and hours of service**

- Brunswick is classified as a Local Urban Residential route with Westminster Ave W classified as a Commercial Urban Collector route.
- The proposed 100 person occupant load is restricted by the available washrooms. There are no renovations proposed requiring a building permit.
- There is limited parking on-site and ample on-street spaces located within the commercially zoned area. However, there is proposed density increase in the area over the next several years which will impact the availability of off-street parking lots and increased vehicles in the downtown area.

- There is a mix of commercial, office and proposed multi-family residential development within the consultation area.
- There are no Liquor Primary or Food Primary Licensed establishments within a 100 meter radius of the property.
- The proposed hours of service will be no different than the previous operations of the Army, Navy and Airforce Veterans club.

No concerns - Nuisance and traffic related issues can be regulated under current City regulations and with the LCRB.

### **The impact of noise on nearby residents:**

Staff and the LLTRC do not foresee any noise concerns as the Legion has outlined precautions to be taken within the Impact Letter and conversations with staff. No concerns were raised from the surrounding community during the public consultation.

Any potential impact to the surrounding neighborhood will be governed by the City's existing regulations.

### **The impact on the community if the application is approved:**

The Royal Canadian Legion has played an integral role within the community and staff and the LLTRC consider the continued operation of the Legion as a benefit to the community.

### **Public Consultation**

As part of the required consultation process a notice of application and request for comment was mailed out to the business owners and residents within 90m (Attachment C). Public Notice Signage was placed along Brunswick Street and two public notices were placed in the local newspapers.

As a result, there have been no letters received at the time of preparation of this report. Citizens are also provided the opportunity to comment on the application the day of the Council meeting.

### **LLTRC Recommendation:**

Based upon the comments received from the LLTRC members and consultation with staff and public, it is recommended that the proposed application be supported.

Council can choose to support the application as presented or modify the request with further restrictions such as use or hours. Should Council deny the application then the applicant will be informed of that decision and a Council resolution outlining the reason for denial will be forwarded to the LCRB.

### **Alternate recommendations**

1. THAT Council refer the Liquor Primary Licence application for the Royal Canadian Legion back to staff for further review.

**Attachments**

- Attachment A – Site and Zoning Map
- Attachment B – Applicant Community Impact statement
- Attachment C – Public Consultation Map & Sign

Respectfully submitted,

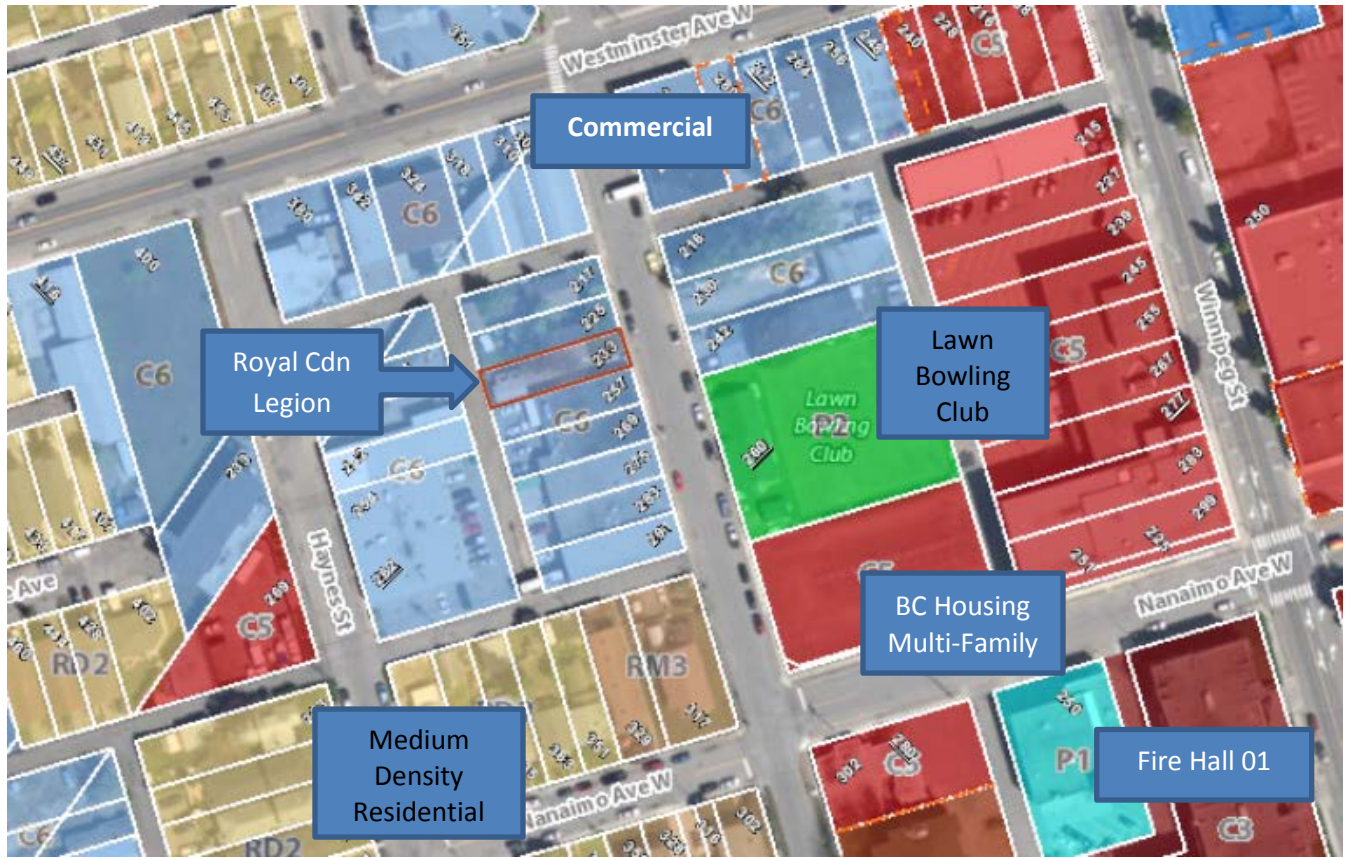


Ken Kunka ASCT, RBO  
Building and Permitting Manager  
LLTRC Chairperson

Approvals

Director of Development Services  	CAO  <b>DyD</b>
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### Attachment A Site & Zoning Map



C6 – Zoning

**Attachment B**  
**Applicant Community Impact Statement**

APPLICATION TO PERMANENT MOVE PRIMARY LIQUOR CLUB LICENSE

AT

APPLICATE: ROYAL CANADIAN LEGION BRANCH 40

LETTER OF INTENT

This letter of intent is provided in support of the application submitted to the Liquor and Cannabis Regulation Branch by the Royal Canadian Legion Branch 40 to permanently move from 502 Martin Street Penticton to 257 Brunswick Street Penticton.

The area to which we propose to move is mostly commercial. The Branch will ensure that the neighbours are not disrupted by enforcing it's bylaws and if need be ban the individual from future use of our Club.

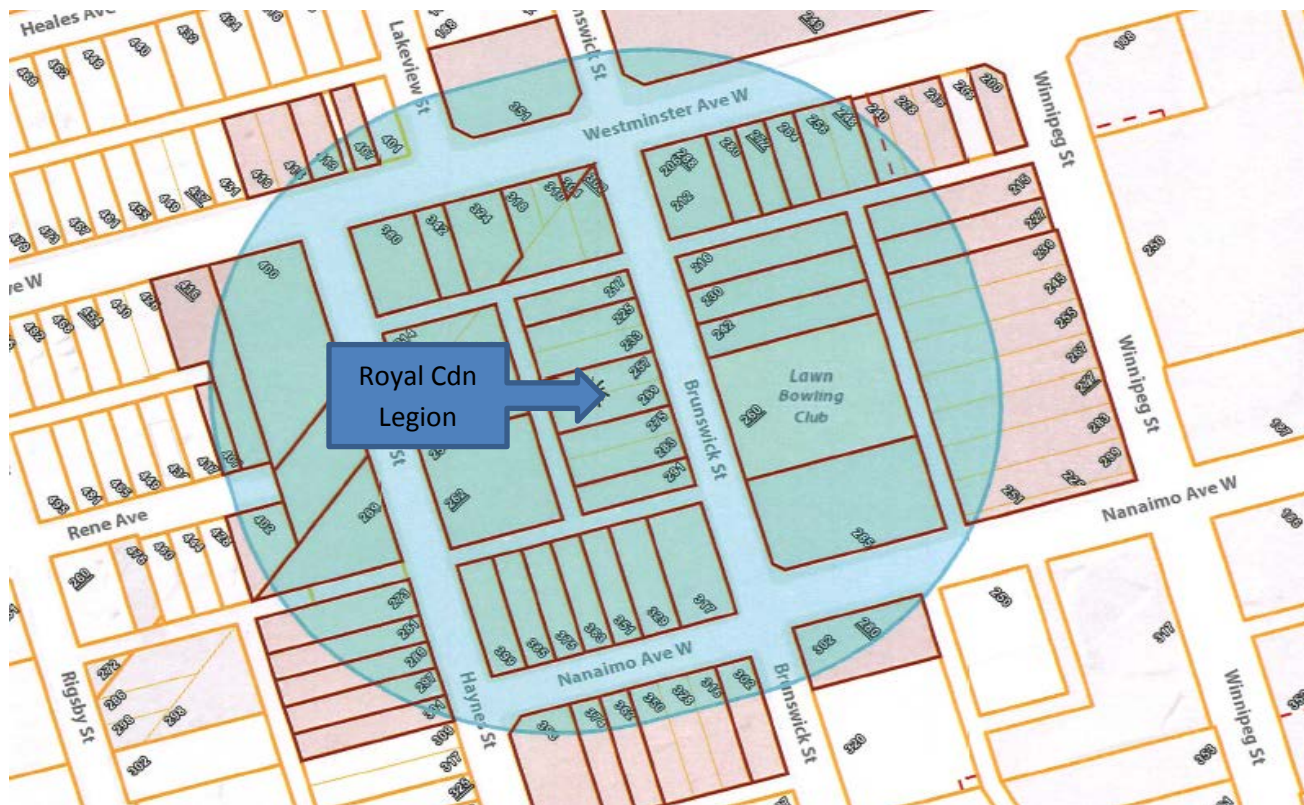
Signage; The Branch wishes to install a lighted sign above the windows, similar to what is in place from the previous establishment.

The move will ensure that the Legion continues to service the public and provide a wide variety of events such as Poppy Campaign, Community Fundraisers, Seasonal Parties { i.e. Christmas Parties, Halloween Parties, Canada Day Celebrations} Corporate Meetings, Ceremonies, Receptions, Sporting Events, Celebrations of Life, Music Events, Karaoke, Meat Draws, card games, darts, pool and shuffleboard.

The Branch will have cold snacks available at all times, lunch will be available Monday to Friday with Friday Evening meals.

The hours of licensing will be maintained at Monday to Saturday 11 am- 1 am; Sunday 11 am – midnight. The Legion wishes to maintain its Family Food Services endorsement and Off Premises Sales endorsement.

### Attachment C Public Consultation Map & Sign



# Council Report

penticton.ca

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Michael Hodges, Development Infrastructure Manager  
**Address:** 110 Ellis Street - laneway  
**Subject:** Development Variance Permit PL2019-8506

## Staff Recommendation

THAT Council, with properly posted speed reductions to 20 km/h, support the Development Variance Permit PL2019-8506 to vary the minimum road vertical curve in the lane at the back of 110 Ellis Street to be reduced from a K Value of 12 to 1 as allowed in the Transportation Association of Canada Guidelines;

AND THAT Council require the Developer to enter into a Maintenance Agreement for snow clearing of the entire lane to Westminster until a suitable turnaround can be constructed.

## Background

The 'Ellis-One' condominium development at 110 Ellis Street was approved by Council in 2018 and will contain 51 units, adding over 100 new residents to the downtown core. The property being developed contains challenging topography and access constraints with the configuration of the existing laneway. Through the design process staff worked with the developer to identify ways to incorporate vehicle access into the building design and not unreasonably impact the pedestrian environment and visual impact along Ellis Street. The subject property and laneway location is shown in in attachment A.

The eventual building design that was approved by Council split vehicle access into two locations – one from Ellis Street and one from the rear lane – taking advantage of the topographical constraints and providing for a high quality design solution long the Ellis Street frontage. The design however comes with challenges around the laneway access and in order to accommodate the rear laneway design a variation to the City's Subdivision and Development Bylaw standards is required.

A typical laneway designed to the City's bylaw standards would see a maximum grade of 11% and Vertical Curve that allowed for 66 metres of lane length to transition to the maximum grade to comply with the City's Subdivision and Development Bylaw.

Staff are requesting that Council support Staff in reducing the Vertical Curve in the 100 Block Ellis Street lane to allow the lane to transition to the 11% grade required over less of a distance required under the bylaw. This will reduce the length of the transition from 66 metres to 20 metres – providing for a shorter distance between the high point of the lane and low point of the lane.

The main reason for the requested variance is largely based on the fact that the laneway between Ellis Street and Van Horne Street is already non-compliant to City bylaws. The lane is constructed from Westminster Avenue East intersection to the rear of the property at 146 Ellis Street. This current lane accesses the property at 146 Ellis, but does not allow for a turnaround of vehicles, unless they enter private property, where opportunity exists. The lane to the north of 146 Ellis Street that is behind the 'Ellis One' development has not been fully constructed and was a dirt lane on the natural slope of approximately 14% grade. This section of lane was occasionally accessed by residents to access the rear of their properties, but due to existing grades cannot be extended north to Vancouver Avenue.

A photo of the existing lane prior to the development commencing is shown in Attachment B. A photograph of the lane, in its current condition as the new development takes place is also shown in Attachment B, the eventual design of the laneway to access the new development subject to the Variance proposal.

### **Proposal**

Staff have been working with the developer and designers of 110 Ellis Street on their development, 'Ellis One' into a 51 unit apartment building which was previously approved by Council. To meet the parking requirements the developer is proposing the two lower floors as parking, one accessed from the ground floor along Ellis Street and the second floor accessed directly from the lane.

During the initial planning and design the City agreed that the lane could be constructed to access the development, but it was not possible to extend the lane through to Vancouver Avenue. The intention was to have a hammer-head turnaround incorporated into the building entrance to allow for vehicles in the lane to turn around without having to enter the building. (Attachment F)

During the detailed design of the project and the laneway it was determined that the impact on the existing landowners would be significant if the lane was constructed to City requirements. To achieve the vertical curves required in the bylaw the lane would need to be raised significantly starting behind 160 Ellis Street and increasing as the lane moved north. This would restrict access to the properties fronting onto Ellis Street to the point that access from the lane would not be possible without significant alteration of the rear of the private properties. It would also require approval to fill in the rear of the Van Horne Street properties along the laneway, although the impact would be less as their rear grades are higher and lifting the lane would potentially improve their access.

The City's lane and road design criteria is outlined in the Subdivision and Development Bylaw Schedule G section 00400. This section requires that all vertical and horizontal alignments are designed utilizing the Bylaw standards and the current edition of the Transportation Association of Canada guidelines. The Bylaw specifies the minimum vertical curve as defined by the K-Value in Table 3.0 as 12. An extract of the Subdivision and Development Bylaw referencing these standards can be found in Attachment C.

A K-Value represents the horizontal distance along which a 1% change in grade occurs on the vertical curve. It expresses the abruptness of the grade change in a single value. It is used in the engineering and design of roadways and lanes.

The Developer has submitted a road design for approval with a supporting letter (Attachment E) from their design professional requesting the reduction of two of the Subdivision and Development bylaw

requirements while confirming that the road still complies with the minimum design requirements as set out in the Transportation Association of Canada Guidelines. The following Sections of the Subdivision & Development Bylaw are proposed to be reduced to accommodate the proposed road design:

- Reduce the minimum Vertical Curve radius as specified in Schedule G Section 004400 Table 3 from a K-Value of 12 to 1 as outlined in the Traffic Association of Canada Guidelines; and
- Reduce the design and posted speed limit from 30km/h to 20km/h.

Staff consider that upgrading the lane to a City standard is not possible, without significant negative impact on private property. The proposed design is considered to be an appropriate design solution for this location and the intended eventual use of the laneway. Based on the information provided Staff are recommending that Council support the developer's request to vary the bylaw requirements.

The attached drawings (Attachment F) show the designed lane alignment that will meet the reduced standard.

### **Financial implication**

The developers for 110 Ellis Street will be responsible for the design and construction of the lane. Once the section is constructed the works will become part of the City road network and it will be the City's responsibility for all maintenance costs.

The current use of the lane does not trigger a high priority on snow clearing, however, with the proposed residential development using the lane as its primary access for many of the units this will increase the priority of the lane. It is the Staff recommendation that the developer and strata enter into a maintenance agreement to provide snow clearing to the lane, as the city will not be able to turn our equipment around in the proposed turnaround. This will mean that there will be no additional cost on the City for snow clearing from this development. The Development will be required to clear the snow from the entire lane to allow access for their residents to Westminster Avenue East.

### **Neighborhood Consultation**

The Developer has contacted the owners of the neighboring properties to get their approval and support for this proposal. Currently the City has been provided letters of support from the affected neighbors.

The main reason that the developer is requesting this variance is at the request from the owner of 160 Ellis Street. If the lane was constructed to City Bylaws it would need to be raised at the back of 160 Ellis Street. They currently use this area for their business and need access to the lane. The developer has requested this variance to accommodate the needs of the owner of 160 Ellis Street and a letter of support from the owner has been provided to staff.

The neighbors at 131 and 145 Van Horne Street are affected by the works and they have agreed to the works taking place on their property. The variance proposed reduces the impact of the lane on their properties. While still impacted the owners have submitted a letter of support for the proposal and approval from some of the works to be carried out on their properties.

The developer has spoken with the three properties to the north of development entrance (109, 113 and, 121 Van Horne Street) as they do occasionally use the lane to access their properties. The design for the lane is not impacted by the proposed variance.

### **Analysis**

The design solution proposed is considered to be reasonable for the proposed development and the adjacent properties. Given the topographical constraints that exist along the laneway and the relatively low usage of the lane, staff are supportive of the proposed variance. The inability for the laneway to access Vancouver Avenue will restrict the amount of vehicles that use the southern portion of the lane to those within the Ellis once development and existing and future developments to the south.

The existing lane will be greatly improved by the proposed works and the impact on the existing properties will be minimal. Staff cannot see a way to upgrade with lane to access the new development without this variance and believe that compliance with the bylaw will create a significant impact on the developer and the surrounding properties to achieve the Bylaw requirements.

The City received advice from a third party traffic consultant who reviewed the proposal from the developer and concluded that the impact of the change to the K-value was acceptable with a minor change that has been incorporated, and compliant to the Traffic Association of Canada Guidelines.

The traffic consultant did highlight concerns about the design of the driveway entrance and the grade. The concern is that the 11% grade on the road and the turn into the building will be difficult and challenging in wet or ice conditions. In response the developer has provided a report to address the concerns detailing their reconditions on the ability for passenger vehicles to access the building and to turn around in the lane. This additional report is also located in Attachment E.

The developer's Design Consultant has confirmed that the laneway design will meet good engineering practice and Transportation Association of Canada guidelines and even though the City's design standard will be altered, they believe that the proposed road design will result in a safe and accessible configuration for the public.

Due to the final design of the access to the building, the hammerhead turnaround will not be suitable for the City fleet of snow plows. Staff are advising Council that if this design is allowed to be constructed the City will not be able to provide snow clearing to this development. The development (eventual Strata Corporation) will have to arrange for a smaller private snow plow to maintain this entire lane when required. As outlined in the staff recommendation, a condition of approval for this variance will be that the developer enter into a maintenance agreement requiring the development be responsible for lane snow clearing and maintenance. If at some point in the future a development occurs, between 110 Ellis Street and Westminster Avenue East, the City will work to have a turnaround installed that will allow access for our snow clearing equipment. This will mean that the 110 Ellis Street would only need to remove the snow up until any new turnaround and then the City will be able to remove snow from the turnaround to Westminster Ave.

### *Support for Alternative Recommendation 1*

Council have the ability to deny the Development Variance Permit. This would require the developer to design the lane in accordance with the Bylaw and negotiate to compensate the affected properties, or to

rebuild the entrance to the building. This is not the preferred option of Staff, given the negative impacts on the adjacent properties.

**Alternate recommendations**

Alternative recommendation 1 - THAT Council deny the Development Variance Permit.

**Attachments**

Attachment A – Location of the lane

Attachment B – Lane photographs – pre development & current situation

Attachment C – Extract from the Subdivision and Development Bylaw

Attachment D – Draft Development Variance Permit PL2019-8506



Attachment E – Letter from the Designer Engineer

Attachment F – Design drawings – showing the K-value of 1

Respectfully submitted,

Michael Hodges  
Development Infrastructure Manager

Concurrence

Director 	Chief Administrative Officer 
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### Attachment A – Location of the lane



**Attachment B – Photo of the existing lane pre-development**

The lane can be seen below with the existing asphalt ending behind 146 Ellis and the undeveloped lane continuing up the hill.



**Attachment B – Photo of the lane – during development**

The lane as it exists today during the construction process for the development. The vehicle access to the development from the laneway will be from the northern most opening in the parkade wall. The laneway grade will be brought back up to the vehicle entrance point to the building – the design standard subject to this Variance is required to be lowered to accommodate the access and laneway topographical challenges.



## Attachment C – Extract from the Subdivision and Development Bylaw

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CITY OF PENTICTON  
SUBDIVISION & DEVELOPMENT  
BYLAW 2004-81

SUBDIVISION & DEVELOPMENT BYLAW  
SCHEDULE "G"  
DESIGN CRITERIA

SECTION 00400 – ROADS  
PAGE 1 OF 10  
NOVEMBER 2004

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### 1.0 GENERAL

- 1.1 All road classifications and designations for vertical and horizontal alignment elements will be designed utilizing information contained in this section, and in compliance with:
  - 1.1.1 The current edition of the Transportation Association of Canada - Geometric Design Guide for Canadian Roads.
- 1.2 Consulting Engineers retained by the Owner to design the works and services must consult with the City to determine what existing information may be of assistance to them.
- 1.3 The City may require an independent Traffic Impact Study to determine the requirements or warrants for deceleration and acceleration turning lanes or traffic control signalization for access off major roads for safety reasons and to minimize disruption to traffic.



## Attachment D – Draft Development Variance Permit PL2019-8506



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

### Development Variance Permit

Permit Number: DVP PL2019-8506

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
Legal: Lot A, District Lot 202, Similkameen Division Yale District, Plan EPP78475  
Civic: 110 Ellis Street  
PID: 030-362-822
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Subdivision and Development Bylaw 2004-81 to reduce the minimum Vertical Curve radius as specified in Schedule G Section 004400 Table 3 from a K-Value of 12 to 1 and reduce the design and posted speed limit from 30km/h to 20km/h.

#### 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.



April 2, 2019

Ecora File No.: CP-17-601

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

**Attention: Michael Hodges  
Development Infrastructure Manager**

**Reference: Ellis One – Lane Design Review Response**

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In response to the “Ellis One (Ellis Street-Van Horne Street Lane) Lane Design Review” performed by Peter A. Truch (Dated March 25, 2019), Ecora Engineering and Resource Group Ltd (Ecora) would like to address the three (3) concerns identified: Vertical Curve Length, Vertical % Grade of the area North of the paved lane, and Parkade Transition from the Lane into the structure.

Vertical Curve Length

In the civil design drawings dated March 15, 2019 the length of vertical curve is 13m with a corresponding K-Value of 1.00. Mr. Truch has recommended increasing this curve length to 20m. Please see attached drawing showing this revision.

Vertical % Grade

Mr. Truch has identified the portion of lane beyond the entrance of the parkade and extent of paved surface as 14% which is steeper than the City’s S&D bylaw (maximum 11% for a lane). However, since the design intention of this portion of the lane is to limit the otherwise substantial impact to surrounding neighbours and deter normal traffic that may utilize this portion, Ecora believes the 3% exceedance is safe and acceptable for this scenario. As such, a warning sign (W-14) will be posted at the end of pavement indicating a dead end.

Parkade Transition

As the parkade entrance must transition from a 10% lane profile to a “flat” parking slab, an unordinary problem arises for the building structure which is solved by a custom concrete slab. Since this “intersection” will see a very limited number of vehicles (passenger cars and trucks) from the 25 stall parkade level, Ecora believes the current design is safe and acceptable for this scenario. As such, surfacing improvements will be made to increase traction for vehicles.

As well, Mr. Truch has identified this entrance as a ‘hammerhead’ style turn-around by which vehicles utilizing this lane may require the space to turn around and leave safely. Please see attached drawing which illustrates adequate space required to successfully complete the maneuver. While the CAD design vehicle is shown as a passenger car, the dimensions meet that of a Ford F150 pickup truck. As such, a legal easement will be registered over the parkade entrance permitting access.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

**Ecora Engineering & Resource Group Ltd.**



Mike Young, P. Eng.  
Senior Civil Engineer  
Direct Line: 250.469.9757 x1005  
mike.young@ecora.ca



March 18, 2019

Ecora File No.: CP-17-601

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

**Attention:** Michael Hodges  
Development Infrastructure Manager

**Reference:** Ellis One – Lane Design Profile

As a requirement of providing access for personal vehicles to the second storey of the Ellis One condo development at 110 Ellis Street, Ecora Engineering & Resource Group Ltd. (Ecora) has designed the lane profile so as to minimize impact to surrounding neighbours and adhere to a maximum grade of 11%.

