



Agenda

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

Tuesday, September 17, 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 September 3, 2019 Regular Council Meeting 1-5 Adopt
7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda.

Consent Agenda: 6-11
 1. Minutes of the September 3, 2019 Public Hearing Meeting;
 2. Penticton Creek and Ellis Creek Restoration Committee Minutes of July 23, 2019.
8. **Committee and Board Reports**
9. **Correspondence**
10. **Staff Reports:**
 - Forster 10.1 Firesmart Community Funding & Supports Grant 12-13
Staff Recommendation: THAT Council support the application for grant funding of \$150,000 from the UBCM under the Community Resiliency Investment (CRI) program which provides 100% funding.
 - Siebert 10.2 Good Neighbour Bylaw Compliance Policy 14-20
Staff Recommendation: THAT Council approve "Good Neighbor Bylaw Compliance Policy", a policy that outlines a fair and consistent approach to obtain compliance with the Good Neighbor Bylaw.

Kassian	10.3	Plastic Use Reduction <i>Staff Recommendation: THAT Council support the Province of British Columbia's CleanBC single-use plastics action plan, by providing a formal submission to the Ministry of Environment and Climate Change Strategy, supporting the initiative to limit single-use plastics.</i>	21-41	
Coates	10.4	2020 Permissive Tax Exemption Bylaw No. 2019-34 <i>Staff Recommendation: THAT Council give first, second and third reading to "2020 Permissive Tax Exemption Bylaw No. 2019-34", a bylaw granting \$557,900 in permissive tax exemptions as listed in Schedule A granting 94.35% of the allowable exemptions for the 2020 Tax Year.</i>	42-56	
Tanguay	10.5	Zoning Amendment Bylaw No. 2019-36 Development Variance Permit PL2019-8592 Re: 340 Douglas Avenue <i>Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2019-36", a bylaw that rezones Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, as shown on Schedule A of the bylaw, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the October 1, 2019 Public Hearing. AND THAT delegations and submissions for "Development Variance Permit PL2019-8592" for Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, a permit to allow vehicle access with a maximum driveway width of 3m to be from both the lane and the street (Douglas Avenue), be heard at the October 1, 2019 Public Hearing; AND THAT Council consider "DVP PL2019-8592" following the adoption of "Zoning Amendment Bylaw No. 2019-36".</i>	57-73	
Collison	10.6	Officers and Delegation of Authority Amendment Bylaw No. 2019-35 <i>Staff Recommendation: THAT Council give first, second and third reading to "Officers and Delegation of Authority Amendment Bylaw No. 2019-35", a bylaw that delegates the authority to temporarily restrict traffic to the City Engineer or Development Infrastructure Manager.</i>	74-75	
Collison	10.7	Committee Terms of References – Community Sustainability and Safety and Security <i>Staff Recommendation: THAT Council approve the 2019 - 2022 Terms of Reference for the Community Sustainability Advisory Committee. THAT Council approve the 2019 - 2022 Terms of Reference for the Safety and Security Advisory Committee. THAT Council approve the amended Terms of Reference for the Penticton and Ellis Creek Restoration Select Committee and add one member of the Parks and Recreation Advisory Committee.</i>	76-83	
11. Bylaws and Permits:				
Laven	11.1	Zoning Amendment Bylaw No. 2019-24 Re: cash in lieu	84-85	Adopt
Collison	11.2	Local Improvement Charge Repeal Bylaw No. 2019-28	86	Adopt

12. Notice of Motion

13. **Business Arising:**

13.1 From the September 17 Committee of the Whole Meeting
Re: Cannabis Retail Store Application – Request for Reconsideration

As per Council Procedure Bylaw No. 2018-35, A Council member who voted with the majority either for or against a motion, may at the next Council meeting move to reconsider a matter on which a vote has been taken. The delegation from Starbuds would like Council to reconsider the September 3, 2019 motion made regarding their application.

Mayor Vassilaki, Councillors Sentes, Robinson, Kimberley or Regehr could request reconsideration.

Resolution: THAT Council reconsider resolution 398/2019 made on September 3, 2019.

If the motion to reconsider is carried, Council can move and second the following.