We note that the existing lane had a K-Value of less than 1 leading into a 17% grade up a gravel hill. This is extremely difficult and most likely impossible to navigate with most cars. As this proposed lane leads to a parkade, all vehicle types must be accommodated.

As per the Transport Association of Canada Geometric Design Guide for Canadian Roads, where good street lighting prevails, the following formula may be used to calculate the minimum k-value required based on the comfort of the passengers:

$$K = V^2 / 395$$

Section 3.3.3.5  
Eq 3.3.8

Where:

V = the design speed [km/h]


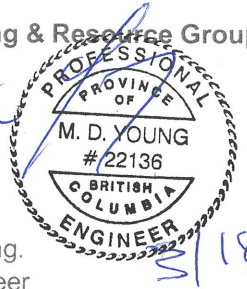
By utilizing a posted speed limit of 20 km/h for the lane, a minimum k-value can be calculated to be **1.0**. As such, a 20 km/h speed limit will be posted at the lane entrance off Westminister Ave E and a streetlight will be placed above the low point in the sag curve (~0+020) to supplement existing lighting in the area.

This k-value is less than the minimum value of **6.0** listed in the CoP Subdivision and Development Bylaw 2004-81, however based on the TAC, Ecora believes the designed profile complies with best engineering practices and is more than adequate to provide a safe transition between grades.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

**Ecora Engineering & Resource Group Ltd.**

  
  
3/18/2019

Mike Young, P. Eng.  
Senior Civil Engineer  
Direct Line: 250.469.9757 x1005  
mike.young@ecora.ca

c: Wildstone Construction & Engineering







# Council Report

penticton.ca

**Date:** April 16, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Subject:** Local Government Support for Cannabis Retail Stores

File No: RMS 4300-01

## Staff Recommendations

*THAT after hearing from proponents of Zen Canna Corp, Green Essence, Greenery Cannabis Boutique and Bluewater Cannabis consider the following staff recommendations:*

1.  
THAT Council direct staff to send recommendations of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses for the following properties:
  - 210 Main Street (Green Gaia)
  - 385 Martin Street (Cannabis Cottage)
  - 2695 Skaha Lake Road (Spiritleaf)
  - 103 – 2050 Main Street (BC Cannabis Store)

AND THAT each recommendation include the following comments:

- The proposed location meets local government bylaw requirements and is in-line with the adopted Council policy for cannabis retail sales and as such no negative impacts are anticipated;
  - The views of the public were captured during a public comment period; and
  - The local government recommends that the application be approved because of compliance with local regulations and policies.
2.  
THAT Council direct staff to send a recommendation to the LCRB denying support for the application at 103 – 2050 Main Street (Zen Canna).
  3.  
THAT Council direct staff to send a recommendation to the LCRB denying support for the application at 101 – 437 Martin Street (Green Essence).
  4.  
THAT Council direct staff to send a recommendation to the LCRB denying support for the application at 465 Main Street (Greenery Cannabis Boutique).
  5.  
THAT Council direct staff to send a recommendation to the LCRB denying support for the application for 101 – 130 Nanaimo Avenue W (Bluewater Cannabis).

## **Executive Summary**

To prepare Penticton for the legalization of recreational cannabis, City Council in September 2018, adopted zoning and business license amendment bylaws permitting the use 'cannabis retail store' in various commercial zones within the city and adopted policy for how staff and Council would consider applications for stores in those zones. The City's Planning Department, to date has received 13 applications for cannabis retail stores, seven within the downtown and six in other commercial areas. This report considers eight (8) of those applications and is recommending Council support the issuance of three (3) letters of support and four (4) letters of denial to the BC Liquor and Cannabis Regulation Branch, the licensing authority for cannabis retail stores in the province. Staff are also recommending Council issue a letter of support to the BC Liquor Distribution Branch, the operator of the publically owned 'BC Cannabis Store', to operate a store in Penticton.

## **Strategic priority objective**

This process meets Council's strategic priority of Good Governance – ensuring that the proposed applications have been reviewed in accordance with Council approved land use regulations and policy.

## **Background**

### *Legislative overview*

The Federal *Cannabis Act* came into effect on October 17, 2018, legalizing recreation cannabis in Canada under a controlled framework. The BC Government in response to this, enacted the *Cannabis Control and Licensing Act (CCLA)*, legislation that set the framework for cannabis distribution in BC. The Act created a hybrid private and public distribution system, mirroring that of alcohol sales in the province. The government has committed to operating public retail stores under the trade name "BC Cannabis Store", through the BC Liquor Distribution Branch (BCLDB).

For private retail stores, similarly to alcohol sales, the province maintains licensing authority through the BC Liquor and Cannabis Regulation Branch (LCRB). Unlike liquor, the Act, however, provides broad authority to local government over where in their communities stores can be located. The Act provides that prior to the LCRB issuing licensing approval for a store, support from the local government 'must' be obtained.

### *Local framework*

Locally, in preparation for the legalization of recreational cannabis, an extensive public consultation exercise was undertaken in partnership between the Planning and Community Engagement teams. The outcome of the community engagement process and policy development work led to zoning and business license bylaw changes and a new Council policy on cannabis retail stores (Attachment A). This approach strived to balance the opportunity for cannabis retail stores in Penticton in a limited and regulated manner with public safety concerns.

The Council policy, adopted in December 2018, included provisions whereby stores could not be located within a specified distance from schools (300m) or other stores (300m separation in the downtown and 750m in other areas of the city). The policy also outlined the manner in which applications for local government support would be processed and how the first batch of applications would be considered.

Since adoption of the policy, the City has received 13 applications for local government support. What this means is that:

- 13 businesses have made applications to the BC Liquor and Cannabis Regulatory Branch (LCRB);
- The LCRB has forwarded a referral to the City for each of these businesses; and,
- Applications have been made directly to the City for 'local government support'.

According to the policy, when an application is received, staff are directed to do a technical review, review the application against the Council approved policy and ultimately make a recommendation to Council for support or denial of an application.

Based on the technical review, three of the 13 applications received to date were put on hold for various reasons, with ten stores (10) proceeding through to the public comment portion of the process.

The public comment period involved placement of a public notice sign on each property as well as letters being sent to neighbouring owners and residents within a specified distance from each location. Of the 10 original locations that went through the public comment process, two (2) further applications have been put on hold, as the applicants have indicated a desire to provide additional information before having their applications considered. This report considers the remaining eight applications.

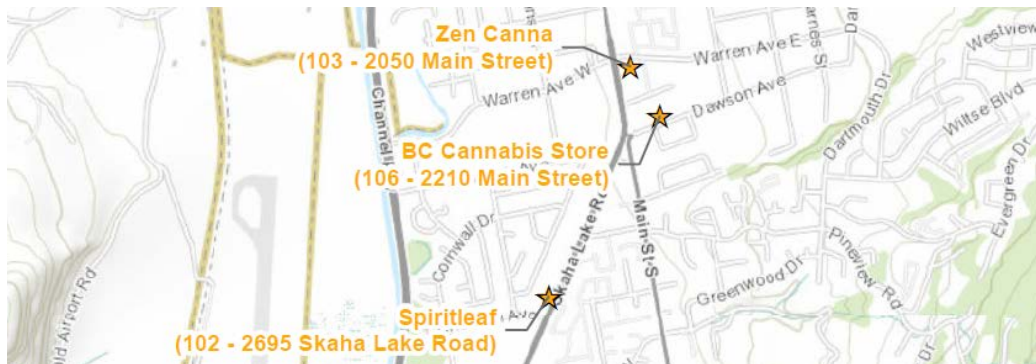
*Subject locations (downtown)*

The following map shows the locations in the downtown of applications that are considered as part of this report. Within the downtown, according to the Council policy, stores are not permitted to be located within 300 m of another store.



*Subject locations (Other)*

The following map shows the locations outside of the downtown where applications were received. Outside of the downtown, according to the Council policy, stores are not permitted to be located within 750 m of another store.



### *First intake*

According to the Council policy, all applications received prior to February 1, 2019, are deemed to be received on February 1, 2019. All eight of the applications discussed in this report were received prior to that date. What this means is that there is no priority given to when an application was submitted. In cases where stores are in conflict with the buffer rules from another store, the policy states that the applications will be reviewed based on *merit* with the those applications more closely aligned with the intent of the policy being given staff recommendation for support.

The general intent of the policy is: “to establish opportunities for limited retail sales of cannabis in a regulated manner, reducing exposure to youth and ensuring that the retail stores have a positive impact on the Penticton retail community.” This is the basis on which the merit based reviews were conducted.

### *Review panel*

To assist in determining which stores would be recommended for approval by staff, an internal review panel was established to determine which proposed businesses best aligned to the policy. The panel consisted of five (5) persons from various City Departments, including Planning, Licencing and Economic Development.

To be able to compare applications evenly, the review panel created a scoring matrix based upon the Council policy and used the matrix to individually score each application (Attachment B). An average of all the individual scores were determined with a score out of 100 provided to each location. The review panel then adjusted the score through discussion and a consensus score was reached on each location – based on the assessment against the Council approved Policy.

With the final scores, a geographic review was conducted based upon the buffer rule between stores. Where there were conflicts between locations, the business with the higher score was recommended for support.

Detailed comments from the panel on each store are attached as schedules to this report (Attachment C through J). The following provides a brief overview of each and the consensus score provided by the review panel:

### *Downtown locations*

#### 210 Main Street (Green Gaia)

- Review panel comments: Good location with high visibility in an established commercial area. Some concerns raised about the community market and day care (sensitive uses). Branding and storefront images were adequate. Proposal demonstrated a thorough understanding of the industry.
- Public comments: Generally supported by the public with several letters of support, but neighbouring commercial units in opposition. Some concerns raised from public that stores should not be located on Main Street (22 letter for, 4 letters against, petition in support with 329 signatures)
- Review panel score: 74
- Staff recommendation: Support

#### 385 Martin Street (Cannabis Cottage)

- Review panel comments: Good location in a commercial area. Some concerns over nearby uses (church, residential area). Strong business overview document with attention to detail to staff training, customer

service approach. Appealing window treatments and positive image to the street. Well demonstrated understanding of the industry.

- Public comments: Significant numbers of letters of support for the business and business operators, including from nearby businesses. Letter of opposition from neighbouring residential building. (25 letters for, 2 letters against)
- Review panel score: 86
- Staff recommendation: Support

#### 465 Main Street (Greenery Cannabis Boutique)

- Review panel comments: Concerns over proximity to Foundry, but otherwise established commercial area with good visibility and access. Branding was creative and thorough, clean and professional.
- Public comments: Concerns about stores on Main Street and proximity to high school. Comment on the darkness of the storefront. (0 letters for, 0 letters against, some letters expressing general / neutral comments)
- Review panel score: 71
- Staff recommendation: Deny support, based on the business being in close proximity to a business with a higher score.

#### 437 Martin Street (Green Essence)

- Review panel comments: Located in established commercial plaza. Some concerns about the proximity to Soupateria and Martin Street Walk-in Clinic. Limited branding information, but strong understanding of the industry and experience. Business operators have history of bylaw violations. Several letters of opposition factored into scoring.
- Public comments: Several letters of support, but also several against. Many cite the fact that business operated illegally in the past and should not be supported now. Concerns from nearby residents on how the business was run previously (smoking outside). Too close to residential building. (13 letters for, 8 letters against)
- Review panel score: 57
- Staff recommendation: Deny support, based on the business being in close proximity to a business with a higher score.

#### 101 – 130 Nanaimo Avenue W (Bluewater Cannabis)

- Review panel comments: Mixed opinion on location. Not an established retail area. Not lending itself to visibility and surveillance. Also some concerns about upper floor residential. Business overview was limited in scope, but strong branding and exterior image / design.
- Public comments: Letters of support from nearby business. Also, letters against from nearby residents and property owners. (2 for, 3 against)
- Review panel score: 59
- Staff recommendation: Deny support, based on the business being in close proximity to a business with a higher score.

*Locations outside the downtown*

106 – 2210 Main Street (BC Cannabis Store)

- Review panel comments: Established commercial area with good parking and visibility. No concerns about nearby residential areas. Some concerns regarding distance from skate park. Strong approach to social responsibilities, staff training and branding. Company has experience in retailing liquor and is cited as a 'BC Top Employer'. The panel considered that this store will set the standard for Penticton.
- Public comments: Minimal letters of support. Petition favouring private over public retailer received (no verification on addresses provided). Other comments, 'if we must have a store here it should be the BCLDB store'. (3 letters for, 2 letters against, large petition favouring private over public retailer with 200+ signatures)
- Review panel score: 87
- Staff recommendation: Support

102 – 2695 Skaha Lake Road (Spiritleaf)

- Review panel comments: Established commercial plaza with good parking and visibility. Some concerns regarding nearby church and social housing (sensitive uses). Excellent approach to branding and storefront appearance. Business approach well thought out and presented.
- Public comments: Mix of letters in support and against. Concerns raised about proximity to high school and middle school on Green Avenue.
- Review panel score: 78
- Staff recommendation: Support

103 – 2050 Main Street (Zen Canna Corp.)

- Review panel comments: Established commercial area with good parking and visibility. No concerns about nearby residential areas. Some concerns regarding skate-park and children's activity center. Well thought out branding and business approach.
- Public comments: Several letters of support including from several nearby businesses and a petition to favour the private store over the public store. (1 letter for, 2 letters against, petition style letters favouring private over public store with 200+ signatures)
- Review panel score: 86
- Staff recommendation: Deny support, based on the business being in close proximity to a business with a higher score.

**Financial implication**

Currently cannabis retail stores do not have a specific businesses license fee. What this means is that unless Council were to amend the City's Fees and Charges Bylaw creating a specific fee for cannabis retail stores, the businesses, once they begin operation, will be charged the nominal annual business licence fee paid by all other businesses in the City (\$175.00 annually).

Staff are recommending that no change to the fees be made. While some municipalities have taken the approach of creating a higher annual businesses license fee (\$400 - \$8,000 depending on the community),

citing the additional work of this new industry, that is not the recommendation of staff at this time. An evaluation has been conducted by the Licensing Department about expected staff time and resource of administering these businesses from a business license perspective, and it is not anticipated that these businesses will create the amount of time and effort warranted to have a specific fee higher than the standard businesses license fee.

The City has already received \$2,500 for each of the applications submitted for the Planning / Land Use Review, which have gone towards the staff review and public consultation process applied to these applications. Each of the approved locations will require tenant alterations of some sort and for this to occur will require a Building Permit to support the change of use – prior to the business operating. Each of these applications will be required to pay the appropriate building permit fees as well as substantial yearly provincial licensing fees.

### **Analysis**

In determining which stores to provide recommendations to, staff used the Council policy to guide the review process. The review panel was set up to ensure fairness in the process. The panel used all of the documentation submitted as part of the application process, including the storefront imagery and business overview document required to be submitted. The applications were reviewed based on their merit and the panel recommended those businesses they considered to be in the most advantageous locations and which presented the most professional and positive image and showed the greatest potential for success.

The businesses that are being put forward for recommendations of support: show strong understanding of this new industry; are in locations that are considered appropriate; fully comply with the Council approved Policy; and, have demonstrated how they will have a positive impact on the areas in which they are proposed.

With regard to the stores that were not recommended, in most cases the applications submitted were strong but had deficiencies to them and do not fully comply with Council approved Policy (too close to another business with a higher score). Staff would like to highlight where this was most prominent: Zen Canna at 2050 Main Street. The proposal for Zen Canna scored as high as any of the businesses being recommended for support, other than the BC Cannabis Store proposal, which is in close proximity to Zen Canna (~ 230 m). Ultimately, the review panel considered that the experience of the Liquor Distribution Branch in liquor retailing as a major factor. Added to this was the fact that the store had the backing of the provincial government, the company was a “BC Top Employer” and that the branding and aesthetic of the store was very strong were the differentiators that gave the BC Cannabis Store the edge and ultimate support from the review panel over Zen Canna.

With those comments in mind, staff are confident in recommending the applications put forward for support.

### **Next steps**

Should Council follow the recommendations from staff, letters of support for Green Gaia (210 Main Street), Cannabis Cottage (385 Martin Street) and Spiritleaf (102 – 2695 Skaha Lake Road) will be forwarded to the LCRB. Letters of denial will be sent in respect to Green Essence (101 – 437 Martin Street), Greenery Cannabis Boutique (465 Main Street), Bluewater Cannabis (101 – 130 Nanaimo Avenue W) and Zen Canna (103 – 2050

Main Street). The LCRB will then proceed with processing the applications that have been supported and close those files for those businesses that the City did not support.

With regard to the BC Cannabis Store, which does not need to be licensed by the LCRB, a letter of acknowledgment of support will be sent to the Liquor Distribution Branch and they will begin their tenant improvement process shortly thereafter. It is likely that the BC Cannabis Store will be the first store to open legally in Penticton.

Council should expect to see further applications come forward in the next few months with other locations. Specifically there are up to three other locations in the downtown that Council may be asked to consider and three other locations elsewhere in the City.

### **Alternate recommendations**

There are several options that Council can consider in proceeding with this matter. The following are provided for Council's consideration as alternatives to Staff's recommendations:

#### *Alternative 1: Support all applications that have come forward*

Council may feel that all of the applications that were presented should be given letters of support from the City and then the market should decide which locations and businesses will succeed. Staff do not support this approach as it was clear from the public engagement work and the comments on the individual stores, that a limit on the number of businesses was desired by the public. Additionally, this would be in conflict with the adopted Council policy which established buffers between stores. Furthermore, allowing stores in close proximity may affect the viability of all businesses.

All prospective store operators were aware of the risks of not being supported by the local government prior to leasing their respective spaces and making their applications. Staff have been very transparent in the locations where applications have been received and in most cases, prospective operators chose to make applications in close proximity to other prospective locations.

#### *Alternative 2: Follow staff's recommendation on the downtown locations, but issue permits to both Zen Canna and the BC Cannabis Store*

Both Zen Canna, a private business and the BC Cannabis Store scored very similarly, with the BC Cannabis Store coming out slightly higher (See above for justifications). According to the Council policy, in this area of the city, stores cannot be located within 750 m of each other. Given this policy, the staff recommendation is to support the BC Cannabis Store rather than the private store. Council can, if they so choose, make a policy decision to give support to both stores, acknowledging the fundamental difference in the publically owned and privately owned store.

#### *Alternative 3: Follow staff's recommendation on which stores to provide support for and direct staff to bring forward amendments to the fees and charges bylaw*

As discussed in the financial section of this report (above), staff are recommending leaving the business license fee at the same rate as other retail stores in the City. Council, as an alternative, may wish to raise this rate. When Council originally licensed marijuana dispensaries through a temporary use permit in 2016, Council of the day set a business license fee of \$5,000 per year. Council could look to establish a similar fee for these cannabis retail stores. Council should however, consider that these stores will be monitored and

regulated by the province, much like liquor retail stores. For this reason staff are not recommending the higher fee.

*Alternative 3: Refer this item back to staff with clearer direction on how to differentiate between businesses and provide businesses the opportunity to further refine their applications based upon that direction*

Council may wish to not give support to any of the applications at this time and refer these applications back to staff with instructions that Council feels are appropriate. Staff do not recommend this, as a fair merit based evaluation was conducted to determine which locations and businesses more closely aligned to the Council policy.



**Attachments**

- Attachment A – Council Policy: Cannabis Retail Stores
- Attachment B – Scoring matrix used by the review panel
- Attachment C – Application overview for 210 Main Street (Green Gaia)
- Attachment D – Application overview for 385 Martin Street (Cannabis Cottage)
- Attachment E – Application overview for 106 - 2210 Main Street (BC Cannabis Store)
- Attachment F – Application overview for 102 – 2695 Skaha Lake Road (Spiritleaf)
- Attachment G – Application overview for 103 – 2050 Main Street (Zen Canna Corp.)
- Attachment H – Application overview for 465 Main Street (Greenery Cannabis Boutique)
- Attachment I – Application overview for 101 -437 Martin Street (Green Essence)
- Attachment J – Application overview for 101 – 130 Nanaimo Avenue W (Bluewater Cannabis)

Respectfully submitted,

Blake Laven, MCIP, RPP  
Planning Manager

Concurrence

<p>Director</p> 	<p>Chief Administrative Officer</p> 
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Attachment A  
Council Policy: Cannabis Retail Stores



# Council Policy



penticton.ca

Approval date: December 4, 2018

Resolution No.: 498/2018

**Subject: Cannabis Retail Stores**

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**Goal**

The goal of this policy is to establish opportunities for limited retail sales of cannabis in Penticton in a regulated manner, reducing exposure to youth and ensuring that retail stores have a positive impact on the Penticton retail community.

**Scope**

This policy outlines how the City will process requests for local government support for a provincial 'cannabis retail store licence' as required by Section 33 of the *Cannabis Control and Licensing Act*.

This policy also outlines Council's expectations for the visual appearance and location of cannabis retail stores in Penticton.

The policy should be used in conjunction with the provincial *Cannabis Control and Licensing Act* and any applicable sections regarding cannabis retail stores contained in the City's Business Licence Bylaw and Zoning Bylaw.

**Purpose**

The purpose of this policy is to give City staff and Council a general framework to use in the fair evaluation of applications for 'local government support for a provincial Cannabis Retail Store Licence' in Penticton.

Furthermore, the policy is intended to outline the expected look and location of cannabis retail stores, ensuring successful integration of this new use into the existing commercial areas of the city.

**Roles and Responsibilities**

The Planning Department is responsible for the receipt and processing of applications for 'local government support for a provincial Cannabis Retail Store Licence'. When an application is received, a file manager will be assigned by the Planning Department Manager to process the application.

City Council will be the ultimate decision maker on whether to provide a recommendation in support or recommendation against a provincial Cannabis Retail Store Licence for a particular location.

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Council Policy – Cannabis Retail Stores

Page 1 of 3

### Procedures

- Prior to consideration by City Council, a complete application with supporting documentation as required must be submitted to the Planning Department, with the application fee as determined by the City's Fees and Charges Bylaw.
- Applications will only be accepted for a location that has been referred to the municipality by the Liquor and Cannabis Licensing Branch (LCLB) for private retail stores or made on behalf of the Liquor Distribution Branch (LDB) for public retail stores.
- All other applications will not be accepted.
- When a complete application is received, the file manager will review the application for basic technical conformance to this policy and its guidelines and zoning and business licence bylaw requirements.
- In cases where there are conflicts between the application and any City bylaws or the guidelines contained within this policy, the file manager will notify the applicant and provide the applicant with the opportunity to provide additional information or otherwise revise the application.
- Prior to consideration of the application by City Council, public notification of the application shall be done by the Planning Department and will occur as follows:
  - A 'public notice sign' will be placed on the property, in a conspicuous location, for a minimum of 14 days. In the case where the property is double fronting or a corner lot, additional signs may be required, at the applicant's cost.
  - All owners and tenants of land within 45m of the subject application will be sent written notification.
  - The sign and written notice shall contain the following information:
    - In general terms, the purpose of the application
    - The land or lands that are subject to the application
    - The place and times where information on the application are available for viewing by the public; and,
    - The manner to which public comment will be accepted
  - Comments from the public will be directed to the file manager.
- Prior to consideration of the application by City Council, the file manager will submit a report for Council's consideration including the following:
  - A summary of the comments from the public and the technical review of the application.
  - A recommendation whether to support an application, support an application with certain conditions or to not-support an application and justification for the recommendation.
- In the case where staff are recommending Council deny an application, the applicant will have the opportunity to address Council directly at a Regular Meeting of Council where the application is being considered and prior to Council considering the application.
- Once Council has passed a resolution in respect to the application, notice shall be sent the LCRB, with a copy of the Council resolution.

### Guidelines

In considering whether to recommend support of a cannabis retail store in Penticton, the following guidelines will be considered:

- Stores shall not be located within 300m of a public or private elementary, middle or secondary school. This exclusionary zone will be measured as a buffer from the extent of the school property.

- Stores shall not be located within 300m of another cannabis retail store in the downtown, as defined as the area generally zoned C5 and C6, nor 750 m from another cannabis retail store in the rest of the city. This distance will be measured as a buffer from the footprint of the store.
- Adherence to the following storefront guidelines:
  - Storefronts must present a positive image to the street to which the store fronts (complete window coverings are discouraged)
  - Where window coverings are to be used, they shall include imagery and colour that display a positive and quality presentation to the street (blank window coverings are discouraged)
  - Store branding, signage and display material must not include words or graphics intended to appeal to minors, show the use of cannabis or promote intoxication (for example the words 'high', 'stoned', 'chronic' etc. should be avoided)

The following are grounds for staff to recommend Council deny local government support for a licence:

1. Strong public opposition to the location.
2. Proposed location is in a zone that does not include 'cannabis retail store' as a permitted use.
3. Proposed location is within 300m of a public or private elementary, middle or secondary (K-12) school.
4. Proposed location is in too close a proximity to another cannabis retail store.
5. Design of the storefront and branding do not adhere to the guidelines listed in this policy.