398/2019:

THAT Council direct staff to send a recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:

- *2150 Main Street (Starbuds)*

AND THAT the 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.*

14. **Council Round Table**

15. **Public Question Period**

16. **Adjourn to Closed Meeting:**

Resolution: THAT Council adjourn to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (c) labour relations or other employee relations;*
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (g) litigation or potential litigation affecting the municipality;*
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

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

Tuesday, September 3, 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
Ken Kunka, Acting Director of Development Services
Blake Laven, Planning Manager
Mitch Moroziuk, General Manager of Infrastructure (left at 2:08 p.m.)
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:00 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

390/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on August 20, 2019 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the August 20, 2019 Regular Meeting of Council

391/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the August 20, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

5. Consent Agenda:

392/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the August 20, 2019 Committee of the Whole Meeting;
2. Minutes of the August 20, 2019 Public Hearing Meeting.

CARRIED UNANIMOUSLY

6. Committee and Board Reports

7. Correspondence

8. Staff Reports:

8.1 Net Metering – kWh Bank

393/2019

It was MOVED and SECONDED

THAT Council direct staff to revert back to a Retail Monetary bank billing method and amend the Electric Utility Services Bylaw No. 2017-44 to purchase excess energy at the Retail Rate of energy appropriate to the Customers rate class;

AND THAT Council direct staff to report on the progress of net metering to Council in 2024.

CARRIED

Mayor Vassilaki, Councillors Regehr and Watt, Opposed

8.2 Adjacent Property Owner Contribution Local Area Service Bylaw Policy

394/2019

It was MOVED and SECONDED

THAT Council approve the “Adjacent Property Owner Contribution Local Area Service Bylaw Policy” dated September 3, 2019;

AND THAT Council give first, second and third reading to “Local Improvement Charge Repeal Bylaw No. 2019-28”, a bylaw to repeal Bylaw No. 2525 and amendment Bylaw No. 2810 that sets out the percentage of the works to be charged as owners share.

CARRIED UNANIMOUSLY

8.3 Appointment of Officers

395/2019

It was MOVED and SECONDED

THAT Council appoint Donny van Dyk as Chief Administrative Officer for the City of Penticton;

AND THAT Council appoint Angie Collison as Corporate Officer for the City of Penticton;

AND THAT Council appoint Caitlyn Anderson as Deputy Corporate Officer for the City of Penticton;

AND THAT Council appoint Jim Bauer as Chief Financial Officer for the City of Penticton;

AND THAT Council rescind the appointments of Mitch Moroziuk and Ian Chapman as Deputy Approving Officer;

AND THAT Council appoint Audrey Tanguay, Senior Planner as the Deputy Approving Officer for the City of Penticton.

CARRIED UNANIMOUSLY

8.4 Local Government Support for Cannabis Retail Stores

396/2019

It was MOVED and SECONDED

THAT Council direct staff to send a recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:

- 101-351 Westminster Avenue W (Completely Cannabis Co.)

AND THAT the 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.

CARRIED
Mayor Vassilaki, Opposed

397/2019

It was MOVED and SECONDED

THAT Council direct staff to send a recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:

- 310 Comox Street (Green House Cannabis Boutique)

AND THAT the 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.

CARRIED
Mayor Vassilaki, Opposed

398/2019

It was MOVED and SECONDED

THAT Council direct staff to send a recommendation of support to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail store licenses, in accordance with Council Policy, for the following property:

- 2150 Main Street (Starbuds)

AND THAT the 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.

DEFEATED
Mayor Vassilaki, Councillors Regehr, Robinson, Kimberley and Sentes, Opposed

9. Public Question Period

10. Recess Regular Council Meeting

The Regular Council Meeting recessed at 2:08 p.m.

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

Council reconvened the Regular Council Meeting at 6:41 p.m.

12. Bylaws and Permits:

12.1 Zoning Amendment Bylaw No. 2019-24
Re: cash in lieu

399/2019

It was MOVED and SECONDED

THAT Council give third reading to "Zoning Amendment Bylaw No. 2019-24".

DEFEATED

Councillors Robinson, Kimberley, Sentes, Watt and Bloomfield, Opposed

400/2019

It was MOVED and SECONDED

THAT Council change the cash in lieu from \$20,000 to \$13,000.

CARRIED UNANIMOUSLY

401/2019

It was MOVED and SECONDED

THAT Council give third reading as amended to "Zoning Amendment Bylaw No. 2019-24" with a cash in lieu amount of \$13,000.

CARRIED UNANIMOUSLY

12.2 Zoning Amendment Bylaw No. 2019-29
Re: 595 Vancouver Avenue

402/2019

It was MOVED and SECONDED

THAT Council give third reading to "Zoning Amendment Bylaw No. 2019-29".

CARRIED

Councillors Regehr and Robinson, Opposed

12.3 Zoning Amendment Bylaw No. 2019-33
Re: 2800 Cedar Road

403/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-33";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2019-33".

CARRIED UNANIMOUSLY

12.4 Downtown Economic Investment Zone Amendment Bylaw No. 2019-31

404/2019

It was MOVED and SECONDED

THAT Council adopt "Downtown Economic Investment Zone Amendment Bylaw No. 2019-31".

CARRIED

Mayor Vassilaki, Councillors Kimberley and Regehr, Opposed

12.5 Road Closure (Westminster Ave E/Abbott/Van Horne Street) Bylaw No. 2019-32

Delegations/Submissions:

- No one spoke.

405/2019

It was MOVED and SECONDED

THAT Council adopt "Road Closure (Westminster Ave E/Abbott/Van Horne Street) Bylaw No. 2019-32".

CARRIED UNANIMOUSLY

- 13. Land Matters**
- 14. Notice of Motion**
- 15. Business Arising**
- 16. Council Round Table**
- 17. Public Question Period**
- 18. Adjournment**

406/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, September 3, 2019 at 7:46 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, September 3, 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
Ken Kunka, Acting 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 6:00 p.m. for Zoning Amendment Bylaw No. 2019-24, Zoning Amendment Bylaw No. 2019-29 and Zoning Amendment Bylaw No. 2019-33.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws 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. 2019-24" (cash in lieu)

The purpose of "Zoning Amendment Bylaw No. 2019-24" is to amend Zoning Bylaw No. 2017-08 as follows:

- Increase the cash-in-lieu fee from \$6,000 per space to \$20,000 per space.
- Include the RM2 and RM3 zones in the cash-in-lieu program, subject to having at least one parking space per dwelling unit.
- Re-direct where the cash-in-lieu funds go, from: the Alternative Transportation Infrastructure Reserve to: a blend between the Alternative

Transportation Infrastructure Reserve (25%) and the Off-street Parking Reserve (75%).

Remove the co-operative vehicle parking reduction provision, until such time as there is a car share organization operating in Penticton.

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

DELEGATIONS

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

- Matt Hopkins, Balfour Street, in opposition of the proposed changes. Makes housing more expensive in Penticton, difficulty for people to rent and buy. Raises the cost to get into the market and there are people who do not want a parking space. Public safety is a concern downtown.
- Brigid Kemp, Warren Avenue West, spoke about alternative transit options.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2019-24" was terminated at 6:10 p.m. and no new information can be received on this matter.

3. "Zoning Amendment Bylaw No. 2019-29" (595 Vancouver Avenue)

The purpose of "Zoning Amendment Bylaw No. 2019-29" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone "Proposed Lot 1" of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane) and rezone "Proposed Lot 2 and 3" of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R2 (Small Lot Residential) as identified on Schedule 'A' of this bylaw.

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

DELEGATIONS

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

- Lynn Kelsey, Oakville Street, spoke in support in the application.
- Sue Gawne, Vancouver Avenue, adjacent to applicant's property, opposed to R3 zoning as the lot is too narrow and doesn't fit the character of the neighbourhood.
- Rob Cesnik, HDR Architecture, Hastings Avenue, addressed concerns and views are always a challenge and who is entitled to it.

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

- Gerry Bate, Vancouver Avenue, spoke at the last Public Hearing and opposed to the application, still opposed to the application. Carving R1 lot into smaller parcels to add one additional house.

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

- Lynn Kelsey, Oakville Street, the letters were a pre-populated form and were just signed with name and address, people did not think about it and write it out personally.
- Rob Cesnik, HDR Architecture, Hastings Avenue, applicant is adding in two more homes, not one for a total of three.