**Application priority**

- Applications will processed as they are received.
- In the case where an application is made for a location that is in conflict with buffering guidelines from a location that is part of a previously submitted application, the file manager will notify the applicant of the second application and provide the opportunity to amend the location or to proceed with the risk of not having staff support.
- Applications submitted to the City prior to February 1, 2019 will be deemed to be received on February 1, 2019. In the case where conflicts with the buffering guidelines exist between applications received on February 1, 2019, applications will be reviewed based on merit, with staff's recommendation for support going to those applications more closely aligned to the intent of this policy.

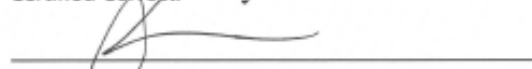
**Policy Review**

This policy should be reviewed within a two year period of cannabis retail stores operating in the city to determine if the policy is adequately serving the interests of the community.

**Previous revisions**

N/A

Certified Correct:



Angle Collison, Corporate Officer

Cannabis scoring matrix used by the review panel to differentiate between stores

  <b>Cannabis Scoring Criteria</b>  Store address:  Store name:		<b>Total Score:</b>  <span style="font-size: 2em; font-weight: bold;">X/100</span>
<b>Location</b>	<b>Points</b> Max 25 points	<b>Comments</b>
Adequate distance from sensitive uses (sensitive uses are defined by the individual scorer) (max 10)		
Fit (including considerations like parking, delivery, visibility, access, transit adjacency, fit with existing business types etc.) (max 15)		
<b>Business overview document and letter of intent</b>	<b>Max 30 points</b>	
Branding (max 5)		
Provides adequate attention to security (max 5)		
Demonstrates a strong understanding of the industry (max 5)		
General impression of the viability of the business (business plan) (max 5)		
Professional structure (staff, approach to training, competence of management team etc.) (max 10)		
<b>Storefront appearance</b>	<b>Max 15</b>	
Positive image to the street (max 10)		
Professional look and feel (max 5)		
<b>History of bylaw violations</b>	<b>Max 10</b>	
Business does not have a history of bylaw violations (max 5)		
Business operator does not have a history of bylaw violations (max 5)		
<b>Public comment</b>	<b>Max 20</b>	
Strong public support (max 20)		
Strong public opposition (0)		
No comments from public (max 10)		
<b>Total (Max 100)</b>		

Attachment C  
Application overview for 210 Main Street (Green Gaia)



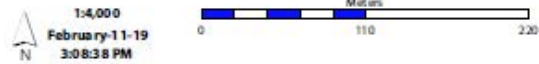
# Non-Medical Cannabis Retail Store

February 1st 2019 - Applications  
Green Gaia Cannabis Co. (210 Main Street)



- Legend**
- ★ Proposed Store
  - ★ Nearby Store
  - Parcels
  - Buffer Distance**
  - 300m (downtown)

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January 30<sup>th</sup>, 2019

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

Dear Mr. Laven,

Subject: Retail Cannabis Application – 210 Main Street, Green Gaia Cannabis Co Inc.

Further to our application for a retail cannabis store at the named location I would like to offer you the following documents in support of the application and are hereby attached for your perusal:

- 1) Personal and Business Resume – for myself and my husband
- 2) Business Plan for the Penticton Location
- 3) Drawing of the proposed store floor plan
- 4) Drawings of the building location and store location within the building

I would like to also comment of a few important items regarding the application not covered specifically in the attached documents but should be considered when reviewing our application:

- 1) We have been respectful of all legislation regarding this matter. We have followed all Federal, Provincial and Municipal Legislation, Guidelines and approval processes. We have not been in contravention of any laws prior to legalization and continue to be respectful of that process.
- 2) My husband and I have been members of the local business community for the past 20 years and have built a reputation for honesty and running a well-respected business. We have not had any issues in the past with municipal authorities nor any issues that involved police or the courts. We will not run our business in a disrespectful manner and jeopardize our good name and reputation.
- 3) We have been given Municipal Approval for a similar dispensary in Summerland and are currently awaiting Provincial Approval. Our application in Summerland has been supported by the RCMP in that community. We will be good corporate members of both communities.

With these comments in mind I respectfully submit the attached documents in support of our application and for your consideration. We look forward to your review and response

Yours Truly



Dionne Bakalos  
Green Gaia Cannabis Co. Inc.



## Cannabis Retail Store Review Panel Summary

**Store Name:** Green Gaia

**Store Address:** 210 Main Street

### Review Panel Summary:

- Good location with high visibility and opportunities for surveillance, but some questions raised about the Main Street location with the community market.
- Professional looking branding, clean, simple and non-offensive.
- A strong understanding of the industry was provided. Applicants have another store opening in Summerland. Owners are local, reputable business owners. Have ran successful businesses in the past.
- Window treatment is adequate. Some concerns were raised that in this particular location on Main St, obscured windows could be addressed more creatively to present a more welcoming face to the street.
- Significant number of letters of support both from neighbours and people of the community with a few letters against.
- Security plan could have been more detailed. However, business owner`s prior experience in operating a business requiring strong security in that same location was noted.
- Limited information about staff training, or an organizational chart provided.

Overall score out of 100: **74**

### Public Comments Summary:

- Reputable business owners.
- Quality products from a well-known supplier.
- Good neighbour, and will continue to be.
- Do not want to see businesses such as this and tattoo parlours on Main Street in the downtown.
- Lack of parking for customers.
- This type of use will worsen the crime in the area and lead to even more loitering.
- Concerns about safety.

Attachment D  
Application overview for 385 Martin Street (Cannabis Cottage)

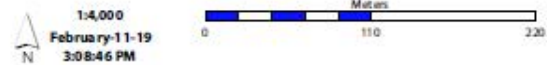


### Non-Medical Cannabis Retail Store

February 1st 2019 - Applications  
Cannabis Cottage (385 Martin Street)



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**LETTER OF INTENT**  
**Cannabis Retail Sales Applicant**

**From:**

Mariana and Kevin Wolff  
BC Bliss Recreational Cannabis Inc (Cannabis Cottage)  
385 Martin St, Penticton, V2A 5K6  
MW (250) 486-3502; KW (250) 809-6183  
marianagalata@hotmail.com

**To:**

Planning Department  
Development Services Division  
171 Main St, Penticton, V2A 5A9  
(250) 490-2501  
planning@penticton.ca

This letter is to formally present our proposed location at 385 Martin Street, to be considered for a non-medical cannabis retail store. The proposed location is suitably zoned for cannabis retail sales in Penticton and is located a safe distance (greater than 300 meters) from any schools in the City. This store will be named Cannabis Cottage, to embrace the folksy cottage-like appearance of the building. The signage name does not contain any words or elements that appeal to youth or promote cannabis intoxication. In summary, we feel this location meets the Penticton Council Cannabis Retail Policy.

As Okanagan locals, with deep roots in Penticton, it is our intention to keep cannabis away from local youth and at-risk individuals (e.g., persons with substance abuse history or risk). This business plans to become a contributing participant of the Penticton economy, servicing local adults and the increased number of international tourists expected this summer with the advent of Canada's newest industry. We thank you for your time and consideration.

Sincerely,

  
\_\_\_\_\_  
Mariana Wolff

13 Dec, 2018  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kevin Wolff

13, Dec, 2018  
\_\_\_\_\_  
Date



PERSPECTIVE I

December 13, 2018

Project Location | 355 MARTIN STREET, NEWTON, MA

A 01

## Cannabis Retail Store Review Panel Summary

**Store Name:** Cannabis Cottage

**Store Address:** 385 Martin Street

### Review Panel Summary:

- Fits in well with various commercial uses nearby.
- Detailed security plan submitted.
- A strong understanding of the industry was shown.
- Strong business overview submitted (especially the attention paid to risk management, inventory tracking, disposal procedures, marketing, customer education, references, etc).
- Strong professional structure. Organizational structure was well explained.
- Staff training was addressed
- Successful, local business owners. Unique cottage-like feel, set back from the street with landscaping provided a positive image to the street.
- Appealing window treatment to obscure interior from the street. Treatment was noted to be aesthetically in line with the building's design.
- A significant number of letters of support were submitted.
- Staff parking on site, transit stop nearby.
  
- Close proximity to a church and residential uses were noted.
- No interior renderings of the store were submitted.
- Some negative comments submitted from nearby residents.
- Building does not appear to be wheelchair accessible.

Overall score out of 100: **86**

### Public Comments Summary:

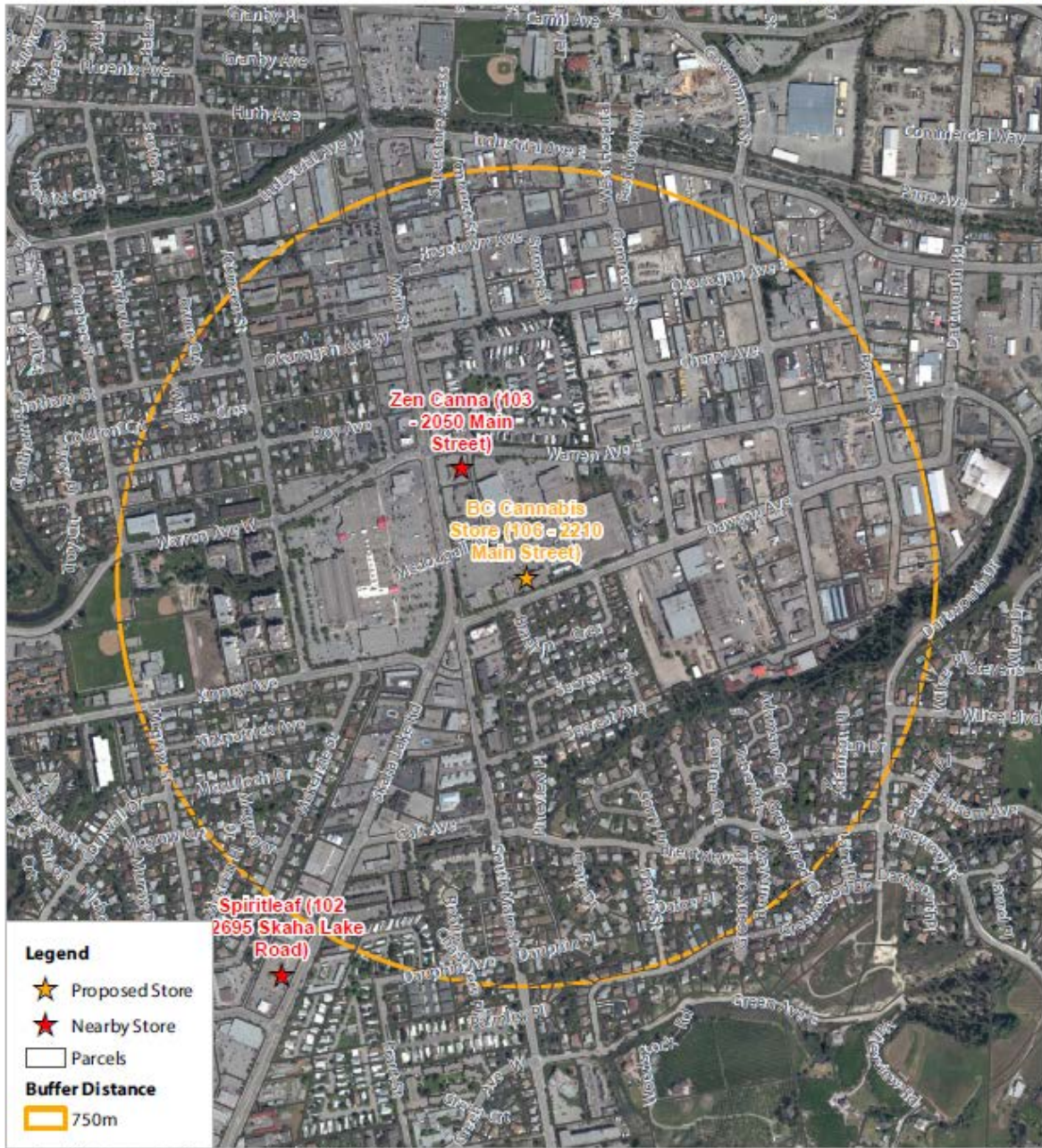
- Reputable local business owners.
- Good location.
- Professional couple running the business.
- Nice storefront, blends in well with the area.
- The store will contribute to the economy of Penticton and vibrancy of 300 block of Martin Street.
- Vintage, charming and welcoming feel.
- Outstanding people behind the business.
- Business owners are educated in the business.
  
- Extra traffic in the neighbourhood.
- Concerns about smell coming from this type of business.

Application overview for 106 - 2210 Main Street (BC Cannabis Store)

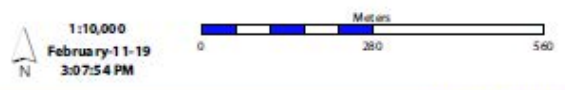


### Non-Medical Cannabis Retail Store

February 1st 2019 - Applications  
BC Cannabis Store (106 - 2210 Main Street)



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**LIQUOR  
DISTRIBUTION  
BRANCH**

November 16, 2018

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

Dear Mayor and Councillors:

**Re: Cannabis Retail Store Application**

Unit 106 (confirmed Jan 30/19)

Please accept our application to locate a **government operated cannabis retail store at Unit 4 – 2210 Main Street** in the Penticton Power Centre.

**About the LDB**

The LDB is one of two branches of government responsible for the beverage alcohol and non-medical cannabis (cannabis) industries in B.C. Through the *Liquor Distribution and Cannabis Distribution Acts*, the LDB is mandated with the purchase and distribution of beverage alcohol and cannabis for the Province. As well, the LDB operates a number of public liquor stores (197 in total), and as of October 17<sup>th</sup>, a public cannabis retail store in Kamloops, as well as an e-commerce platform to offer public on-line sales of cannabis. The LDB is self insured as a branch of the BC government.

Revenue generated through the LDB's wholesale and retail operations is directed to the Provincial Government and contributes to supporting vital public services such as health care and education. For the 2017/2018 fiscal year, the LDB contributed \$1.12 billion to fund government services. Revenue generated through LDB's newly implemented cannabis operations (both wholesale and retail) will also be directed back to the Province to support important public services.

**Location of Proposed Cannabis Retail Store**

This location was selected by the LDB for a proposed cannabis retail store for a number of reasons, including that the site is:

- Located in a large retail complex and therefore consistent with the nature of the immediate area;
- Located at least 300 metres away from schools;
- Easily accessible to customers; and
- Not expected to adversely impact traffic in the surrounding area, given its location in an already established retail complex.

**Building and Site**

The following considerations were taken into account when evaluating the appropriateness of the site and building for a cannabis retail store:

- The intended use of the site is consistent with the "retail" nature of the immediate area.

2625 Rupert Street, Vancouver, British Columbia, V5M 3T5 t 604.252.3021 f 604.252.3026 w www.bcladb.com

- The size of the proposed cannabis retail store is approximately 2,800 square feet, which is in the midrange of other retail stores existing on the subject site and in the surrounding area.
- The site provides for ample parking and efficient traffic flow as it is an existing retail development.

### **Community Impact**

The LDB works closely with the Liquor and Cannabis Regulation Branch (LCRB) and the Ministry of Public Safety and Solicitor General to encourage the safe and responsible consumption of alcohol and cannabis in BC. The LDB is committed to working in partnership with local governments to ensure a smooth introduction of the legal cannabis retail market to BC communities. While government-operated cannabis retail stores do not require a licence from the LCRB<sup>1</sup>, we are committed to following all municipal zoning processes and meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety and to mitigate, and respond to, any negative impact on the community.

Social Responsibility is part of the LDB's Mission Statement and one of the four pillars we have identified that supports our success. Our efforts are focused on three themes: encouraging and promoting responsible use of alcohol and cannabis, reducing the impact our business has on the environment, and giving back to the communities we serve. We meet these objectives by:

- Delivering products that meet strict product safety and quality requirements - all cannabis products will be purchased through the LDB wholesale channel; product will be lab tested and will only be purchased from producers that have been licensed by Health Canada.
- Ensuring accountability of our key business partners (e.g. Licensed Cannabis Producers).
- Promoting the safe and responsible use of beverage alcohol and cannabis through social responsibility campaigns aimed at keeping alcohol and cannabis out of the hands of youth\*, preventing driving under the influence, and informing the public about associated health risks.
- Actively discouraging customers from engaging in high-risk behaviour like drinking or consuming cannabis and driving, consuming alcohol or cannabis during pregnancy and participating in sporting activities while under the influence of alcohol or cannabis;
- Increasing awareness of the dangers associated with over-consumption or risky behaviour through various in-store campaigns with strategically placed messaging;
- Raising money through in-store fundraising campaigns for dry grad celebrations, Red Cross disaster relief, kids in need, and local community charities (through the Provincial Government's Employee Workplace charitable giving campaign); and
- Incorporating environmental sustainability into all facets of our business with a goal of reducing our environmental footprint and being a leader in sustainable retailing.

***\*Keeping cannabis out of the hands of minors will be a top priority for the LDB. Unlike liquor stores, minors will not be permitted to enter cannabis retail stores, even if they are accompanied by a parent or guardian. When entering the store, there will be an ID check at the entrance. Individuals without ID or minors (even those accompanying someone of legal age) will not be permitted in the store. As well, all staff will be required to complete a provincial training program.***

<sup>1</sup> As a branch of the Ministry of Attorney General, the LDB does not require a formal license from the LCRB to operate a retail cannabis store - written confirmation from the LCRB is attached.

### **Store Operations**

BC Cannabis Stores will be bright, clean, welcoming and professional, with the intent of creating a safe and favourable alternative to purchasing cannabis from the illicit market. Storefronts will have frosted windows to align with Health Canada's requirements that cannabis not be visible to minors.

All cannabis products carried by BC Cannabis Stores are sourced from federally licensed cannabis producers that are required to meet Health Canada's guidelines for quality control, Good Production Practices, and inventory management.

All stores will employ unionized staff – stores in large municipalities will have approximately 12-20 employees and stores in smaller municipalities will have approximately 6-12 employees. Each store will have a Store Manager, at least one Assistant Store Manager, and staff comprised of full and part-time Cannabis Consultants. All employees go through criminal background checks. Store hours may vary by each store location, but most stores will be open from Monday to Sunday 10 am to 10 pm.

The LDB's neighbourhood strategy includes:

- Mandatory full day training program, Keep It Safe, required for all staff. This program covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance. Additional topics covered include understanding cannabis related laws and strategies for maintaining a safe environment for employees and customers.
- Implementation of procedures on how to deal with unruly customers, store safety, loitering, and consumption outside the premises. For example, procedures are in place to ensure there are at least 2 employees in the store at all times and that stores are armed and locked outside business hours. For events that occur outside of the store, staff are trained to contact mall security, if applicable, or to call 911.
- BC Cannabis Stores have a two ID policy. Customers must show two pieces of ID, one of which must be issued by a government agency and includes their name, birth date, and picture. The second must include an imprint of their name, signature and/or picture. Staff receive training on conducting ID checks and identifying signs of altered ID documents.
- Defective product will be transported to an off-premise location to be destroyed. Stores will not incinerate or dispose of cannabis products on premise, reducing the risk that cannabis will come into the hands of minors or the illicit market.

### **Security**

Customer, employee, and community safety is paramount. The LDB brings over 40 years of experience in working with local government, enforcement agencies, and security experts in establishing and operating secure retail stores in BC. Crime Prevention Through Environmental Design (CPTED) principles are utilized in all of our retail stores layouts.

BC Cannabis Stores are supported by the LDB's Corporate Loss Prevention department and privately contracted security personnel are available to work in conjunction with store staff to ensure security practices and protocols are followed.

All BC Cannabis Stores will have:

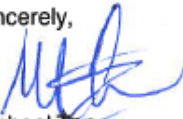
- Centrally maintained province-wide intruder and fire monitoring systems;
- Interior and exterior camera surveillance;
- Locked and tempered glass display cases for cannabis accessories;

2625 Rupert Street, Vancouver, British Columbia, V5M 3T5 t 604.252.3021 f 604.252.3026 w [www.bclldb.com](http://www.bclldb.com)

- A secure storage room where product will be kept that will require access cards to enter;
- Durable and reliable commercial-grade doors and locks;
- Security shutters; and
- Smash-resistant windows.

Further details regarding BC Cannabis Stores and the LDB's social responsibility efforts are included in the attached presentation. If you require additional materials or have any questions we would be very happy to provide it. We thank you in advance for your consideration of our application.

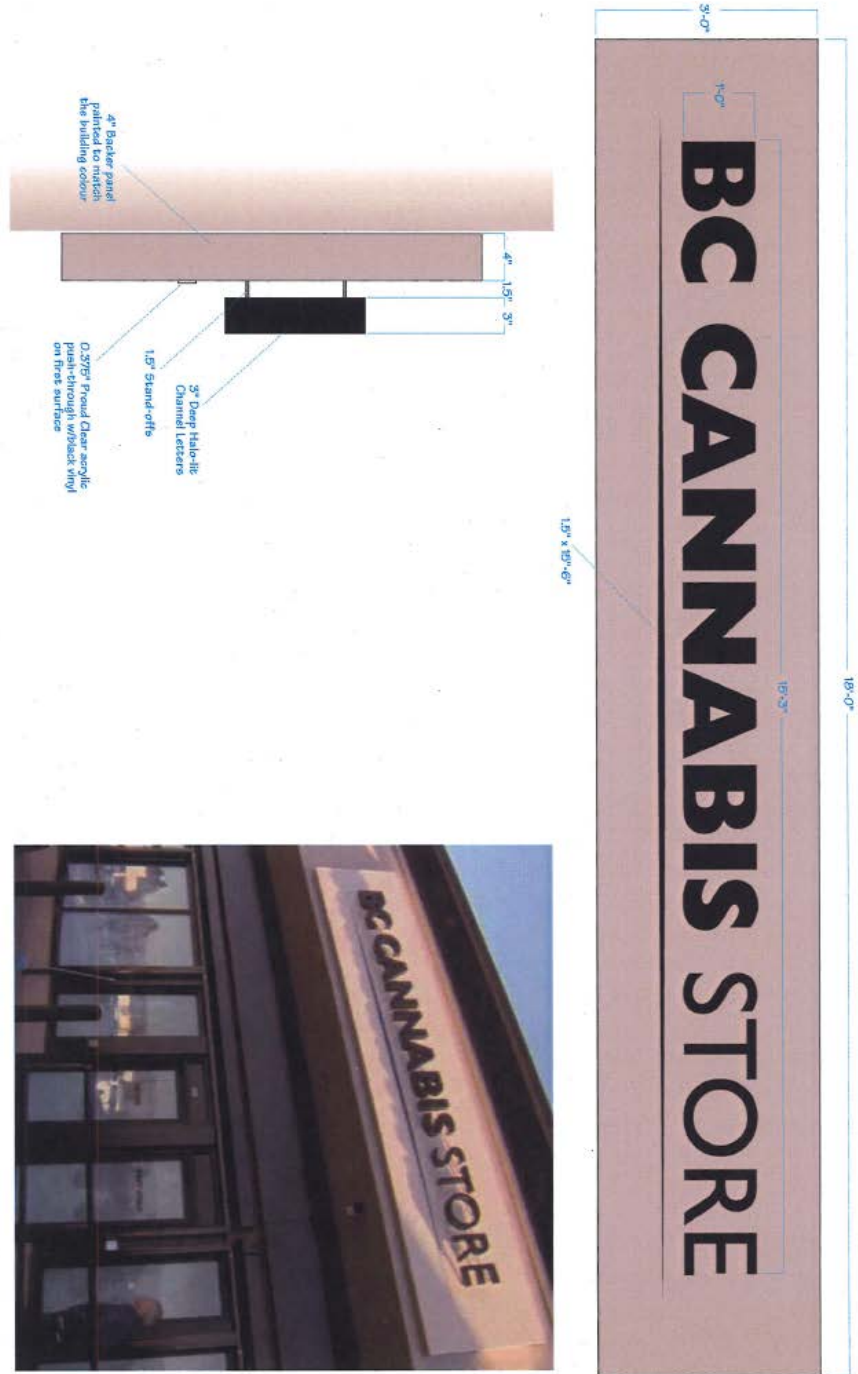
Sincerely,





Michael Tan  
Executive Director – Cannabis Operations  
BC Liquor Distribution Branch

**Attachments:**

1. BC Cannabis Stores presentation
2. Property information and site map



 <p>745 Saucer St. East Kamloops, BC Phone 250-372-9288 Fax 250-372-9283</p>		Client's Approval: _____ Project Name: _____ Date: _____
Project Description: Halo lit channel letters and push-through acrylic on backer panel	Date: October 18, 2018	File Name: BC Cannabis Store fascia sign.pdf Vinyl Colours: Black Revision: 001a
Paint Colours: Backer panel to match building Black Letters	<p><small>ORIGINAL QUOTE/OBSERV &amp; PRODUCTION CONCEPTS ARE THE PROPERTY OF ARTISTS SIGN SERVICE LTD. AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION. THIS QUOTE AND PRODUCTION CONCEPTS ARE NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN PERMISSION OF ARTISTS SIGN SERVICE LTD. AND ANY CHANGES REQUESTED BY THE CLIENT SHALL BE AT THE CLIENT'S RISK AND WITHOUT LIABILITY TO ARTISTS SIGN SERVICE LTD. AND WITHOUT THE PROTECTION OF THEIR RESPECTIVE CONTRACTS.</small></p> 	

## Cannabis Retail Store Review Panel Summary

**Store Name:** BC Cannabis Store

**Store Address:** 106 – 2210 Main Street

### Review Panel Summary:

- The location has adequate access and parking and within an established commercial area but is within close proximity of the unsupervised skate park on Warren Avenue.
- While the property is across from a residential area, there is no frontage or impact upon the residential properties.
- The overview document provided had a very detailed security plan, which the panel felt satisfied any requirements.
- BC Cannabis Store has experience, with an operational store in Kamloops.
- The professional structure shows strong competence of management and strong training principles.
- As this store is operated through the Liquor Distribution Branch, which is the provincial regulator and developed the framework for recreational cannabis, this organization has a good understanding of the business.
- It was highlighted by several panellists that the BC Cannabis Store provides unionized jobs, and is rated among "BC's Top Employer".
- Employee training is featured strongly in all documents.
- Branding is in line with provincial BC Cannabis and Liquor store appearances.
- Educational campaigns were identified in the business overview "Start Low, Go Slow", for new users to recreational cannabis and monitoring THC levels in products.
- The outside appearance of the store is very professional, clean, simple, non-intrusive but also interesting.
- The outside of the store is clear of paraphernalia, and has a clean appearance (not littered with advertising and signage).
- The inside of the store is very professional and clean, good renderings were provided of the inside of the store including educational posters.
- The application made note that revenue generated through the Liquor Distribution Branch's wholesale and retail operations is directed to the Provincial Government and contributes to supporting vital public services such as health care and education.

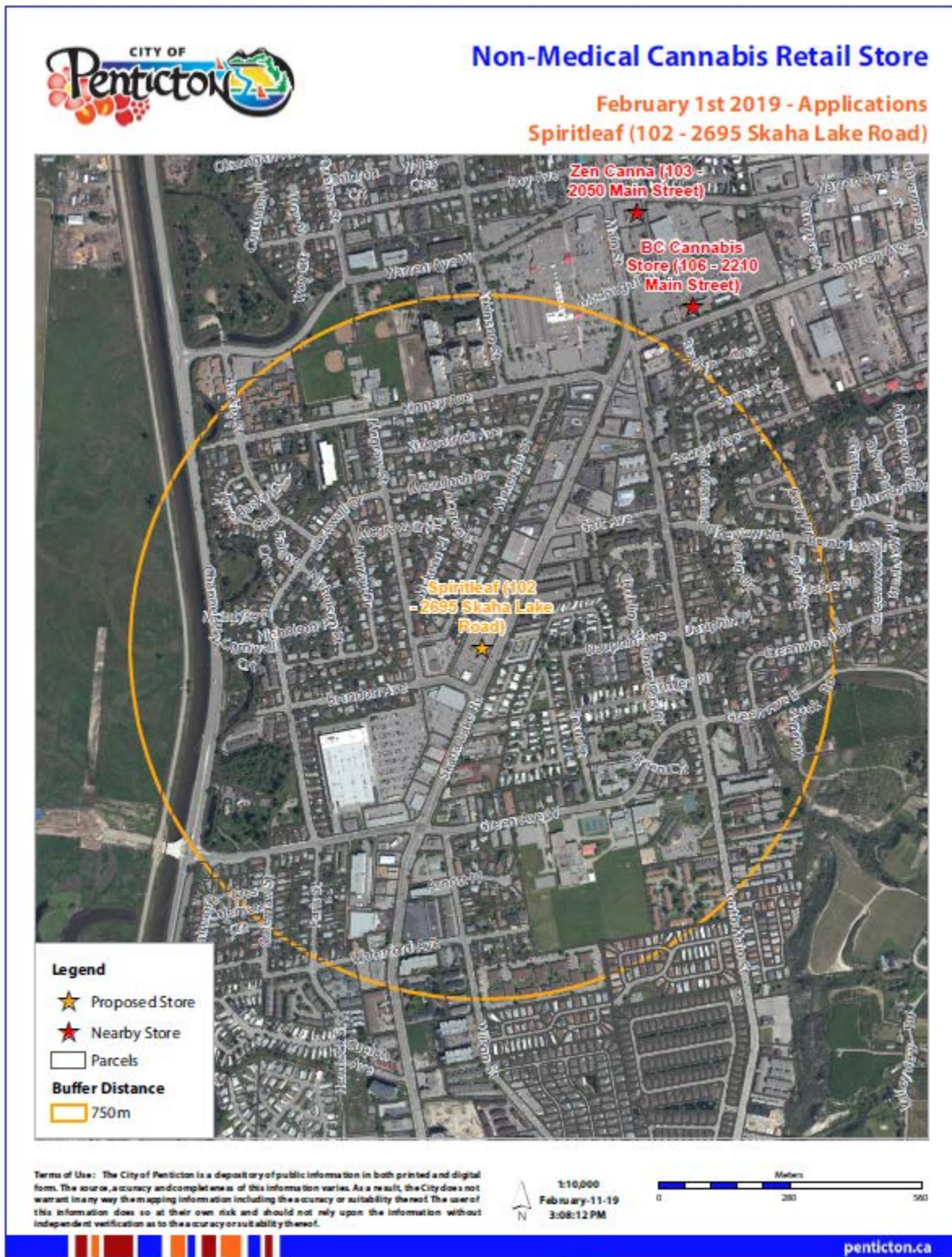
Overall score out of 100: **87**

### Public Comments Summary:

- If we must have one of the stores, support the BCLDB store, as it is on a different street and further from the children's activity location.
- The proposed retail store has no direct impact on our operations (neighbouring organization).
- Concern with other cannabis retail stores in close proximity.
- Concern of the size of the store and increased traffic to the area.

Attachment F

Application overview for 102 – 2695 Skaha Lake Road (Spiritleaf)





# SPIRITLEAF

Sunshine Shopping Centre

102-2695 Skaha Lake Rd

## WEBSITES

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[www.spiritleaf.ca](http://www.spiritleaf.ca)  
[www.spiritfund.ca](http://www.spiritfund.ca)

Dear Council,

We are pleased and honored to have been referred by the Province of British Columbia to the City of Penticton for this budding new legal business opportunity. Our business model, plans and location show our strong desire to not only be a thriving business within Penticton, but also one that engages with and gives back to the local community. We have chosen a location in the Southern part of the city that will allow easy access for all. This location on Skaha Lake Road is accompanied by a large parking lot including numerous accessible spots. Furthermore, the area hosts many other desirable retailers, restaurants and destinations spots. Being only a short distance from the beautiful Skaha Lake and airport, this location is convenient for those visiting the area year-round.

With a combined 20+ years of small business ownership already under our belt, albeit restaurant and retail, we feel that we have a strong grasp of what it takes to be a part of the community in both, business, and social aspects. As responsible retailers, we strive to give the best possible customer experiences starting from the locations ease of access, great customer services, and being involved with the community. To further the customer experience and ensure the safety of all within the store and community, extended training on safety and security will be provided.

We very much appreciate the opportunity we have been granted thus far and looking forward to the prospect of working with and fulfilling the city's requirements as well as the customers' wants and needs here in Penticton.

Sincerely,

Spiritleaf

 SPIRITLEAF

PENTICTON, BC



January 9, 2019



## Cannabis Retail Store Review Panel Summary

**Store Name:** Spiritleaf

**Store Address:** 102 - 2695 Skaha Lake Road

### Review Panel Summary:

- Location is in an established commercial area and provides good visibility to the storefront.
- Some concern raised with location being close to residential area, church, low-income (converted hotels) shelter uses.
- Site has parking and good access.
- Window screenings are unique (does not include 'green' or 'cannabis') and are lifestyle oriented.
- Good images presented to the street.
- Floor plan indicates strong attention to security measures and CPTED principles mentioned within security plan.
- Excellent branding; strong imagery throughout the plan (considering how it fits with product lines, marketing and messaging). However, some concern that imagery may appear as a retail store, not a cannabis (no minors) store to those passing by.
- Logo is not intrusive, and product line is appealing.
- Business plan, employee handbook and process are well thought out and presented well. Franchiser demonstrated understanding of the industry.
- Detailed business plan submitted (supply chain, target audience, product detail), and detailed employee handbook, training, management and business experience.
- High quality renderings were submitted with the packages.
- Public comments received were evenly split with those that supported the location and those that didn't.

Overall score out of 100: **78**

### Public Comments Summary:

- This location was preferred to the other cannabis application farther south.
- Several bylaw and RCMP calls to area already, and concern that this store would result in an increase.
- Concerns raised that the location is too close to the schools in the area.
- The location is on the edge of a large residential area with youth who attend the schools nearby.

Attachment G

Application overview for 103 – 2050 Main Street (Zen Canna Corp.)



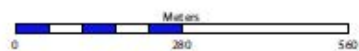
# Non-Medical Cannabis Retail Store

February 1st 2019 - Applications  
Zen Canna (103 - 2050 Main Street)



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February-11-19  
3:08:28 PM



penticton.ca

City of Penticton  
Planning Department - Development Services Division  
171 Main St.  
Penticton B.C. V2A 5A9  
Tel: (250) 490-2501  
Email: [planning@penticton.ca](mailto:planning@penticton.ca)



### **Covering Letter of Intent | #103 2050 Main Street**

Zen Canna is submitting a non-medical cannabis retail store application for #103 2050 Main Street, Penticton. We are enthusiastic about this opportunity to address the council and provide pertinent information about who Zen Canna is. In this document, we would like to speak to several issues and topics: About Zen Canna, Compliance History, Meeting City of Penticton Guidelines & Neighborhood concerns.

### **About us | Our Cannabis Position**

Zen Canna has been created to meet a new change in the Canadian landscape. With Canadians now having legal non-medicinal access to cannabis the executive team of Zen Canna were excited to be a part of the newly burgeoning cannabis world. Zen Canna's beginnings are in the Okanagan and we fully intend to establish our presence here. Kelowna is home to Zen Canna's team, we love this beautiful interior valley and are currently in the process of establishing non-medical cannabis retail stores in Kamloops, Vernon, Kelowna, West Kelowna, and Penticton. We want citizens of the Okanagan and the many tourists visiting this valley to have access throughout the valley to the quality, simplicity, consistency and care that will become synonyms with Zen Canna.

It is our intent to be active members in each community in which we are established. There are several ways we hope to achieve this goal. There is still a very strong natural stigma towards cannabis and part of our mandate of operation is to help change the way that our communities view cannabis, cannabis use and the stores that sell it. First and foremost, Zen Canna store branding, signage and display material does not include words or graphics intended to appeal to minors, or show the use of cannabis or promote intoxication. This meets federal, provincial and municipal guidelines as well as helps to destigmatize cannabis in a public view. Additionally, Zen Canna is looking forward to participating in events in Penticton and interacting with organizations and non-profit groups focused on providing social services in the community. We want to be active in doing our part, while maintaining all federal, provincial and municipal regulations and guidelines set forth. Zen Canna also welcomes any opportunity to help in any fashion with the city and other community organizations' efforts in tackling the substance use issues afflicting Penticton citizenship.

### **Zen Canna | Compliance History**

The Zen Canna executive team has had no prior history of non-compliance within the province of BC or within Canada, such as ownership of property that allowed cannabis retail prior to cannabis legalization in Canada, any prior criminal convictions or charges or any cannabis-related business or non-profit. Quite contrary, our directorship possesses a robust and intimate knowledge of the cannabis law and industry. Our directorship includes Mr. John Conroy QC LL.B one of the most prominent figures in Canadian Cannabis law, Kenneth Westlake QC LL.B successful cannabis lawyer and longtime Queen's Counsel in BC and is the co-founder of Inanco Cannabis *Consultants* Co. Ltd., Abe Kroeker, local philanthropist supporting several community organizations, such as Kelowna Rockets, Okanagan Sun, and donating to charities including the Boys and Girls Club, SPCA, WHL and Brain Trust Canada, and the longtime owner and founder of the locally renowned Kelowna Auction World, and Ian Burak a serial entrepreneur and Commercial Real Estate broker for the past 8 years throughout the Okanagan and Canada. Additionally, we also have several corporate advisors Tyler Robson, CEO of Kelowna-based Valen's GrowWorks a publicly traded cannabis company and Sylvie Lee, of Kelowna's Quantum Law helping to guide Zen Canna's vision.

### **Meeting Penticton Guidelines**

Zen Canna is very committed to adherence of municipal guidelines to prove our commitment to the process and desire to be a member of the Penticton community. As discussed in our business overview Zen Canna is doing its due diligence to ensure strict security plans and standards. Part of this includes the municipal perspective on store appearance and window coverings. Zen Canna logo and signage clearly indicates the business identification by using rich contrasting palette that is clearly identifiable. Zen Canna will have its windows covered and coverings shall display a semi-opaque imagery and colour (i.e., Okanagan Valley scenery). We have made this decision with the intent to deter theft and discourage minors.

Under current City of Penticton policy there are no operating cannabis sales allowed in the city. To our knowledge there are no other current non-medical cannabis applications within the vicinity of our #103 2050 Main Street location and therefore Zen Canna meets the city guideline requirements of not being located within 300 meters of any other cannabis retail store from the buffering foot print of the store. The proposed Zen Canna location is on the corner of Main Street and Warren Avenue East. It is located in a high traffic area and in the heart of a commercial retail area of Penticton, surrounded by large well known stores, such as Staples, Winners, Superstore & Nature's Fare as well as several restaurants and food establishments. Additionally, the Cherry Village Shopping Centre, which is a thriving retail center is located across Main Street from Zen Canna's location.

According to Penticton non-medical cannabis retail guidelines stores shall not be located within 300 meters of a public or private elementary, middle or secondary school. We are very

happy to say that our proposed Zen Canna location meets the 300-meter separation distance required by guidelines. The closest schools to our location are Parkway Elementary school at approximately 900 meters, Camri Elementary school at 1.7 kms and Wiltse Elementary school at 2.1 kms.

We look forward to playing a role in the growth and development of the Penticton Community.

Sincerest Regards,

Ian Burak  
Chief Operating Officer  
Zen Canna



**Statement of Support for Zen Canna's  
Penticton cannabis retail application**

To the City of Penticton,

We are writing to provide evidence to why we believe that Zen Canna should be operating a cannabis retail store in the City of Penticton.

The current issue at hand is that the Penticton city council is having to make a decision to approve either Zen Canna, an Okanagan local legal cannabis retailer or a BC government owned and operated cannabis store. Both Zen Canna and the BC government store are within the 750-meter proximity of each other and as a result of city regulations only one of these stores is permitted to operate.

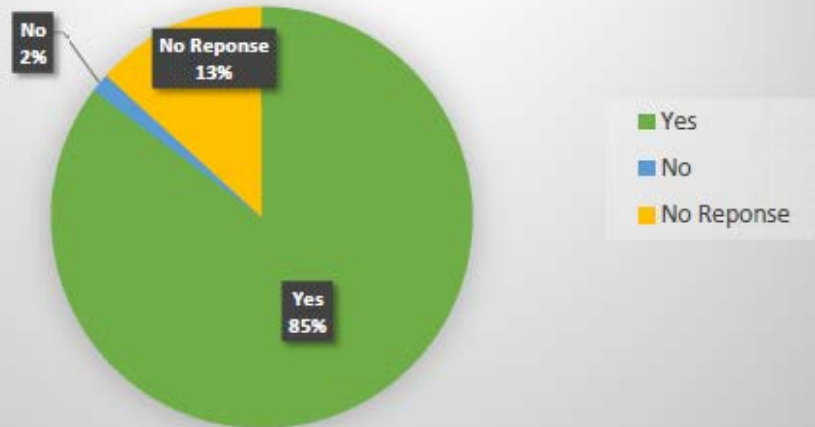
To exhibit support for Zen Canna's operation of cannabis retail in the City of Penticton we have collected 226 letters of support to showcase the validity of Zen Canna being present at our #103 2050 Main Street Penticton BC location over and above the neighboring proposed BC government store. The Zen Canna team took the time to speak with the neighborhood of Zen Canna's Main street location, general Penticton citizenry and with citizens in various Okanagan communities. Zen Canna's team collected 225 letters of support and of those letters 73 of them are from the citizens of Penticton, 1 is directly from the owner and operator of the Med Shoppe, a direct next-door neighbor of the proposed BC Government Store, and 151 of them should be considered general support from the public in various Okanagan communities that want to see Zen Canna operating in their communities and the Okanagan. In those 73 letters of support from Penticton citizenry, community members gave support that they would rather see a local Okanagan Valley based company operate in Penticton over and above a government store. Of those 151 individuals from other Okanagan communities that have shown support for Zen Canna the same sentiment was shown by their Penticton neighbors. In addition to the 225 aforementioned letters of support for Zen Canna we have also received a letter of support for Zen Canna's cannabis retail

application from well-known cannabis lawyer and appointed member of Queen's council John Conroy.

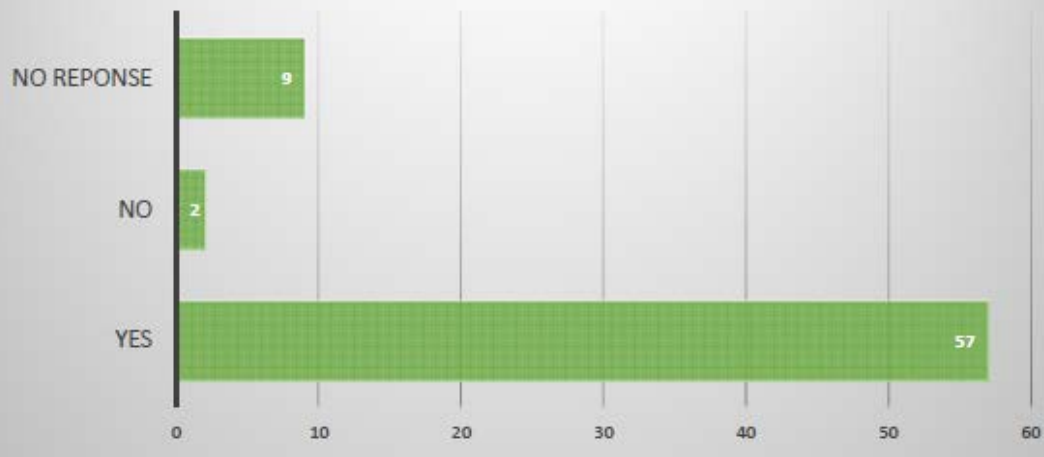
It is also worth noting that through conversations that the Zen Canna team had with local Penticton citizens in the direct neighborhood of the BC government run cannabis store at 106 2210 Main Street proposed location, there were several important issues brought to light. Members of the Penticton community made mention that the building complex, that the proposed BC government store would inhabit, is a building that is very frequented by the elderly population; and as such it was stated that because of the elderly in the area there are already noticeable difficult traffic patterns and having a cannabis store in that complex could create a much more complex situation. Items of notice that were raised include, the slower traffic patterns of the elderly population around the complex both walking and vehicular, and the installation of higher cement bumpers for awareness and safety of elderly clients of the complex.

Zen Canna also took the time to create a small 5-question survey to demonstrate the desires of Penticton citizens and those of the general Okanagan public. Sixty-eight individuals in the city of Penticton participated in this survey. Of those surveyed 9 provided no response. People when asked if they would support a locally owned business over a non-local business were heavily in support with 84% in favor of local businesses. When asked if they support a local cannabis retail over a government owned and operated BC cannabis store 82% were found in favor of the local cannabis retailer. Further, when asked if BC government stores should be held to the same regulations as private retailers in terms of the 8-store cap limit 77% of individuals surveyed reported they felt that BC government stores and private retailers should be held to the same regulations. Both the questions asked and the results are shown below.

### Are you in support of legal cannabis retail in your community?

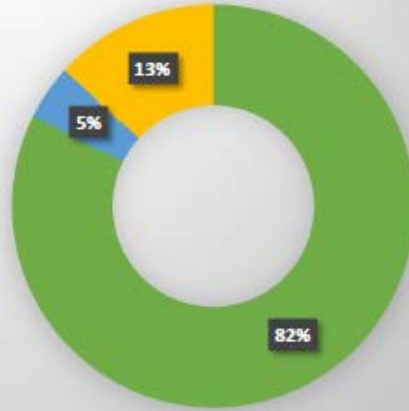


### Would you rather support a locally owned business over a non-local business?

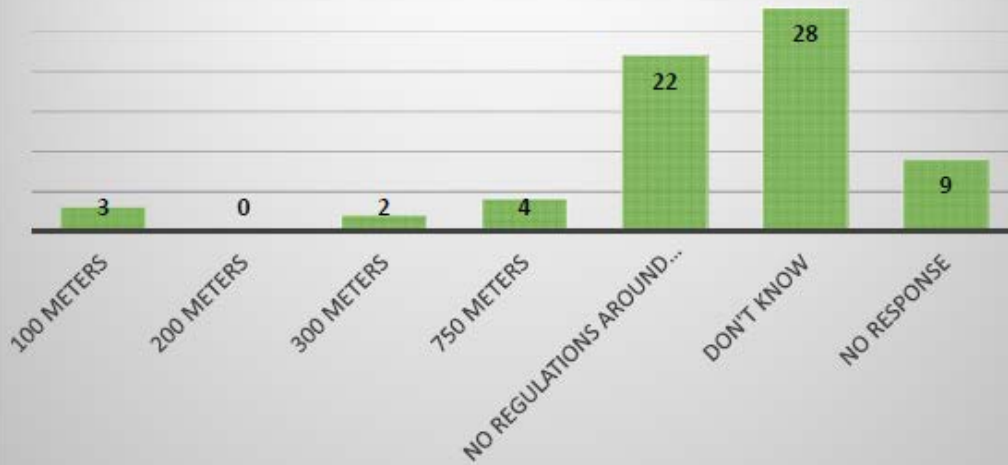


### Would you support a local cannabis business over the government owned and operated BC cannabis store?

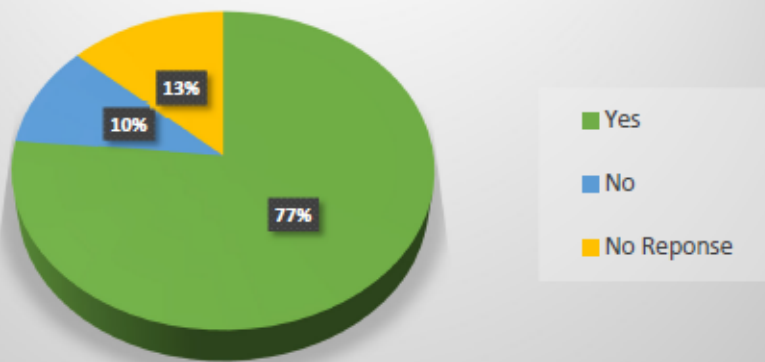
- Yes
- No
- No Reponse



### How far apart do you think cannabis retail stores should be?



**Private cannabis retailers can only open a maximum of 8 stores in the Province of BC. Should the BC government be held to the same regulations that private cannabis retailers are held to?**



As a local private retailer, we believe that we are a better business partner for the city of Penticton and because we are an Okanagan based company and we believe we offer a greater connection to the community. We are currently in the process of becoming a Member of the City of Penticton Chamber of Commerce and seeking other opportunities to play a role in helping to positively shape the community of Penticton. In other Okanagan communities Zen Canna, has also worked to be an active community member. In Vernon, BC Zen Canna was the only prospective cannabis retailer in attendance of the Urban Matters Business Owners forum on Community Social Issues Engagement. This forum took input from community business members on topics of health & safety, crime & prevention, and business & financial impacts on issues surrounding homeless and transient populations in the community. The information and feedback collected during the forum was directly reported back to the City of Vernon council. Being active in each of the communities that Zen Canna plans to operate in is an important part of Zen Canna's business model.

To speak to Zen Canna's quality and success, to date Zen Canna had a total of two cannabis retail applications in the City of Kamloops with one being successful and await Provincial approval on that application. Mayor Christian of Kamloops spoke compellingly towards the strength of Zen Canna as an applicant for the city. Further, towards this application we received strong support from the North Shore Business Improvement Association and several neighborhood residents. Supportive documents that speak to this are included in our package. As well, out of the original 41 applicants in the City of Kelowna Zen Canna was part of a group of 15 to be accepted to go to council.