The public hearing for "Zoning Amendment Bylaw No. 2019-29" was terminated at 6:31 p.m. and no new information can be received on this matter.

4. "Zoning Amendment Bylaw No. 2019-33" (2800 Cedar Road)

The purpose of "Zoning Amendment Bylaw No. 2019-33" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018 and EPP57171, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential).

The applicant is proposing to subdivide 2800 Cedar Road into two lots. One lot will include the current house and the second lot will be set aside for future residential subdivision.

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.

- Alfred Pellatt, Evergreen Drive, what is the future plan for the area? There could be 9 lots in the area. Is the elevation going to change for the future lots and what is allowed?

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

- Pat Loyer, Barton Court, no detail plan provided as to what's going to go there and it's a large wildlife corridor, in opposed to the application.

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

- Tracey Robinson, Evergreen Drive, don't know the plan for the future and not sure what's going to happen, would like to know more.
- Darrel Haddrell, representing owner of property, on his behalf. The property is not in the ALR, asking for same rights as surrounding neighbours. The owner has lived on his property forever and would like to subdivide the property and sell the land so the estate will have money instead of land.

The public hearing for "Zoning Amendment Bylaw No. 2019-33" was terminated at 6:41 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

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, July 23, 2019
at 9:00 a.m.

Present: Paul Askey, Freshwater Fisheries Society of BC (*Chair*)
Bruce Turnbull, Penticton Fly Fisheries Association
Bryn White, South Okanagan Similkameen Conservation Program
Doug Maxwell, Member at Large
Bill Wickett, Penticton Fly Fishers Association
Zoe Eyjolfson, Okanagan Nation Alliance
Bruce McFarlane, Water Steward Divisions, Ministry of FLNRO

Staff: Ian Chapman, City Engineer
Paula McKinnon, Legislative Assistant

Guests: Leif Burge, Stantec Consulting Ltd.

1. **Call to Order**

The Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 9:06 a.m.

2. **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 July 23, 2019 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the June 25, 2019 meeting as circulated.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Penticton Creek Reach 12A: 85% Plan Review

The Chair reminded the Committee to provide their feedback to Staff regarding the presentation made by Mould Engineering by Wednesday, July 31.

5. **New Business**

5.1 Addition of Parks and Recreation Advisory Committee Member

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Advisory Committee recommend to Council that the Committee's Terms of Reference be amended to include a member from the Parks and Recreation Advisory Committee.

5.2 Ellis Creek Sedimentation and Erosion Assessment/ Reach by Reach Description

Leif Burge, Stantec Consulting Ltd., provided the Committee with a presentation on the 12 reaches throughout Ellis Creek. The presentation included a safety moment, objectives, historical channel changes, geomorphic descriptions of each reach, aggradation/degradation assessments for each reach, bank stability assessments for each reach, analysis of sediment transport/mobility and a final summary.

Mr. Burge informed the Committee of the next steps beginning with the creek revitalization project. Discussion ensued regarding the sequence of work and timelines. Following discussions, the Committee was informed that infrastructure risk, fisheries risk and archeological assessments will be added to define the criteria to create the conceptual designs for most of the reaches.

6. **Council Outcome**

7. **Next Meeting**

The next meeting date is to be determined.

9. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on Tuesday, July 23, 2019 at 11:11 a.m.

CARRIED UNANIMOUSLY

Certified Correct:



Paula McKinnon
Legislative Assistant

Council Report

penticton.ca

Date: September 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Chris Forster, Deputy Fire Chief & Emergency Planning Coordinator

File No:

Subject: Firesmart Community Funding & Supports Grant

Staff Recommendation

THAT Council support the application for grant funding of \$150,000 from the UBCM under the Community Resiliency Investment (CRI) program which provides 100% funding.

Background

The Community Resiliency Investment (CRI) program is a new provincial program intended to reduce the risk and impact of wildfire to communities in BC through community funding, supports and priority fuel management activities on provincial Crown land.

The FireSmart Community Funding & Supports program is a grant available under the CRI program that provides funding to local governments and First Nations in BC to increase community resiliency by undertaking community-based FireSmart planning and activities that reduce the community's risk from wildfire.