A focal point that Zen Canna feels should be raised is the fact that there is stark disparity in regulations between private cannabis retailers in BC and that which the BC government stores are beholden to. In fact, according to BC Cannabis Licensing portal (<https://justice.gov.bc.ca/cannabislicensing/policy-document/eligibility>): "*a licensee can only hold or have an interest in a maximum of eight cannabis retail store licences. For the purposes of the retail store licence cap, generally a franchisor cannot have more than 8 franchisees.*" According to public information the Province of BC government cannabis stores have 14 applications, 9 which have received municipal approval (Campbell River, Williams Lake, Cranbrook, Terrace, Salmon Arm, Fort St. John and three in Kamloops) and 5 that are currently pending approval including Penticton, Kelowna, Vernon and two in Prince George. This is not including other potential applications that are not yet public information. There clearly seems to be two sets of rules for private and government run cannabis retail stores. We feel that this unjust and unfair and creates a monopolistic disadvantage to private retailers and those citizens and companies in BC that want to be an active part of the new cannabis industry in this province. We want this information to be made aware to council.

Another point of contention in regards to not allowing a BC government cannabis stores operation is the decision of Penticton's neighboring city, Osoyoos. The city of Osoyoos decided to ban provincially operated stores in favor of private cannabis retail.

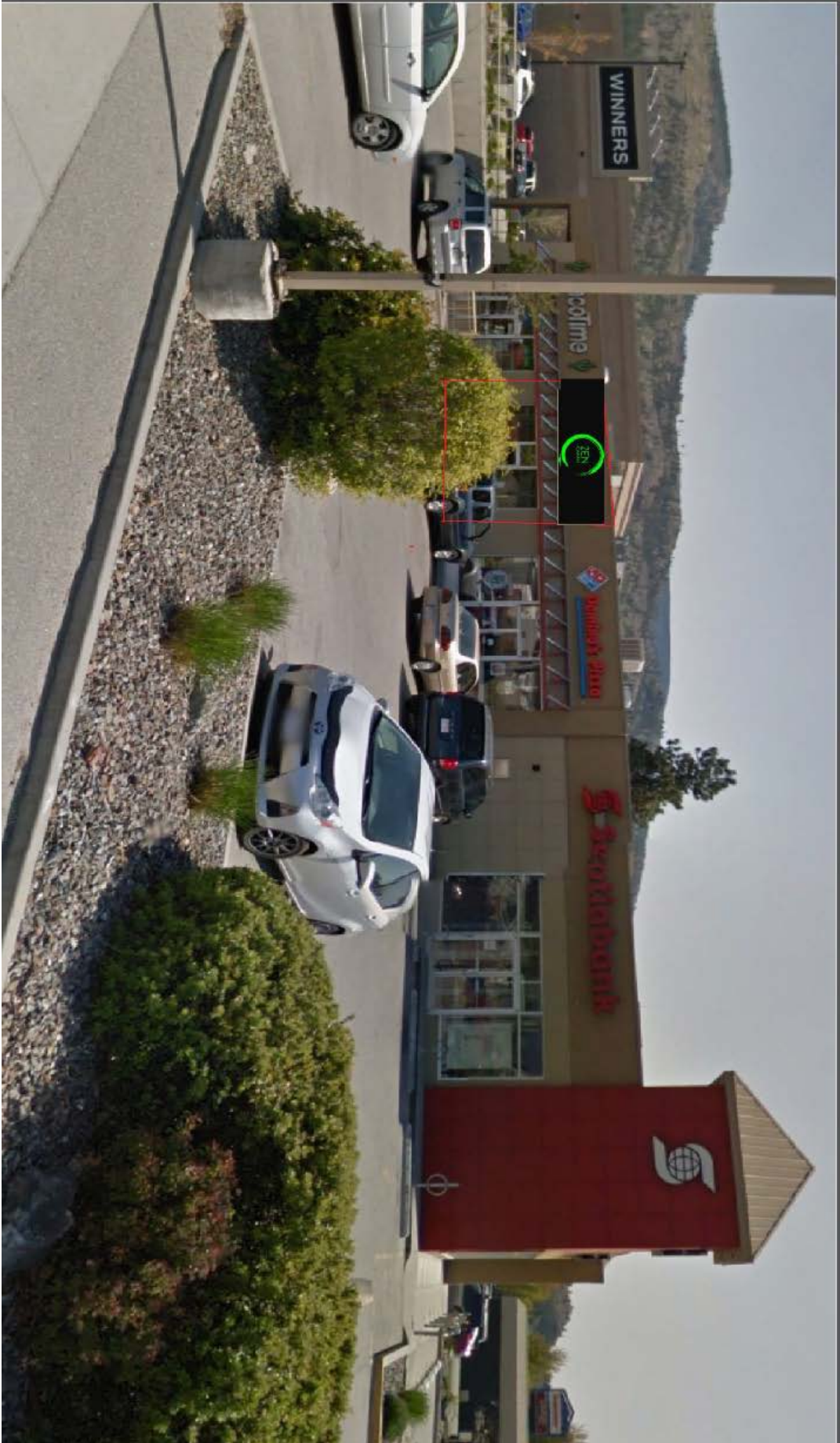
In fact, Osoyoos Mayor Sue McKortoff, in regards to Osoyoos decision to ban government run stores stated; "We're hoping that will help a small business put forward a good case to open up a store." Additionally, Wallace Murray, President of the South Okanagan Chamber of Commerce stated; "We definitely support the Osoyoos municipality stepping up and taking the initiative and decision to support small business" Zen Canna believes that this decision and these statements should be given weight in the city of Penticton's decision for allowing Zen Canna to operate and denying the application of the BC government cannabis store.

Please consider this letter and all other letters of support for Zen Canna as evidence for having Zen Canna operate a cannabis retail store in the city of Penticton. In conclusion, we incontrovertibly believe that Zen Canna has a place in the city of Penticton. We welcome any further dialogue and appreciate the support and consideration of the city of Penticton.

Sincerely,

*Ian Burak*

Ian Burak  
Chief Operating Officer  
Zen Canna



## Cannabis Retail Store Review Panel Summary

**Store Name:** Zen Canna

**Store Address:** 103 – 2050 Main Street

### **Review Panel Summary:**

- The location is a good fit within an established commercial area with adequate parking and access and is close to transit.
- The location does not directly abut a residential neighbourhood, but is in close proximity to the (unsupervised) skate park located to the east of the subject property along Warren Ave and across the street from the Time Flies children’s activity centre.
- The business plan submitted was very detailed, indicating a desire to be involved in the community. The panel noted the attention to market research.
- Plans demonstrated awareness of Provincial and Municipal regulations.
- Good management team with solid experience.
- A high standard of customer service was displayed.
- Very good attention given to security; the purchase process (product prepared behind security window and passed through to sales associated) was liked across the review panel.
- Staff training was mentioned only indirectly.
- The storefront appearance was professional but a bit bland (not the most positive image / dark).
- Interior renderings presented a professional and pleasing aesthetic.
- Concern that many of the signatures did not indicate where the person was from, and may be well outside of the community and Okanagan region (relevance).

Overall score out of 100: **86**

### **Public Comments Summary:**

- Petition submitted by applicant, with signatures from local and non-local residents in support of Zen Canna operation.
- Concern about the storefront not being visible.
- Concern from neighbouring residential mobile home park.

Attachment H

Application overview for 465 Main Street (Greenery Cannabis Boutique)





City of Penticton  
171 Main Street  
Penticton BC  
V2A 5Z9

January 30, 2019

**RE: Cannabis Retail Application Letter of Intent – 465 Main Street**

To Whom It May Concern:

The Greenery Cannabis Boutique Ltd. (GCB), is pleased to be submitting a retail cannabis application for council's review and consideration.

GCB appreciates the concerns that are associated with this business and as such is fully committed to reducing exposure to youth and ensuring that our retail presence will have a positive impact on the Penticton retail community.

In recognizing the importance of community integration, GCB's representatives have been actively involved throughout the city's cannabis consultation process and have taken additional proactive measures to ensure neighbouring businesses and potential sensitive use locations have been notified regarding GCB's intentions.

The location of the GCB's proposed retail cannabis store is 465 Main Street, Penticton, BC. This location satisfies the City of Penticton's cannabis bylaw requirements in that:

- Property is zoned C5 for which retail cannabis use is permitted
- Property is located outside of the 300 meter radius from a private or public, primary, middle or secondary school
- Store will present a positive image to the street front
- Store branding, signage and display material will not include words or graphics intended to appeal to minors, show the use of cannabis or promote intoxication

In addition to GCB's adherence to Penticton's Cannabis Retail Policy, GCB will comply with all Federal and Provincial regulations that pertain to cannabis sales.

Thank you for the opportunity to present this application and we look forward to being a responsible and integral part of the Penticton business community.

Regards,

The Greenery Cannabis Boutique Ltd.



## Cannabis Retail Store Review Panel Summary

**Store Name:** Greenery Cannabis Boutique

**Store Address:** 465 Main Street

### **Review Panel Summary:**

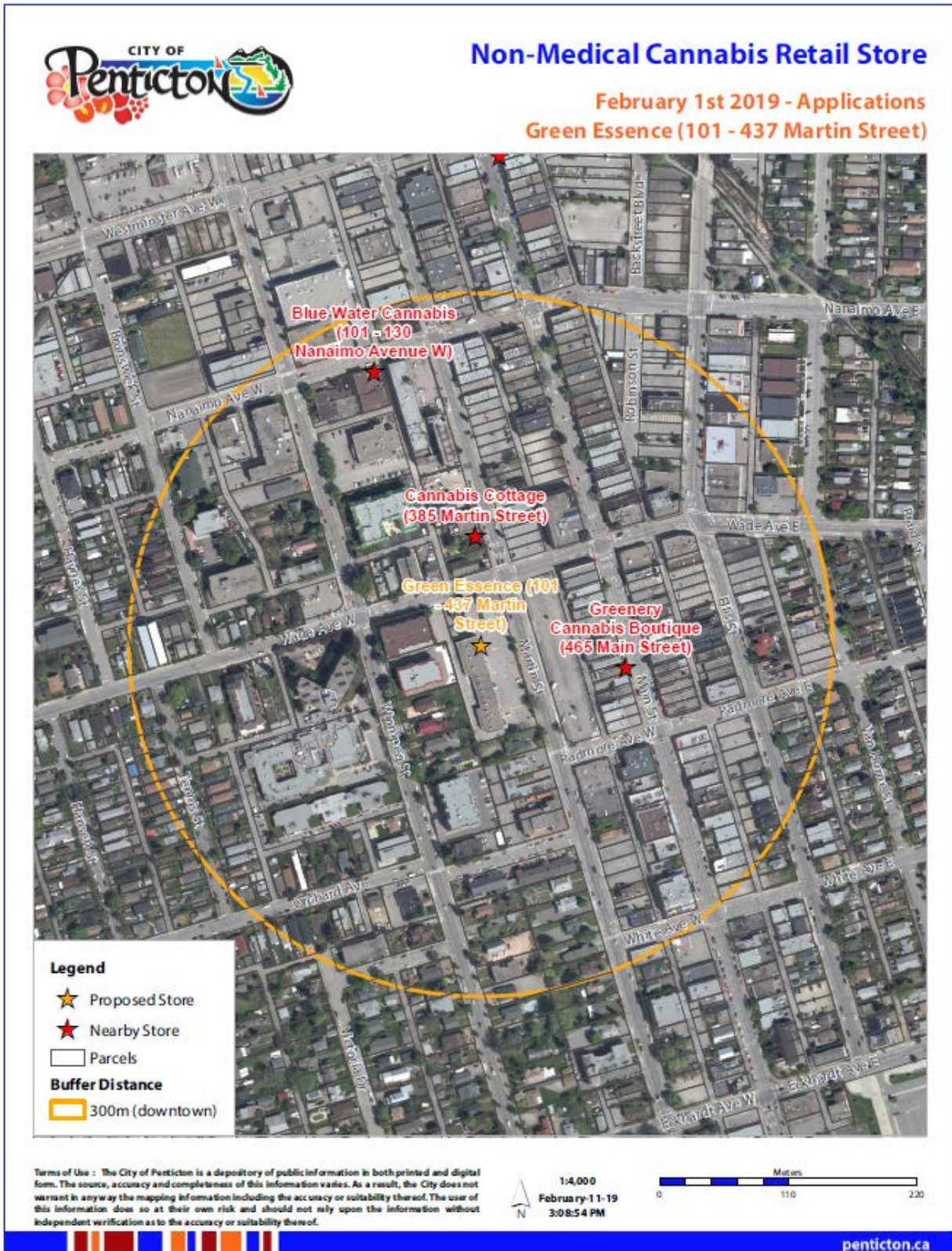
- Proposed location is in close proximity to the “The Foundry”, a youth outreach, support and activity centre. This was an issue with some on the panel. Others felt the location was appropriate as it was amongst other commercial uses.
- Branding presented was creative, unique and thorough.
- Some considered that the storefront did not provide a positive image to the street as it is dark and features a marijuana leaf. Alternate window treatment was creative.
- Renderings provided of interior are professional and clean looking.
- Business overview was very limited in scope and detail. Limited to no info on ownership bios, start-up costs, market overviews, marketing strategy, operating plans, packaging and labelling, profit and loss forecasts, operating expenses, HR processes, inventory delivery, management and disposal, etc). A strong understanding of the industry was not shown.
- Staff training policy was adequate.
- No information provided on owners of the business or previous experience.
- Public entry door at the rear of the building raises questions about security and managing 2 public access points

Overall score out of 100: 71

### **Public Comments Summary:**

- Store front is a little dark, but windows are easy to see through.
- It does seem a little close to the school, which would be visible from the school yard.
- Concerns about having a Cannabis store on Main Street.

Attachment I  
Application overview for 101 -437 Martin Street (Green Essence)



#100-437 Martin St  
Penticton, BC, V2A 5L1

## Green Essence

January 23, 2019

City of Penticton  
171 Main St.  
Penticton, BC

Dear Planning Department,

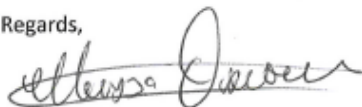
I would like to be considered for the opportunity to receive municipal approval for my proposed Cannabis Retail Store located at #100-437 Martin St. Green Essence, founded in 2013, started as a Head Shop selling hemp and cannabis related accessories. In 2017, the City of Penticton issued a Temporary Use Permit that allowed Green Essence to operate as a dispensary. When the Cannabis Control and Licensing Act was assented in May of 2018, our Business License was pulled. Green Essence reduced and then eliminated operations in hopes of obtaining a Non-Medicinal Cannabis Retail License from the BC Liquor and Cannabis Regulation Branch as well as a Business License from the City of Penticton.

I have years of experience educating people about cannabis and its potential uses/dosages. This knowledge is not only important for government compliance purposes but has value in the pursuit of consumer confidence. It is my responsibility to provide safe and responsible service which can only be done with a knowledgeable and well-trained staff who have experience in this industry. Green Essence's business model revolves around the continuous education of cannabis, especially important when edibles become legal later this year.

Green Essence's proposed location at #100-437 Martin St. was previously a Government Liquor Store. This is ideal as the building's infrastructure aligns well with the security and safety requirements of the Cannabis Retail Store Terms and Conditions. The facility's modern design and location reflects a positive image of the Penticton community and offers a well-lit parking lot with plenty of space so not to impede other businesses. Control over parking, customer entrance, and rear delivery doors allows me to take preventative measures in reducing the probability of disturbances, incidents, and most importantly, access to minors.

Although there are competing businesses within the 300m buffer of Green Essence, I believe strongly that our location, corporate policies, and experience in the industry will exceed the expectations of the Municipal and Provincial Governments as well as promote a positive image of our community. I have committed my adult life to this endeavour and would be honored, if considered a successful candidate, to pursue this opportunity.

Regards,



Melissa Osowy  
Owner/CEO

NOTE: ADDRESS IS #101-437 MARTIN ST.

# Green Essence



Figure 9 - Proposed Signage



Figure 10 - Proposed Window Coverings

## Cannabis Retail Store Review Panel Summary

**Store Name:** Green Essence

**Store Address:** 101 – 437 Martin Street

### **Review Panel Summary:**

- Good location, within a well-established commercial plaza. Lots of parking, easy access for deliveries, with support from neighbouring tenants.
- Questions about sensitive uses nearby - same plaza as the Martin Street Walk in Clinic and within close proximity of Soupateria, several churches and the 'Foundry'.
- Storefront design needs improvement with unattractive mirror windows and no window coverings with attractive designs (as required by policy).
- No interior renderings were submitted.
- Limited information on branding, but what was supplied met policy on not promoting intoxication.
- Strong security plan.
- Strong understanding of the industry.
- Business overview left some questions as to how sales will support the rental of such a large space.
- Questions about providing a high end experience but selling at the lowest prices.
- Minimal information provided on staff training requirements.
- Business operators have a history of bylaw violations.
- Several letters of opposition to the application, from community at large as well as immediate residential building.

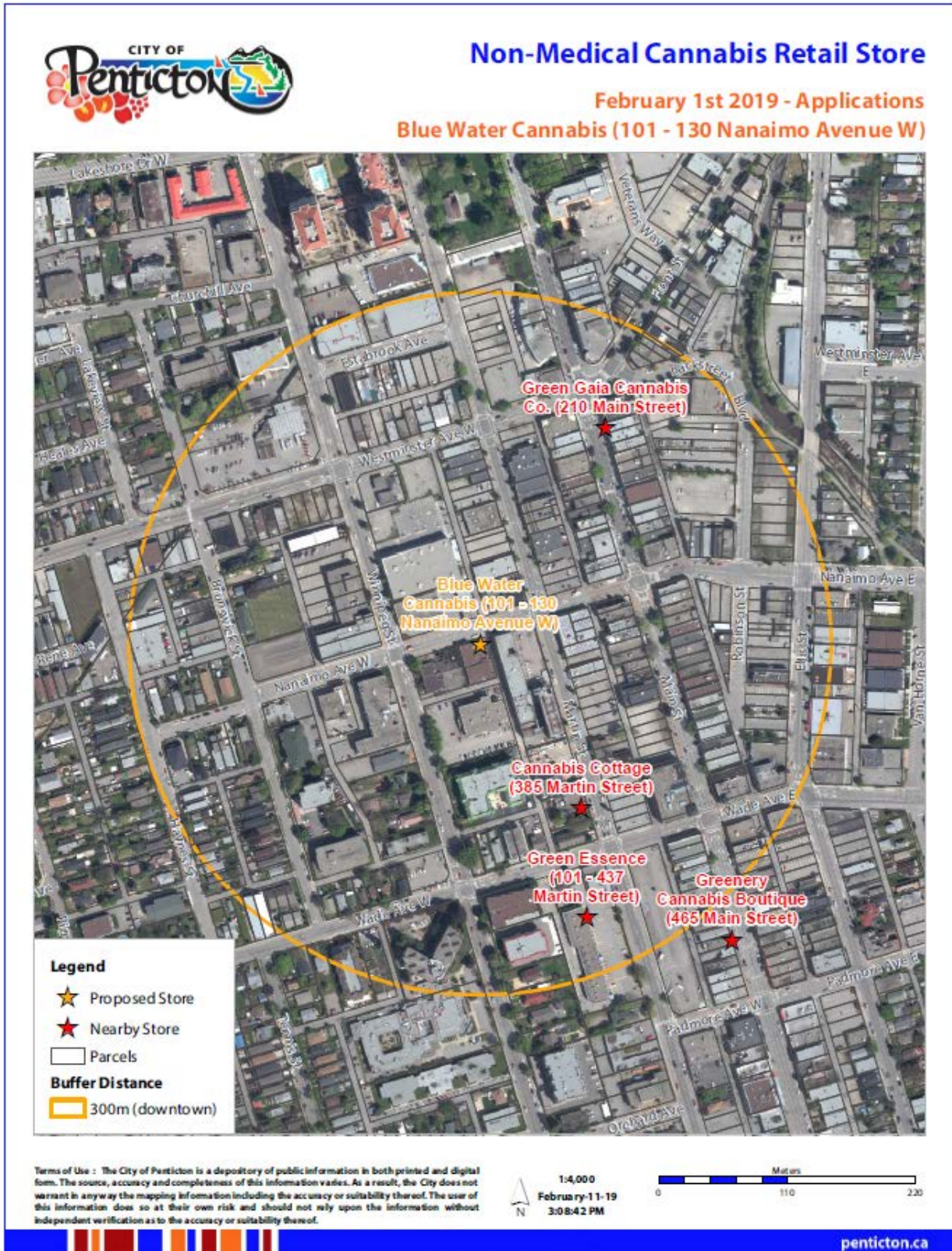
Overall score out of 100: **57**

### **Public Comments Summary:**

- Good plan, long over due. Needed in the community.
- Applicants have operated illegally in the past, should not be given a license.
- Signage does not look appealing.
- Business is too close to residential units.
- Concerns over the type of characters that hung around when the store operated in the past.

Attachment J

Application overview for 101 – 130 Nanaimo Avenue W (Bluewater Cannabis)



## Bluewater Cannabis

#101 - 130 Nanaimo Avenue W  
Penticton, B.C., V2A 8G1  
(250) 219-0340  
brian@bluewatercanna.ca



December 19th, 2018

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

Dear Planning Department,

I am writing to confirm my application seeking approval to operate a cannabis retail store in Penticton. Bluewater Cannabis was created to offer a high quality buying experience in line with the federal, provincial and municipal guidelines. With a core focus on social responsibility and awareness, our business practices make us a great choice for the city of Penticton.

Bluewater Cannabis is located within the correct zoning and adheres to the guidelines and requirements set by governments. The exterior and interior of our store is modern and clean, setting the tone for a comfortable buying experience. Our branding and imagery has been created to deliberately avoid appealing to youth using a plain but tasteful approach. Initially we will hire 6 to 12 team members and are excited to offer a great place of employment to local residents.

Bluewater Cannabis is excited to meet the demands of the local market and we have the ability to expand our current location if needed. Please find further information in our business overview document along with all other supporting documents as per the application checklist. We look forward to the opportunity to be amongst the first cannabis retail stores in Penticton.

Best regards,

**Brian Kropp**

Owner, Bluewater Cannabis



## Cannabis Retail Store Review Panel Summary

**Business Location:** 101-130 Nanaimo Avenue West

**Business Name:** Blue Water Cannabis

### Review Panel Summary:

- Mixed opinion on location from the panel with comments on the lane access being a positive but concerns expressed about the upper floor residential units and next door seniors facility and no dedicated parking. Difficult location for retail as no other retail directly in the area, but no sensitive uses in immediate area.
- Business overview document was limited in scope and detail. Focused on marketing rather than foundational business information to back up the aspirational statements under each heading. Limited to no info on ownership bios, start-up costs, market overviews, marketing strategy, operating plans, packaging and labelling, profit and loss forecasts, operating expenses, HR processes, approach customer service, inventory delivery, management and disposal, etc).
- Strong exterior image and branding, but limited illustrations of the proposed interior and no information on where / how branding would be used within the space.
- No information on software and third party support.
- Limited information provided on business owner and their experience.
- Limited mentioning of staff training.
- Team organizational chart was not clear: 2 assistant managers are responsible for different specialized staff.
- General statements about striving to be a leader in the industry, or about keeping cannabis out of the hands of youth, but no mention as to how they will achieve this.

Overall score out of 100: 59

### Public Comments Summary:

- not the best location because of the downtown homeless issue.
- good location with a large parking lot nearby. Adjacent property owner believed that future leasing of their property would be hindered by a neighbouring cannabis store.

Zen Canna Retail Corporation  
103-2050 Main Street  
Penticton, BC V2A 5H7

April 9, 2019

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

Dear Mayor and Council,

RE: **Letter to Mayor & Council - Zen Canna's Cannabis Retail Application**

We are writing in support of Zen Canna Retail Corporation (“**Zen Canna**”) and its application to the City of Penticton for a retail cannabis license (the “**Application**”). While we understand that Zen Canna’s Application was the second highest scoring application in the City of Penticton’s application process, missing the top score by only one point, Zen Canna has been notified by City’s Planning Department that the Application will not be supported for approval.

This cannot be the result the City intended when it created its *Council Policy on Cannabis Retail Stores* or its *Cannabis Scoring Criteria*, and we ask that the Application be given the support of Mayor and Council. Zen Canna was the highest scoring private-sector applicant, and Zen Canna will set the highest standard for retail Cannabis in the City of Penticton.

**Executive Summary:**

We understand that the key reason that the Zen Canna Application is not being supported is that Zen Canna’s leased premises at 103 – 2050 Main Street (the “**Zen Canna Premises**”) is located within the 750-meter buffer of the Province of British Columbia’s applicant store (the “**Government Store**”) located at 106 -2210 Main Street. The *Council Policy on Cannabis Retail Stores* states that cannabis retail locations outside the City’s downtown center should be located at least 750 meters apart. Because the application for the Government Store scored one point higher than the Application on the *Cannabis Scoring Criteria*, the Planning Department has indicated that they will not support the

Application. However, the City staff have also indicated that (1) they support Zen Canna as an organization, (2) they otherwise support the Application, and (3) they would like to see Zen Canna amend its Application by changing its proposed store location. Unfortunately, Zen Canna is bound to the Zen Canna Premises by a ten-year lease that contains no contractual right of termination to Zen Canna. Changing locations is not an option for Zen Canna, and regardless, the Zen Canna Premises was carefully chosen to be away from schools and out of the downtown center at a time when retail cannabis was restricted in the downtown. Zen Canna initiated discussions with the Planning Department in May of 2018 and the Planning Department received Zen Canna's Provincial Referral on September 17<sup>th</sup> 2018.

Mayor and Council have the discretion to relax the buffer guidelines, as they are policy guidelines and are not binding law. While a relaxation may not be appropriate in all circumstances, Zen Canna says that it was the best of the private-sector applicants and its Application should be supported. To do so would not create a troublesome precedent because of the very high quality of the Application and because of the Zen Canna Premises' location and orientation.

While the door-to-door walking distance between these two stores is 350 meters, they are located in destination plazas where most traffic is by vehicle, meaning that these two stores are effectively a car ride apart. One store cannot be seen from the other, and the two stores face onto different major roads. In all the circumstances, allowing both stores to operate would not trigger the negative impacts which motivated the buffer guidelines in the first place. A relaxation would not cause harm to the community, and would reward the best private-sector applicant in the City's process.

Finally, it is relevant that the buffer in issues is from the Government Store and not to another private-sector applicant. Zen Canna's retail operation will be substantially different than the Government Store in that Zen Canna's connection to the community, local focus, verity of accessories, Zen Canna's mandate to provide local Craft cannabis products, and exemplary training protocols will create a premium environment not found at the Government Store. There is tremendous support for Zen Canna and its proposed retail store at the Zen Canna Premises, during Zen Canna's public outreach program they received over 226 letters of support from neighboring business, Penticton residents and individuals who live within the Okanagan. Zen Canna asks that Mayor and Council take that support into consideration.

**Background on Zen Canna:**

Zen Canna is an Okanagan owned and operated multi-applicant cannabis retail company with a clear focus of bringing exceptional cannabis products and service to the Okanagan valley. Zen Canna has received a number of provincial referrals and municipal approvals to-date within the BC Interior, including West Kelowna, Kelowna, Vernon, Summerland, Osoyoos and Kamloops, Zen Canna's roots are firmly set in the Okanagan. The intention is to be a part of each community and create a positive environment where people in the community can comfortably ask questions, gain knowledge, and purchase legal cannabis. Zen Canna is also a member of the Penticton Chamber of Commerce, and is an upstanding corporate citizen.

The Application included a document titled *Statement of Support for Zen Canna's Penticton Cannabis Retail Application*, which set out the particulars of the community's strong support for the Application, data gathered through surveys and for Zen Canna as an organization. Rather than repeat those particulars, the *Statement of Support* is appended to this letter as Appendix "A".

**Background on Zen Canna's Application:*****General Information:***

Zen Canna's plans for the Zen Canna Premises were known to the City of Penticton in the summer of 2018, long before they became aware that an application would be made for the Government Store. On September 17<sup>th</sup> 2018, Zen Canna's application was referred to the Province by the City of Penticton.

When the municipal application process closed on February 1, the Application and the application for the Government Store were both made prior to the deadline. While Zen Canna has been unable to secure copies of the *Cannabis Scoria Criteria* documents for the Application or the application made for the Government Store, Zen Canna has been advised that the Application received a score of 86/100 from the Review Panel, one point less than the 87/100 scored by the Government Store. Though few further details have been offered, Zen Canna has been advised that it achieved the highest score of all private-sector applicants.

The Review Panel process confirmed that Zen Canna has a detailed and sophisticated business plan, a good management team with strong entrepreneurial and business operational experience, as well as a focus on high-standards for customer service. Further, Zen Canna has shown a strong awareness of provincial and municipal regulations, excellent professionalism, very good security planning, and aesthetically pleasing interior renderings for the Zen Canna Premises. The chosen location meets all zoning standards and was recognized as a good fit for the established commercial area with good parking and access. It is also worth noting Zen Canna's commitment to community engagement and the strong desire to be a part of the Penticton community.

***The Buffer Guidelines:***

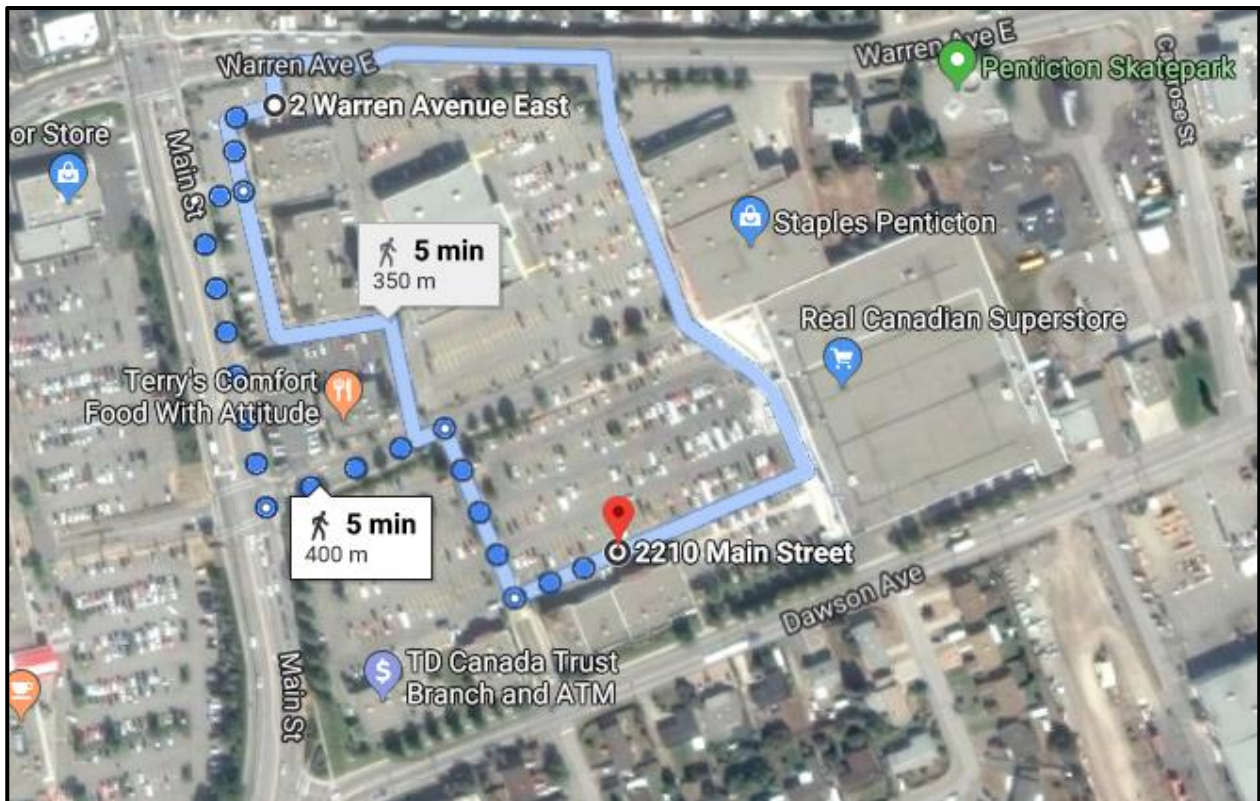
As stated, it is our understanding that the key reason why the Planning Department has elected not to support the Application is that the Zen Canna Premises is within 250 meters of the proposed Government Store. The buffer guidelines set out in the *Council Policy on Cannabis Retail Stores* suggest a buffer of 750 meters between retail locations outside of the downtown center.

Zen Canna understands that at the time this guideline was created it was intended to limit the number of cannabis retail locations in the community, and to protect the character of neighborhoods. Zen Canna says that retail stores can operate in both the Zen Canna Premises and the Government Store without compromising the character of that neighbourhood, because these two stores face onto different major roads, face in different directions, and can't be seen from the other location. Further, Zen Canna says that upon opening, the two stores will service different clienteles as they are not pedestrian destinations and will largely be destination locations accessed primarily by private vehicles or transit.

Mayor and Council have the discretion to vary the buffer requirement, and Zen Canna says that to do so would be reasonable in all the circumstances. To allow the best private-sector applicant to fail due to the later entry of the Government Store in the application process would be unjust, and would likely be an unintended consequence of strictly enforcing the buffer guidelines. It is worth noting that many neighboring cities have much smaller buffer guidelines, such as Vernon (no buffers), Kamloops (150-meters), Osoyoos (determined site-to-site

upon public consultation), Kelowna (500-meters) and West Kelowna (no buffers – zone specific limits).

The *Council Policy on Cannabis Retail Stores* indicates that distances should be measured from the footprints of the stores. However, given the nature of the area and recognizing the need to cross major roads at controlled intersections, the distance from the Zen Canna Premises to the Government Store is 350 to 400 meters using sidewalks and crosswalks, as shown on the below map. In short, the practical buffer between the two stores is larger than it appears at first glance.



***Other Comments from the Review Panel Summary:***

The Review Panel made some additional comments about the Application that need to be addressed:

**1. “*The storefront appearance was professional but a bit bland (not the most positive image / dark).*”**

The design image that was provided with the Application was only a place holder for the purposes of the Municipal and Provincial Application, and that design has been greatly improved since February (see below). Zen Canna has made several modifications to its logo/brand to create a softer, more positive and Zen-like image with more lighter and more resonant tones that better reflects the vision and mission of the company, of which examples can be found on our website [www.zencanna.ca](http://www.zencanna.ca).

**2. “*The location does not directly abut a residential neighbourhood, but is in close proximity to the (unsupervised) skate park located to the east of the subject property along Warren Ave and across the street from the Time Flies children’s activity center.*”**

By measuring lot line to lot line (as the majority of other Municipalities in the Okanagan), the Government Store property abuts the Skate Park, while the Zen Canna Premises is 240 meters from the Skate Park. Further, the Government Store is a mere 90 meters from the Time Flies Child Care Center, while the Zen Canna Premises is 244 meters from the Time Flies Child Care Center. Zen Canna realizes that the measurement practice used by Penticton’s Planning Department is walking distance/door-to-door. It is important for Council to take into consideration that if this measurement was from lot line to lot line as utilized, different considerations would be given to both the Zen Canna and Government Store.

The *Council Policy on Cannabis Retail Stores* does not mention these ‘sensitive uses’, and only references a 300-meter buffer guidelines for elementary, middle or secondary schools. The Zen Canna Premises is 900 meters from the closest school, being Parkway Elementary School.

**3. “*Staff training was mentioned only indirectly.*”**

Staff training was never a stated criteria in the application process, but Zen Canna says that all of its employees will be subject to all *Responsible Service Training* when made available by the Province. Further, Zen Canna’s in-

house training will meet or exceed all relevant standards, including security verification (i.e., identification upon entrance). Training will focus on, but will not be limited to, social responsibility practices related to safety and responsible adult use, comprehensive product knowledge, and customer service skills. Finally, since the Application was made, Zen Canna has begun working with Cannabis Compliance Inc. (CCI), Canada's lead training and cannabis consulting company to assist in creating a meticulous and rigorous in-house staff training program. This process goes above and beyond even the training required by the Province.

**4. “Concern that many of the signatures did not indicate where the person was from, and may be well outside of the community and Okanagan region (relevance).”**

Through open dialogue with the Planning Department Zen Canna was informed that any and all letters of support regardless of origin would be relevant to supporting Zen Canna's Application. Based on this guidance from the Planning Department, Zen Canna sought support from individuals throughout the Okanagan. Many of the letters of support were made by individuals who frequent Penticton.

The *Statement of Support* appended to this letter as Appendix “A” includes considerable detail regarding the extensive efforts the Zen Canna team made to engage the public and specifically those living and working in and around the Zen Canna Premises.

Seventy-three letters of support were provided by stakeholders living and working in Penticton, many of whom indicated that they supported Zen Canna's Application over the Government Store. In addition to the total of 225 letters of support, Zen Canna received a letter of support from well-known cannabis lawyer John Conroy, Q.C.

**Concluding Comments:**

Zen Canna believes that it will be the gold-standard of retail cannabis in the City of Penticton, because it is a sophisticated organization with responsible management. Zen Canna is an Okanagan based company that will be accountable to the City and to its local community. We are a member of the City

of Penticton Chamber of Commerce and we are seeking other opportunities to play a role in helping to positively shape the community of Penticton.

In other Okanagan communities Zen Canna has also worked to be an active community member. In Vernon, Zen Canna was the only prospective cannabis retailer in attendance of the Urban Matters Business Owners forum on Community Social Issues Engagement. This forum took input from community business members on topics of health & safety, crime & prevention, and business & financial impacts on issues surrounding homeless and transient populations in the community. The information and feedback collected during the forum was directly reported back to the City of Vernon Council. Being active in each of the communities that Zen Canna plans to operate in is an important part of Zen Canna's business model.

Zen Canna would like to bring one final issue to the attention of the Mayor and Council, being the institutional advantage enjoyed by the Government Store in this application process. It is clear that the application for the Government Store was favoured by the Planning Department from the outset, to the prejudice of any applicant within a 750-meter radius of the Government Store's proposed location. Zen Canna recognizes that this process has been a learning experience for all involved, but says that it is now clear that the proposed outcome is profoundly unfair. It is highly relevant to understand that the retail cannabis program was created by the Provincial Government through the Liquor and Cannabis Regulation Branch, and that Zen Canna is competing directly with Liquor Distribution Branch and its competing Government Store application. The Planning Department has effectively acknowledged that the Government Store was bound to succeed in Penticton, by way of an email sent to Zen Canna this week.

It is clear that no private-sector applicant could have competed with the resources or regulatory experience of the Liquor Distribution Branch. Further, it is obvious that the backing of the Provincial Government was effectively ensuring the success of the application for the Government Store. This cannot have been the intention of the City of Penticton when it created the *Cannabis Scoring Criteria*, which is why it would be appropriate for Mayor and Council to support Zen Canna Application by relaxing the buffer requirements applicable to that Application.

We thank you for considering this submission in favor of Zen Canna's Application and ask respectfully that Mayor and Council support the Application in all the circumstances.

Sincerely,

A handwritten signature in cursive script that reads "Ian Burak".

Ian Burak  
Zen Canna Retail Corporation  
Chief Operating Officer

## Response to Review Panel Summary

### Introduction

I would like to submit my review and rebuttal of the Green Essence Panel Summary received on Monday, April 8<sup>th</sup>, 2019. I am disheartened that everything I have worked so hard for over the last six years is being denied by individuals I do not feel have a firm understanding of the Cannabis Industry and have made their evaluations on myopic information. It is hard to write this, removing emotion and appealing to logic, which I hope you will extend the same courtesy. There is a common theme in this review, and that is one of bias, likely because I operated as a dispensary in the past. I would expect the Municipality would understand that the Provincial Government has already conducted their due diligence prior to submitting my application to you. I have had a very good relationship with the city and was looking forward to working with you in this transition. I believe that the Evaluation Matrix consists of criteria not mentioned in the Council Policy, resulting in missed information for my application. It would stand to reason that these criterium were adjusted after reviewing applications and comparing them to one another. This resulted in a lower than expected score and the planning department recommending Cannabis Cottage over mine. This is perplexing as some of the negative comments regarding Green Essence's location are far less applicable than they would be at Cannabis Cottage. I can see compliance and bylaw issues from the storefront rendering that I wonder if the advisory panel caught. For future reference, it would be advisable to provide applicants with the following list or criteria used in the evaluation matrix and how they are weighed in the decision process:

- 1) Distance from sensitive uses (how sensitive uses were defined changed from person to person)
- 2) Neighbourhood fit (parking, delivery, proximity to transit, compatibility with surrounding uses)
- 3) Positive image to the street
- 4) Professional look and feel, including branding
- 5) Security plan
- 6) Demonstration of an understanding of the industry
- 7) Business approach including the professional structure, including management team and staff training plan
- 8) Previous bylaw infractions
- 9) Public comments (support and opposition of cannabis store location)

A lot of these criterium are not in the Council Policy and are open to speculation which may be influenced by biased individuals towards the applicant. I understand my application was part of the first round for the panel to process and that your criteria may fluctuate as new information is provided. This is uncharted territory for the city and applicants have been patient with your process as you navigate the best means for evaluating these businesses. I cannot, however, accept that Cannabis Cottage is a better fit for the community and for consumers than that of Green Essence. I have a larger, more secured building. I have more parking that is well lit at night. I have handicapped access. My facility can grow as more products become available. I have experience and access to a knowledgeable pool of people who will make up my staff. I hope the following will help change your mind:

## Additional Information for Green Essence

In response to the Panel Summary report and my 57/100 evaluation, I would like to submit the following:

**1) Questions about sensitive uses nearby – same plaza as the Martin Street Walk in Clinic and within close proximity of Soupateria, several churches, and the “Foundry.”**

Green Essence’s proposed location is ideal for the downtown area of Penticton. Its proximity to sensitive use areas is irrelevant as it does not neighbor with these places, unlike some of the facilities that have been approved. It would stand to reason that perhaps having a church directly next door, a Dollarama, or a major grocery store, may also be deemed “sensitive use” as children and families all frequent these places.

Green Essence operated a dispensary for years and had not received one complaint from any of the above “sensitive use” areas. This evaluation was not touched on Council Policy 498/2018 and should be omitted from our score. To change the requirements after the fact for an evaluation that is based on potentially biased perception is unjust and unfair.

The Martin Street Walk in Clinic has a clientele primarily for outreach patients and Intensive Case Management. Having a cannabis retail store at the opposite end of the mall parking lot should not be considered a negative infraction to my application. An article in the Harvard Business Review recently discussed a study that Cannabis Retail Stores reduced property crime and theft through incidental surveillance. Not only would an increase in foot traffic improve the safety of the public, my store has a vast surveillance system that will monitor a large area in and around the facility.

The clientele I have had in the past are not who you think they are. I have had a large range of customers from nurses to people who work for city hall. The surrounding businesses and residents should not be a concern, no more than the other approved Cannabis Retail Locations.

**2) Storefront design needs improvement with unattractive mirror windows and no window coverings with attractive designs (as required by policy).**

The mirrored windows are standard at Martin Street Plaza and were kept remaining in theme with the other stores as well as continue complianc with the Cannabis Control and Licensing Act, and the Cannabis Retail Store License Handbook. To expect us to insert images is unnecessary and potentially liable to breaking the law.

This area is grey, and we erred on the side of caution to ensure we remain compliant and lawful in our storefront design; however, as per stated in my original application, I am willing to replace the film with more colorful graphics once the industry has become a little clearer regarding what is and isn’t allowed.

**3) No Interior Renderings.**

At no point in the Council Policy document does it require interior renderings. You were provided a floor plan, a site plan, an interior description, and many pictures of the exterior. The Province has not requested such renderings and a description of the interior was provided in the application submitted to you. However, the following will be similar to what the interior of the store will look like:



Figure 1 - Interior Theme

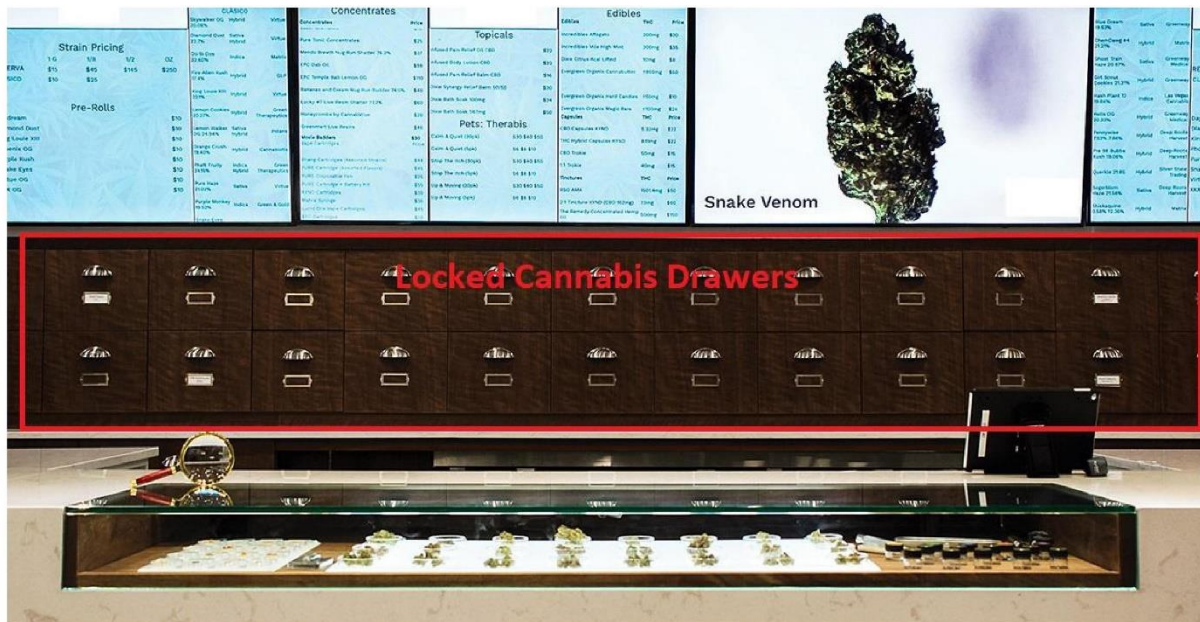


Figure 2 - Interior Theme

**4) Limited information on branding, but what was supplied met policy on not promoting intoxication.**

Branding is strictly regulated and as you can see by our logo, we have chosen an image that does not appeal to minors or promote emotion of any kind. Our branding strategy, much like others in this industry is to ensure customers know where we are located and that if they want further information, they would be required to access the age-verified website or come to the age-verified establishment and speak to our sales staff in person. The industry is changing at an exponential rate and it will be word of mouth to most effectively communicate information to cannabis users. Our cannabis sales staff will wear the following uniform and be easily approachable, knowledgeable, and empathetic:



**5) Business Overview left some questions as to how sales will support the rental of such a large space.**

That information is proprietary; however, we will use revenue from legal cannabis sales to pay for the lease. My previous locations is 2500 sq.ft. and I had just enough room for stock and foot traffic. As the industry evolves and more products become available, especially with edibles becoming legal later this year, I wanted to ensure I have enough floor space to accommodate these products.

In my experience, I would anticipate that customers will spend more than just a few minutes inside my store, browsing, researching, and asking questions. Parking will be a major factor for any cannabis retail store and Green Essence has approximately 16 spaces in a well-lit parking lot with handicapped access assigned to the lease.

I am well aware that the margins will be tighter for the sale of cannabis for all legal retailers in the industry. A major difference in a successful business will be how we treat our customers to create brand loyalty and offering a facility that is one of the nicest in the Okanagan.

**6) Questions about providing a high-end experience but selling at the lowest prices.**

Again, without removing our competitive edge by offering proprietary information, I will carry a full range of products and adjust my margins accordingly. With the legalization of edibles later this year, I will require the full amount of space to ensure individuals have access to the products they feel best suit

their needs. I don't think people realize that cannabis is not to be treated like alcohol and that a person is likely to spend much more time in a cannabis store than they will in a liquor store. Cannabis users cannot be classified as people who just want to get high. At my store, consumers will have access to cannabis products in a variety of forms and means of consumption. Although my staff and I will not make medicinal comments or recommendations regarding cannabis, there are a variety of cannabis treatments for over 70 types of medical related illnesses. Our clientele will range from people using topicals or oils to those who choose combustion to consume cannabis. My goal regarding "providing a high-end experience" means that I will have the staff and resources available for customers to make well-informed decisions for themselves based on approved and compliant literature or publications.

### **7) Minimal Information provided on staff training requirements.**

As per my original application, there is a requirement for responsible service training that will be offered by the province as a mandatory course. This is in addition to the in-house training employees will receive. A breakdown of the employment process and training is as follows:

- a) Employee is hired and is required to obtain security verification from the province.
- b) Once verified, an employee will be paired with an existing employee for training purposes.
- c) Standard Operating Procedures, PPE requirements, and security training will be presented in a class-room style setting. These will outline the expectations and repercussions of employees who do not follow policy.
- d) A training schedule will then be presented, and the trainee will shadow an assigned trainer.
- e) The assigned trainer will be responsible for describing the tasks listed in the training schedule.
- f) The assigned trainer will then show the trainee how to perform the tasks listed in the training schedule.
- g) The assigned trainer will then supervise the trainee performing the tasks listed in the training schedule.
- h) After the trainer is satisfied and confident the trainee can perform the listed tasks without supervision, the trainee will meet with the manager.
- i) The Manager will observe the trainee performing the listed tasks. During these tasks, the manager will quiz the trainee to ensure they have a good understanding of what is expected of them.
- j) If the manager is satisfied, the trainee will be given a probational period at which they will be strictly monitored. Any infractions will result in immediate dismissal depending on the severity. Corrective training may be an alternative.
- k) Every year, all employees will be required to re-read company policies and sign that they acknowledge and understand the terms and conditions of their employment as well as industry compliance.

Employees will be learned on all the products I will supply and their intended uses. When a new product is introduced to the inventory, product information materials will be passed around and added to the inventory binder as reference.

**8) Business operators have a history of bylaw violations.**

Green Essence was issued one bylaw ticket a few years ago prior to obtaining a Temporary Use Permit. When addressed before council, the ticket was thrown out and supposedly struck from our record. The last council supported Green Essence and I operated at the recommendations of city officials in private meetings. I was issued a Temporary Use Permit by the city to sell Medicinal Cannabis and I have always closed my doors when requested.

Green Essence has paid its taxes and has worked diligently to adopt the new laws and regulations for the retail sale of cannabis products. Throughout the province are old dispensaries, such as Evergreen Cannabis in Vancouver, that recently received a provincial license to operate and only stopped selling cannabis in October. To hold one bylaw infraction against me when I have worked very hard to appease the city and the laws surrounding cannabis is unfair.

**9) Several letters of opposition to the application, from community at large as well as immediate residential building.**

This is troubling to read as it would seem there has been a lack of communication to the community and to the neighboring residents regarding the new legal framework and policy surrounding retail cannabis sales. It would seem that these comments are emotional and based on stereotypes of perceived cannabis users and retailers. It is hard to believe that some of the comments from the “community at large” aren’t from competitors who hope to derail our application. I’d be more than happy to sit with each and every commentator and discuss their concerns and hopefully change their perception of cannabis and where the industry is heading. There were five public comments attached to this panel review and the following are the four negative ones that I would like to challenge:

**“Applicants have operated illegally in the past, should not be given a license.”**

I don’t know who would have made this comment, but we have not operated without city officials approval, and we have not been charged with a crime. This is slander and libel and should be kept out of the decision process. It seems that whoever made this comment, whether it was someone on the panel or a community member, is approaching my application from a personal level, rather than being unbiased and fair. This comment could very well have come from a competitor. If a comment like this affected my score, I would expect the person making it to prove these allegations. The Cannabis Control and Licensing Act dictates that all employees must go through security screening prior to employment. This is especially true for owners who must go through rigorous Security Screening, Interviewing, and Financial Integrity checks.

### “Signage does not look appealing.”

At Green Essence, I am committed to working with the city and the province to come up with store signage that is appealing. Unfortunately, this comment is not constructive and seems to be personal preference. Whoever made it, I would be glad to sit down and discuss what they didn't like about it and perhaps make recommended changes. To deny my store based on a lack of communication between expectations and reality is not fair. I had a few designs drafted for this store and the following were my two favourite:



### “Business is too close to residential units.”

Most of the successful candidates are close to residential units and this should not be considered a bad thing. As mentioned earlier in the Harvard Business Review article, residents near a Cannabis Retail store will benefit from incidental surveillance. Green Essence faces Martin St. and a parking lot with no residential buildings in that direction. I suspect the residential buildings in question are the ones behind the facility, separated by a 7' concrete barrier and a fence. Other “recommended” facilities such as Cannabis Cottage, BC Cannabis Store, and Spiritleaf all have residential buildings behind them without barriers separating the business from the residents.



The image on the left is the back ally of Green Essence. Notice the large concrete wall and fence separating commercial and residential. If you were to go behind many of the other approved locations, you would notice the close proximity of residents to the Cannabis Retail locations without a divider.

**“Concerns over the type of characters that hung around when the store operated in the past.”**

The store is closed and to raise concerns about the type of characters that did use the store is an unfair generalization and stereotype of my previous clientele. In addition, these “characters” were likely patients of the Martin Street Clinic and possibly associated to us by those who are unaware of the outreach and intensive case management services this clinic provides. Going forward, the Provincial Government has supplied us with excellent guidelines for providing safe and responsible service. This includes an incident log-book that is to be filled out when individuals violate our store policies, such as loitering or consuming cannabis in or around my store. An incident report will include key details such as date, time and description of events, the parties involved, any action taken, and any relevant sales records. These records will always be kept for six years and available to inspectors or peace officers. Green Essence is committed to refusing entry to troublesome or intoxicated people and reporting any criminal acts to the authorities.

## Conclusion

I would very much like to have my application reviewed and recommended by staff to council. I understand that this will create an issue with the city buffer bylaws, but the evaluation reasoning does not make sense in terms of location or my ability to run a cannabis retail store. Missing information was addressed after the fact and not communicated to me prior to the Panel Review. I would hope that the future panel will be well learned in the Cannabis Control and Licensing Act, the Cannabis Act and its regulations, the Cannabis Retail Store Terms and Conditions, and an overall understanding as to why decisions like this have hurt the cannabis industry, resulting in BC so far having the lowest grossing sales in all of Canada.

## **BLUEWATER CANNABIS OWNER INFORMATION**

I'm a 38-year-old father of two boys aged six and eight. Born and raised on a small farm in Dawson Creek BC, and active in many outdoor activities. In my spare time I enjoy spending time with my boys, either it be swimming at the local pool, fishing or loading our quads up and heading to the backcountry for the day or for a weekend adventure.

I'm involved in my local community through the SOUTH PEACE OILMENS ASSOCIATION, in which I am the vice president. The scope of this is to fund raise through various events, in order to be able to assist other groups in our community. We receive a lot of requests for financial assistance from various individuals and groups, in which we do support, as well as donate for scholarships on an annual basis.

Our two biggest fundraisers for the year is the annual lobster fest held in may, with close to 350 people attending, and our annual golf tournament in June, in which there is an auction at both venues for all the items donated during canvassing. This usually raises close to \$225,000.00 combined.

The Oilmen's voluntarily organizes and puts up the community Christmas tree every year for the past 31 years, but our biggest focus is on the local ski hill. Being that the season is short and costs are high money is always tight. In the past 10 years we have taken over the management and donated over one million dollars to assist with new groomers, ice makers, ski lift and repairs to the chalet and new rental equipment. We are a non-profit organization, and everything we do is volunteer.

At the age of 12, I started filling in spare time working at one of the Local doctors farm. I continued working there up until my graduating year, taking on more and more responsibilities as my time there carried on. My final two years in this position I had two other workers under my direct supervision on a 40-50 hours a week basis during the summer months.

During my grade 10, and 11 years I enrolled in evening courses at the Northern Lights College in Dawson Creek, which consisted mainly of the mechanical nature, but also included some basic workplace supervisory type training.

This allowed me to have my grade twelve requirements achieved after the first semester of my gradating year, and I moved on to working full time at one the local outdoor motorsports dealership, HYPER TOYS INC. I gradated in June at 17 years old and signed into an apprenticeship program for outdoor power equipment technician.

I stuck with this path until I was 19 years old, then moved on to an opportunity in the forestry sector, mainly in logging, working for a large contractor as an equipment operator, mechanic and laborer. This was great for the winter months but slower during summer.

I looked around and landed a job with a new road construction and paving company, PEACE RIVER CONTRACTING, which was local to Dawson Creek.

I worked mainly in the shop doing repairs on an asphalt plant they had purchased, as well as the road equipment. A few months in the company started growing and became busier as they were acquiring larger and larger contracts with the Ministry of transportation and Highways. This course of action pushed me into more of a supervisory role, yet still hands-on and working alongside the paving super-intendant with reading highway blueprints, quality control, and daily production values. I also continued to schedule the maintenance of equipment and viewing and prepping for contract bids.

I continued this trend until I was 21 years old, when an opportunity to start up a logging company arose.

Kropp Logging Ltd. was born in June of 2001, myself as a 50% shareholder and my father as the other 50% shareholder. Dad had his own successful trucking company, which kept him busy most of the time, so he played a much smaller role than I at most times. He coordinated the trucking side of it as well.

My focus was on acquiring contracts, contract negotiations, hiring, training, safety, maintenance and daily operations of the forestry and road building side.

As time progressed we grew larger and larger and were acquiring contracts from multiple oil and gas companies as well, in the form of roads, pipelines, wellsite logging, and at times some dirt work projects.

Over time duties changed and dad started slowing down, which put more on my plate. We are still equal partners- 18 years later, however he sticks close to the shop running parts and filling the gaps when we need an extra body.

During this time we have steadily employed 10-12 employees, at peak season we hit close to 30, with our two most senior employees being with us for 16 years now.

We have hit a lot of milestones to be proud of, ranging from quality awards from our clients to environmental awards from ministry of forests lands and natural resources.

In October of 2014, I also formed another company, Triple K Contracting Ltd. in which I am a 33% partner. This trucking company is involved in the forestry, gravel, oil and gas and lowbedding/transportation industry. It employs 6-8 employees whom most have been with us since inception.

In 2017, I created a third business, HBL CONTRACTING LTD. This adventure mostly operates a rock/ gravel quarry on private property, which I purchased in 2015 and opened a mine, EASTVIEW PITS. Seasonally it employs 2 direct employees and upwards of 12 sub contractors.

HBL also does safety and supervision consulting in the similar industries.

Through all this I have also attended many courses on supervisor roles and responsibilities in terms of legislation, safety and safety program development and implementation, environmental management systems and implementation, accident investigation and reporting requirements.

I see the cannabis industry as a positive spot to invest and become part of for many reasons.

I can see it will create a stable business platform, which is key to acquiring and retaining team members. Although it is new, in the legal sense, this industry will attract good people with a lot of valuable experience and insight on how it can evolve over time.

Dear Penticton City Councillors,

I am writing this letter supporting the application the retail cannabis store for Bluewater Cannabis located at 101 - 130 Nanaimo Ave. W. I have reviewed the information released by the city and find this location to be best suited for the area. I believe this location is a better choice than a location next to a church. I do not believe a cannabis retail store should be situated directly next to places of worship or other places that children and youth frequent.

The two listed objectives within the policy goal is to reduce exposure to youth and ensure that retail stores have a positive impact on the Penticton retail community. I believe that the this location does the best job in offering a discreet location very near to busy retail streets of main and martin while not unnecessarily exposing youth to cannabis. The location is just off the beaten path of the busy Main and Martin Streets which are more often traveled on foot by youth. This location seems to have the best access with a large parking lot at the rear and dedicated parking at the rear. There is a lane running on the rear and side as well as street metered parking on both sides in the front with traffic running both ways. The storefront looks clean and the branding seems to follow the direction set by the city of not being flashy or appealing to youth.


I think out of all the proposed locations in this conflicting buffer area the 101-130 Nanaimo W application is best suited to receive increased general traffic and foot traffic with the best access compared to the others. The Bluewater Cannabis storefront seems to be the best choice compared to other applicants in this zone and this is my letter of support.

UNIT #222

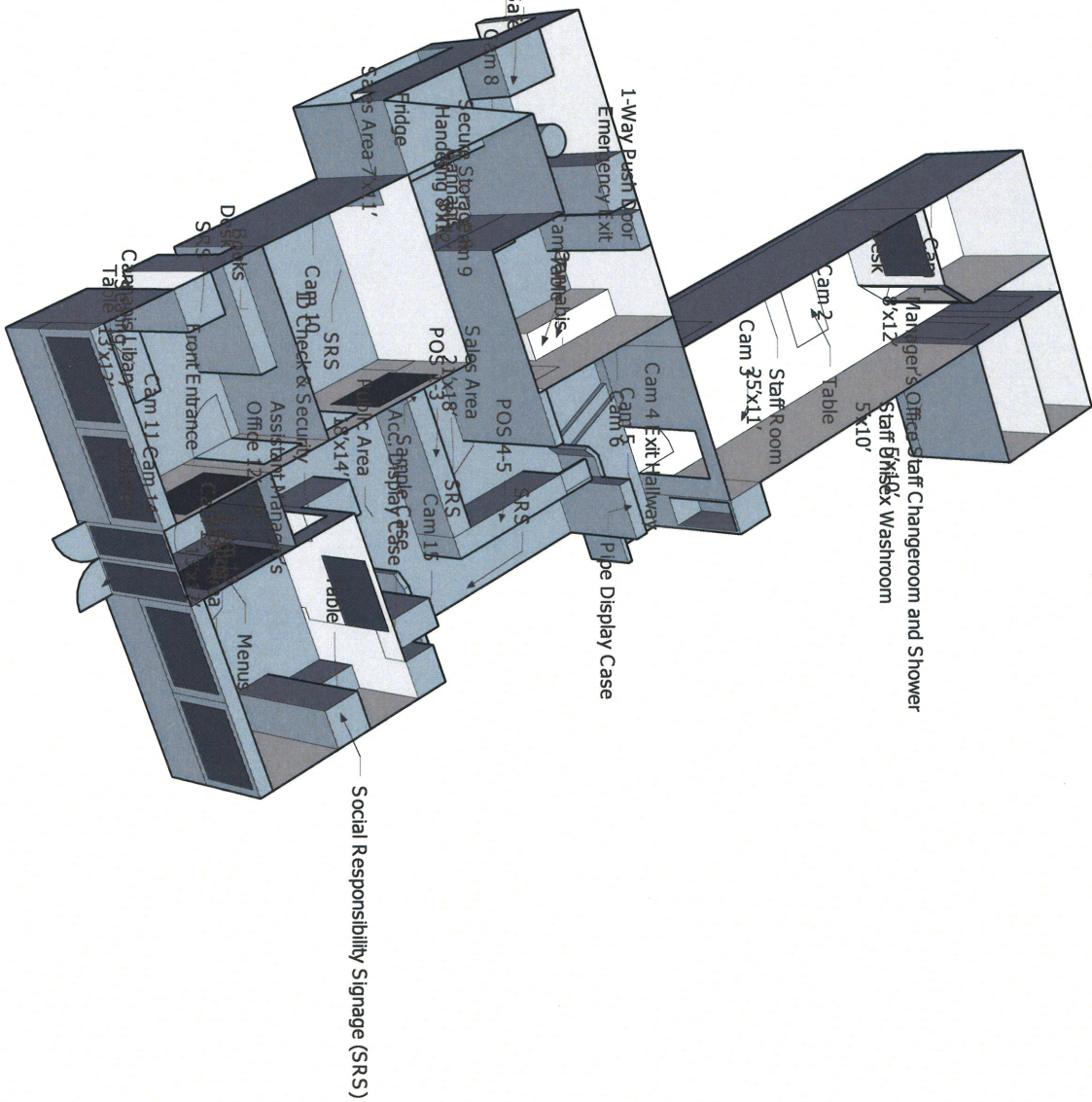


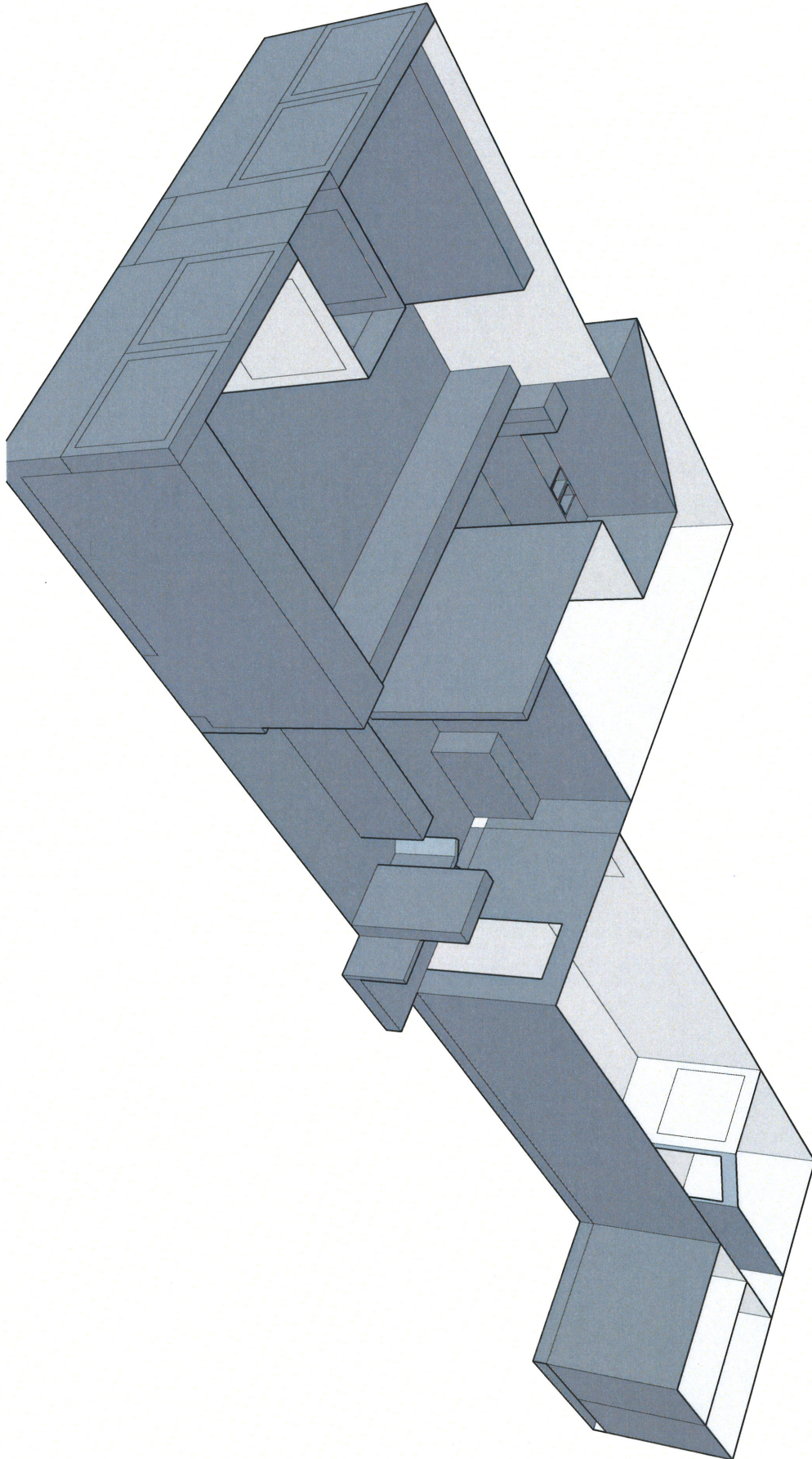
WARREN SANDERS

Laura Allen - #224

 - 221

Hallway through unused storage area to rear doors (see picture) Sales  
Cam 16 Exterior Rear Door





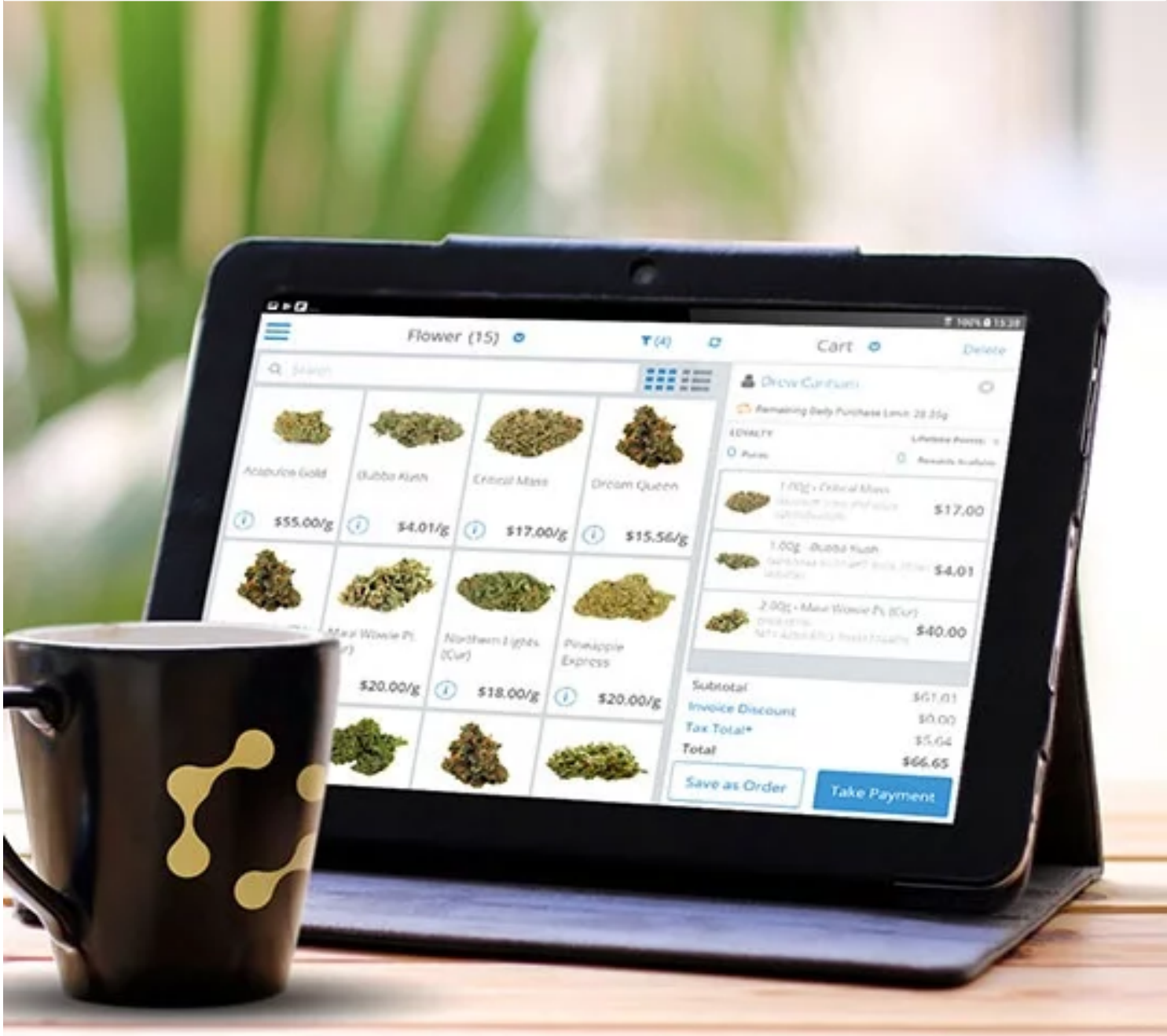


# CANNABIS DISPENSARY



## POS SYSTEM

LET'S TALK





ALL THE FEATURES YOU NEED

Perfect for beginners and experts alike.

---

Deliver the best customer experience

---

Full cannabis retail compliance (less headaches!)

---

Insight & control in the palm of your hand

---

A cannabis retail platform that grows with you

---

We'll never let you down

---

Drive revenue with bottom line boosting features

---

Take your shop on the road

---

Streamline operations and reduce operational costs

---

## DELIVER THE BEST CUSTOMER EXPERIENCE

**Our dispensary POS software is agile, easy to use, and has everything your team needs to delight new and repeat customers.**

## QUEUE YOUR CUSTOMERS FOR CANNABIS

No more taking numbers or managing long lines when you employ our dispensary pos. With built-in queue capability, your customers can sign in, sit back and relax until the next sales team member is available.

## SMOOTH & FAST END-TO-END EXPERIENCE

With an average transaction time of 1.4 seconds, we leave your customers impressed with a **seamless and speedy cannabis retail shopping experience.**



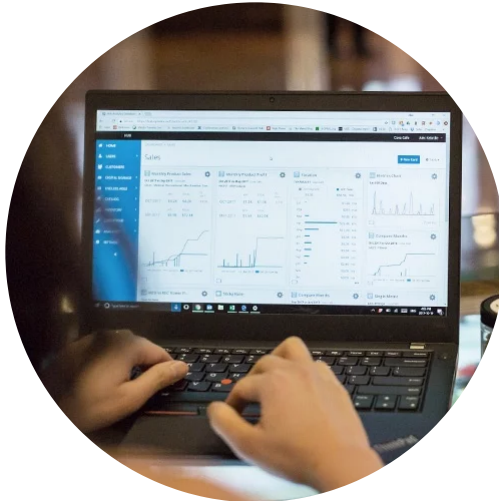
## No Wi-Fi? No Problem

Our cannabis retail pos **offline mode feature** will keep the lines moving so no one has to wait or leave your store empty-handed.



## Connect & Build Trust On The Sales Floor

Provide VIP treatment when you employ a cannabis point of sale system that frees your team from behind the counter, allowing them to showcase inventory and built trust on the sales floor.



## Sell With Confidence From Day One

On average, new users learn the Cova dispensary POS platform within 5 minutes. More about onboarding Cova [here](#).



FULL CANNABIS RETAIL COMPLIANCE. LESS HEADACHES.



**Every dispensary pos feature we build is designed to ensure that compliance is not a burden, but a competitive advantage.**



## A DISPENSARY POS DESIGNED FOR COMPLIANCE

**Our cannabis retail pos will prevent your staff from breaking the rules or making operational missteps that could seriously cost you your retail license.**

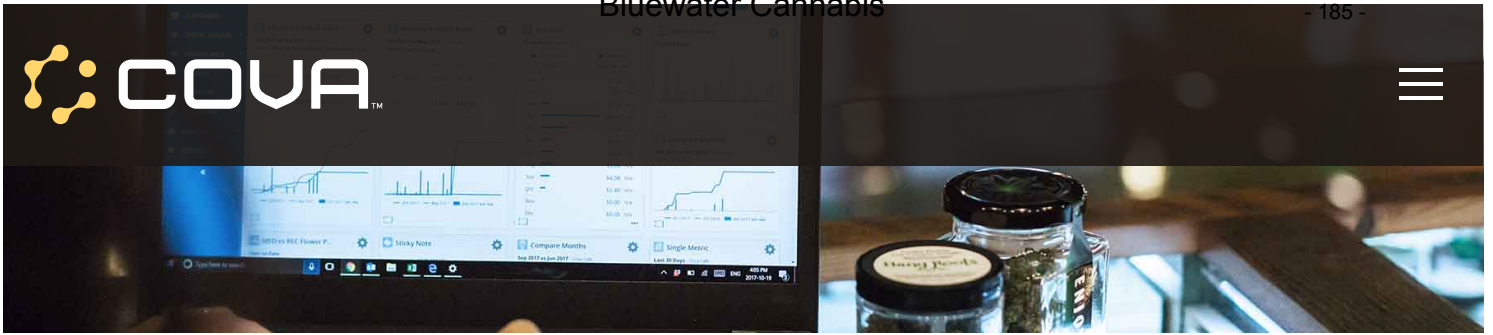
**Age Verification Scanner:** Prevent underage sales and verify information with ID barcode scanners.

**Purchase Limits Alerting:** Automatically calculate product equivalencies and alert your staff if limits have been exceeded.

**Hours of Operation Compliance:** Ensure you only operate within the authorized hours of operation or risk a hefty fine or loss of license.

**LET'S TALK**





## ENSURE ACCURACY WITH AUTOMATION

We make tasks that are prone to mistake – like cannabis transaction limits – simple. When you select a cannabis pos with automation you can greatly reduce human error.

## SEAMLESS STATE INTEGRATION

Cova integrates with BioTrackTHC, Leaf Data Systems, Metrc – and soon Canada's traceability system.

On average, our clients save 1-2 hours a day auditing and reporting inventory. That's 50 hours a month!

## CANNABIS BUSINESS INSIGHTS IN THE PALM OF YOUR HAND

**With Cova's dispensary pos system you get the information you need to make smart business decisions fast.**

Insights On The Go

**COVA**<sup>TM</sup>

Never lose sight of your operation. Our mobile dashboard is intuitive and customizable to fit your needs. Learn more about our mobile capabilities when you contact our team.



## Detailed Reports You'll Love

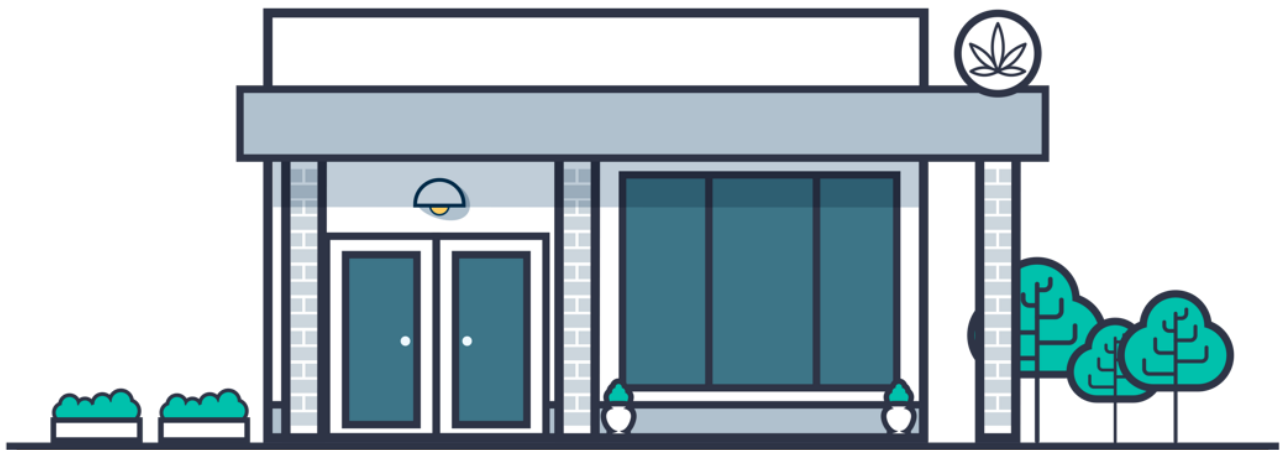
Access key business metrics and download reports critical to retail success using our cannabis pos software. Ask our team how sales analysis can boost the bottom line at your operation.

## Prevent Internal Theft & Fraud

Internal fraud at your cannabis dispensary can become a serious problem if certain operational procedures aren't in place.

Detect discrepancies with our employee permissions and cash management tools.

A CANNABIS RETAIL PLATFORM THAT GROWS WITH  
YOU





We're here to help you build the cannabis retail shop of your dreams.

Experiencing growth? Our cannabis dispensary POS system can manage all your locations. Oversee stock between stores, bulk-edit product information, and compare store performance in real time.



## Creating a Retail Ecosystem Through Strategic Partnerships

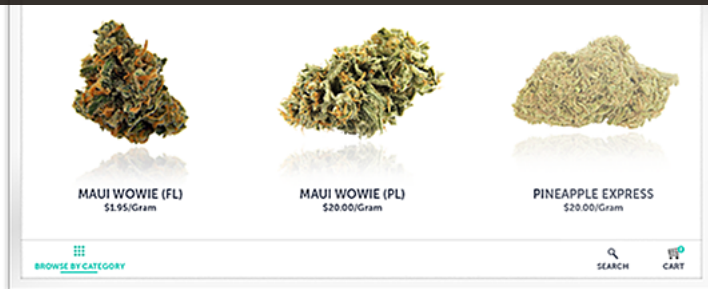
Streamline your operations and expand your sales channels and tools. Our growing list of strategic partners include Spring Big, greenRush, I Heart Jane, APOP Media, and Baker. Learn more about our partners [here](#).

## Connect The Dots With Open API

With an open API our cannabis pos product team can easily add new applications and work with your existing technology.

## Remain Agile & Scale With Ease

Cova brings the agility and entrepreneurial spirit of a startup, yet has the people, resources, and financial backing of a successful enterprise company. We can adapt to industry changes quickly while continuously striving to build the best cannabis retail software in the industry.



## Engage Customer At Every Touch Point

COVA is more than a dispensary POS. Our intuitive cannabis retail technology includes an express checkout kiosk, **cannabis touchscreen menu** and **digital signage**.

WE'LL NEVER LET YOU DOWN

**With so many startups entering the technology space,  
it's rare to find a cannabis retail dispensary POS with  
a track record like ours.**



Customers Love Us



We are a passionate team that will work tirelessly to make our dispensary software work for you and your team.



## Advice You Can Trust

With two decades of retail experience, you can trust our advice when it comes to running a cannabis retail shop.



## Zero Data Concerns

Our world-class servers and cloud-based services, like Microsoft Azure, ensure your data is scalable, secure, and available when you need it.

1  
2 3



## 3-Step Onboarding Process

Our launch team is committed to making the transition as smooth as possible. See how we making onboarding as easy as 1-2-3 here.



### Uptime All The Time

Our retail platform powers 20,000 locations of all sizes and verticals, with virtually no downtime. Here's how we performed on **4/20**.



### Unrivaled Support Team

The great experience doesn't end when you launch with us, it's just the beginning. Our support team is available every day of every week - even weekends.



98%

Our support team availability is at an impressive 98%.

13<sup>SEC</sup>

Our average wait time is 13 seconds.



Connect with support via chat.

## SAY HELLO TO OUR BOTTOM LINE BOOSTING ADDITIONS

**Drive revenue with time-saving features, digital technology, and strategic partner API.**



## Save Time With Accurate Records

Maintaining accurate customer records doesn't have to be a headache. Add new customers and locate repeat shoppers with a cannabis dispensary POS system that simplifies the task.

## Reward Repeat Shoppers

Building a loyal customer base at your cannabis dispensary can be a multifaceted effort. Identify your best customers with accessible shopping data so you can turn repeat shoppers into brand ambassadors. Ask the Cova team about our built-in loyalty rewards program.

**LET'S TALK**



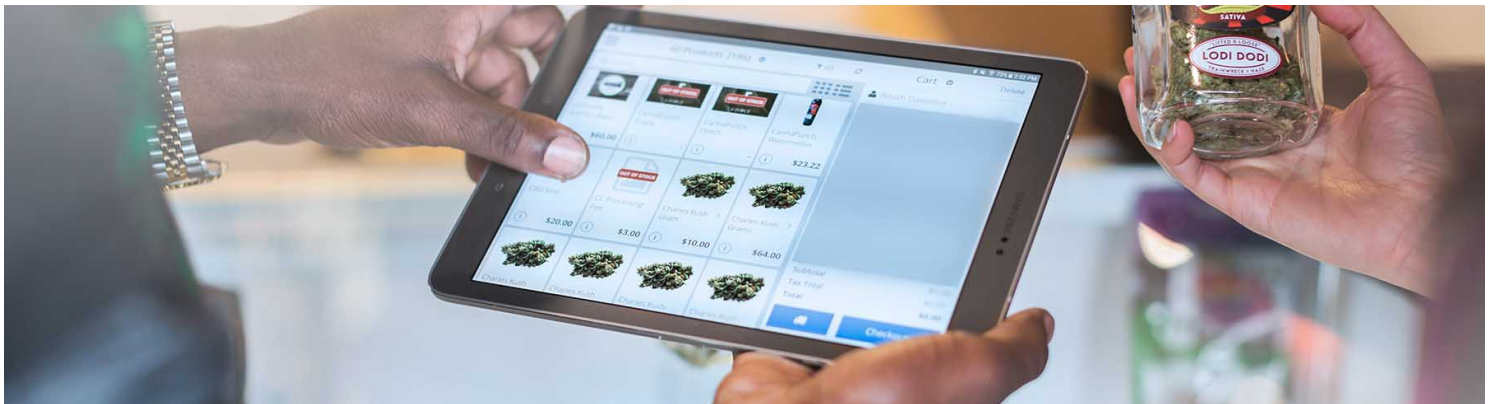
## Delight with Automated Discounting

**COVA**

Create a seamless sales transaction and keep the lines moving by implementing our automated discounting. Our auto-apply discounting feature is flexible and easy to set up. Preset the discount or manually apply it at checkout, it's up to you.

## Drive Store Traffic with Targeted Marketing

Our cannabis dispensary POS system tracks customers preferences so that you can directly target select portions of your customer base with the right messaging.



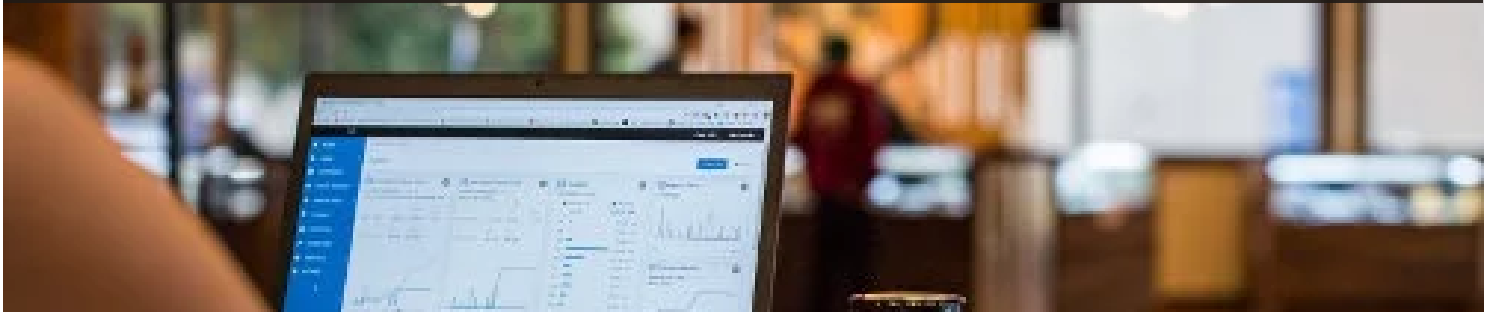
## Never Miss a Sale Again

Determine top selling products with real-time inventory reporting to predict consumer demands and navigate internal buying decisions.

## Share the Gift of Mobility

Our mobile cannabis POS frees your staff from behind the counter, so they can engage with customers on a personal level, even when internet connectivity is weak.

Attending a social event or weekend market? If permitted in your state, take Cova cannabis POS with you to process sales.



## Cannabis Touchscreen Menus

Enhance the shopping experience by giving customers the freedom to shop at their own pace when you employ **cannabis touchscreen menus** and **digital signage**.

## Expand Your Sales Channels

Cova's cannabis dispensary POS integrates with leading website and e-commerce partners, GreenRush and I Heart Jane. With these seamless integrations, we can automatically sync with your online cannabis retail store. Learn more about our partners [here](#).

## TAKE YOUR SHOP ON THE ROAD

As the cannabis consuming demographic continues to expand, so too will the demand for delivery services. With our cannabis dispensary POS, your drivers can complete transactions on the go, provide e-receipts, track inventory, and so much more.



## STREAMLINE OPERATIONS AND REDUCE COSTS

**Our goal is to simplify the compliance process so you can focus on creating a one-of-a-kind experience.**

### Reduce Time to Track and Manage Inventory

Easily track inventory by the individual batch or by product type from the time it enters your operation until it's sold to a customer, making **inventory management** simple and accurate.

### Plug and Play Hardware Integrations

We take the guesswork out of hardware so you can save time and increase accuracy throughout your operation. Ask a Cova representative about our **seamless hardware integration**.

### Centralized Intelligence Hub

Our all-in-one cannabis retail pos platform is the central hub of your business and the best place to manage customer profiles, finances, employees, inventory, online ordering and more.

### Advanced Inventory Reporting

Our **reporting functionality** is intuitive, fast, and easy to use. With detailed insights, you can detect unusual patterns in sales or inventory before you commit any cannabis compliance violations.

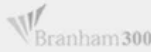


LET'S SHAPE THE NEXT

# GENERATION OF CANNABIS RETAIL TOGETHER



LET'S TALK



All Content ©2019 Cova. All rights reserved.  
We elevate your dispensary experience.



**Sales and Inventory**

- Full customer profile to monitor medical cannabis cards issued to each patient
- Purchasing lockout for any expired patient ID cards
- Customizable customer limits settings to allow compliance with any possession limit
- Specialized price tiers for patients, products, and categories
- Real time reporting for inventory management as well as a server backup to protect from data loss for any reason
- Infused product to dry cannabis conversion ratios for complete weight reporting
- Comprehensive customer purchasing history for easy reference medical referrals
- Customizable report building for inventory, staff, and sales
- Product loss, theft, spoilage reporting for all inventory
- Compliant product labeling
- Member rewards programs available

**Staff monitoring**

- Full staff profile with occupational licensing monitoring
- Customizable permissions for each staff member under single or multiple facilities
- All staff activity monitored in real time reporting for compliance and management
- Easily restricted access to reports
- Customizable reminders for employees (ex. 30 day reminders for occupational license renewal)
- Government monitoring for licensed employees
- Desired custom permission created within 24-48 hours of request



Cannabis Compliance

The future in software designed to maintain complete regulatory compliance for the Cannabis Industry



Inventory Tracking

RFID inventory counts  
Real time On hand



Cannabis Consulting

Quality consulting-Expert solutions to businesses that desire to start, or better their existence in the marijuana industry



British Columbia, Canada

**BarnetPOS**  
7404 King George Blvd., Suite 200  
Surrey, B. C. V3W 1N6

Phone: 1-800-717-5791  
E-mail: [info@barnetbc.com](mailto:info@barnetbc.com)

Colorado, USA

**CCT**  
PO Box 1428,  
Fort Collins Co 80522



## Lift & Co. Cannabis Retail Training - Boot Camp Curriculum Outline

### Course Welcome (*Video Introduction*)

### Module 1 – Educating the Cannabis Consumer

#### Lesson 1 - Interactions with the body (*eLearning*)

- Human endocannabinoid system
- Introducing different types of cannabis
  - Effects of Sativa
  - Effects of Indica
- Chemistry of cannabinoids
  - Overview of CGB and how it converts to other cannabinoids
  - Differences between CBD and THC
  - Other important cannabinoids
- In-depth with terpenes: aroma, flavor profile and effects

#### Lesson 2 Quiz

#### Lesson 2 - Working with Cannabis Customers (*eLearning*)

- Customer service basics
- Getting to know your customer
- Interactions with new vs experienced cannabis consumer
- Customer profiles and path-to-purchase journeys
- Describing cannabis strains

#### Lesson 2 Quiz

### Module 1 Test

### Module 2 - Responsible Adult-Use Consumption

#### Lesson 3 – Cannabis Landscape and Legal Products (*eLearning*)

- Current purchasing options for cannabis
- Regulations for cannabis in Canada
- Introduction to licensed producers
  - Black market vs licensed producer
  - Different classes of cannabis licenses in Canada
- Types of legal cannabis products
  - What is dry flower and wet flower and their differences
  - What is cannabis oil?

#### Lesson 3 Quiz

#### Lesson 4 - Responsible Usage (*eLearning*)

- Communicating potential and long-term effects and risks
- Combining products for consumption
- Minimizing risk and maximizing benefit

#### Lesson 4 Quiz

### Module 2 Test

**Consumption & Safety - MADD Canada** (*Instructor Led Training*)

- Public Health and Harm Reduction
- Responsible sales, including age verification, security and identifying signs of intoxication
- Refusal skills for denying sales to minors and intoxicated customers
- Warnings around driving and applicable regulations
- Reporting suspected impaired drivers

**Product Identification with the Lift & Co. Cannabis Concierge**

- Overview of Lift & Co.'s online portal and data collection
- Using Lift & Co.'s Cannabis Concierge to better serve customers
- How the Cannabis Concierge can help answer questions on different products
- Anticipating consumer questions (roleplaying, team exercises)

**Final Exam – (30 questions – Multiple Choice, Some scenario driven questions)**



## Lift & Co. Cannabis Retail Training - Boot Camp Learning Objectives

### Module 1 – Educating the Cannabis Consumer

**By the end of this module, the learner will be able to:**

- Explain the human endocannabinoid system
- Review the effects of cannabis on the human body
- Outline the chemistry and effects of cannabinoids and terpenes
- Interact with new and experienced cannabis consumers
- Assist cannabis customers in making an informed cannabis purchase

### Module 2 - Responsible Adult-Use Consumption

**By the end of this module, the learner will be able to:**

- Recognize legal cannabis products available for purchase
- Articulate the role of a licensed producer in purchasing cannabis
- Review the potential risk and long-term effects of cannabis
- Highlight responsible sale of cannabis products
- Practice strategies and skills for denying sales to minors and impaired customers
- Explain the legal liability of the sale of cannabis products
- Identify signs of impairment and best practices for handling of suspected impaired drivers



## Intensive Curriculum - Retail Training Learning Objectives

### Module 1: Cannabis History and Where We Stand Today

**By the end of this module, the learner will be able to:**

- Outline the history of cannabis
- Describe the chronology of cannabis legalization in Canada
- Discuss the social aspects of cannabis and the effects of exiting prohibition
- Recognize legal cannabis products available for purchase
- Articulate the role of a licensed producer in purchasing cannabis

### Module 2: Getting to Know Cannabis

**By the end of this module, the learner will be able to:**

- Identify the types, anatomy and genetics of cannabis plants
- Describe cannabis reproduction, cross breeding and genetic classifications
- Highlight different growing approaches and post-grow processes
- Articulate the process for cloning and seed feminization
- Explain the effects of environmental conditions on cannabis crops

### Module 3: Cannabis Interactions and Usages

**By the end of this module, the learner will be able to:**

- Explain the human endocannabinoid system
- Review the effects of cannabis on the human body
- Outline the chemistry and effects of cannabinoids and terpenes
- Recognize the therapeutic applications of cannabis
- Review the differences between patient need and consumer desire

### Module 4: Responsible Adult-Use Consumption

**By the end of this module, the learner will be able to:**

- Articulate various cannabis consumption methods
- Advise a first-time user on safe consumption options
- Review the potential risks and long-term effects of cannabis
- Interact with new and experienced cannabis consumers
- Identify a self-medicating consumer and how to manage service

### Module 5: MADD Canada Workshop

**By the end of this module, the learner will be able to:**

- Highlight responsible sale of cannabis products
- Practice strategies and skills for denying sales to minors and impaired customers
- Explain the legal liability of the sale of cannabis products
- Identify signs of impairment and best practices for handling of suspected impaired drivers



## Lift & Co. Cannabis Retail Training - Intensive Curriculum Outline

### Course Welcome (*Video Introduction*)

### Module 1 - Cannabis History and Where We Stand Today

#### Lesson 1 - History of Cannabis (*eLearning*)

- What is cannabis?
- Origins of cannabis
- Uses throughout history
- Political history of cannabis, including in Canada
- Medical cannabis in Canada (MMAR, MMPR, ACMPR)

#### Lesson 1 Quiz

#### Lesson 2 - What does legalization mean for consumers? (*eLearning*)

- Legalization vs decriminalization
- Medical vs recreational
- Legalization timeline
- Exiting prohibition
- Mandates and considerations
- Social aspects of cannabis

#### Lesson 2 Quiz

#### Lesson 3 – Cannabis Landscape and Legal Products (*eLearning*)

- Current purchasing options for cannabis
- Regulations for cannabis in Canada
- Introduction to licensed producers
  - Black market vs licensed producer
  - Different classes of cannabis licenses in Canada
- Types of legal cannabis products
  - What is dry flower and wet flower and their differences
  - What is cannabis oil?

#### Lesson 3 Quiz

### Module 1 Test

### Module 2 - Getting to Know Cannabis

#### Lesson 4 - Cannabis Genetics (*eLearning*)

- Scientific plant classifications
- Genotypic and phenotypic expressions
- Cross-breeding and genetic classification
- Traditional cannabis names, origins, meanings

#### Lesson 4 Quiz

#### Lesson 5 - Cannabis Anatomy (*eLearning*)

- Cannabis reproduction
- Role of male and female plants in cultivation
- Male and female plant structures
- Making a hermaphrodite plant
- Feminization and cloning

#### Lesson 5 Quiz

#### Lesson 6 - Growing to Packaging (*eLearning*)

- Growing approaches, technologies, sciences and implications
- Effects of environmental conditions
- Crop failures, contaminants, pesticides
- Post-grow treatment – trimming, curing, irradiation
- Quality control and the role of lab testing
- Extraction: different techniques and products
- Packaging

#### **Lesson 6 Quiz**

### **Module 2 Test**

### **Module 4 - Cannabis Interactions and Usages**

#### **Lesson 7 - Interactions with the body (eLearning)**

- Human endocannabinoid system
- Introducing different types of cannabis
  - Effects of Sativa
  - Effects of Indica
- Chemistry of cannabinoids
  - Overview of CGB and how it converts to other cannabinoids
  - Differences between CBD and THC
  - Other important cannabinoids
- In-depth with terpenes: aroma, flavor profile and effects

#### **Lesson 7 Quiz**

#### **Lesson 8 - Cannabis as a medicine (eLearning)**

- History of therapeutic applications
- Cannabis as part of the healthcare system
- Update on latest medical research
- The consumer desire vs. patient need state
  - Key distinctions and commonalities
- Identifying self-medicating consumers

#### **Lesson 8 Quiz**

### **Module 3 Test**

### **Module 4 - Responsible Adult-Use Consumption**

#### **Lesson 9 - Methods of Consumption (eLearning)**

- Overview of various consumption methods such as:
  - Smoking
  - Vaporizing
  - Oils
  - Topicals
  - Edibles
- Appropriate options for the first-time consumer
- Consumption tools and accessories

#### **Lesson 9 Quiz**

#### **Lesson 10 - Responsible Usage (eLearning)**

- Communicating potential and long-term effects and risks
- Combining products for consumption
- Minimizing risk and maximizing benefit

#### **Lesson 10 Quiz**

#### **Lesson 11 - Working with Cannabis Customers (eLearning)**

- Customer service basics
- Getting to know your customer
- Interactions with new vs experienced cannabis consumers
- Customer profiles and path-to-purchase journeys
- Describing cannabis strains

#### **Lesson 11 Quiz**

#### **Module 4 Test**

#### **Module 5 Workshop** (*Instructor Led Training*)

##### **Consumption & Safety - MADD Canada**

- Public Health and Harm Reduction
- Responsible sales, including age verification, security and identifying signs of intoxication
- Refusal skills for denying sales to minors and intoxicated customers
- Warnings around driving and applicable regulations
- Reporting suspected impaired drivers

##### **Product Identification with the Lift & Co. Cannabis Concierge**

- Overview of Lift & Co.'s online portal and data collection
- Using Lift & Co.'s Cannabis Concierge to better serve customers
- How the Cannabis Concierge can help answer questions on different products
- Anticipating consumer questions (roleplaying, team exercises)

#### **Final Exam – (60 questions – Multiple Choice, Some scenario driven questions)**