The city has a Community Wildfire Protection Plan (CWPP) that was completed in 2016. The CWPP identified 14 areas within the city boundaries that make up the wildland urban interface fuels treatment strategy for the City of Penticton. The intent is to apply for funding each year and treat as many of these areas as possible with grant funding. This application is for 2020 funding to develop prescriptions & treatments for several of the 14 identified areas. Further, the requested funding will also be for continued Firesmart activities for new and existing Firesmart neighborhoods within the City of Penticton.

Financial implication

The grant funding can contribute 100% of the cost of eligible activities to a maximum of \$150,000. Eligible expenditures include consultant costs, applicant staff and administration costs, and public information costs. As well, the funding allows for the development & promotion of local Firesmart activities as well as Fuel & Vegetation Management on publicly owned land.

A completed submission will be submitted by October 18, 2019 given there is approval of the Council Resolution.

Deny/Refer Recommendations

Should Council determine that additional information is required, it may refer requests back to Staff for additional research.

Respectfully submitted,

Chris Forster
Deputy Fire Chief
Emergency Planning Coordinator

Approvals

Fire Chief LW	Chief Financial Officer <i>LWB</i>	Chief Administrative Officer DyD
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Council Report

penticton.ca

Date: September 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor
Subject: **Good Neighbor Bylaw Compliance Policy**

File No:

Staff Recommendation

THAT Council approve "Good Neighbor Bylaw Compliance Policy", a policy that outlines a fair and consistent approach to obtain compliance with the Good Neighbor Bylaw.

Strategic priority objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Background

The Bylaw Services Department deals with property compliance issues related to unsightly, untidy or where a potential hazardous condition exists. The City's goal is to achieve voluntary compliance of bylaws through education and communication.

There is a growing number of bylaw files where the property owner is failing to comply with the Good Neighbor Bylaw. These files have followed an internal staff process, however staff have developed a Council policy to ensure clarity, fairness, consistency and transparency of process.

Analysis

The objective of the Good Neighbor Bylaw Compliance Policy is to implement fair and consistent policy supported by Council. The policy will guide Bylaw Enforcement Officers in their decision making process and more easily identify files of non-compliance that require a report to Council.

Alternate recommendations

THAT Council provides direction on other changes to the policy.

Attachments

Attachment A – Good Neighbor Bylaw Compliance Policy

Respectfully submitted,



Tina Siebert

Bylaw Services Supervisor

Concurrence

Acting DS Director <i>KK</i>	Chief Administrative Officer DyD
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Approval date:

Resolution No.

Subject: Good Neighbor Bylaw Compliance Policy

A. PURPOSE

The objective of the Good Neighbor Bylaw Compliance Policy is to implement a fair, consistent and transparent approach to obtain compliance with the Good Neighbor Bylaw. The policy will guide Bylaw Enforcement Officers in the decision-making and application of procedural fairness for compliance and enforcement matters within the Bylaw Services Department.

B. POLICY ADMINISTRATION

The Bylaw Services Supervisor or Director of Development Services is to administer this policy.

C. LEGISLATION

This policy applies to property maintenance bylaw compliance and enforcement actions where the City of Penticton has a regulatory responsibility under federal, provincial and municipal law including:

Local Government Act, Community Charter, Good Neighbor Bylaw No. 2012-5030, City of Penticton Bylaws

D. GOAL

The City's goal is to achieve voluntary compliance of bylaws through education and communication. Legislation provides tools when compliance is not achieved.

The City of Penticton, like most municipalities, does not have the staffing or resources to actively review or inspect properties on a regular basis to determine compliance with the Good Neighbor Bylaw. As a result, the City relies primarily on public complaints to identify potential bylaw violations.

Bylaw Enforcement Officers will use discretion on a case-by-case basis to evaluate bylaw violations and take reasonable steps to investigate violations in accordance with this policy and other operating procedures.

E. COMPLAINT

A valid complaint to investigate a violation of the Good Neighbor Bylaw requires the following:

- In writing/e mail or phone call reviewed by the Bylaw Intake Administrator or Bylaw Services Department staff identifying the bylaw issue at a property;

- Include the name, address, phone/contact number, and e mail address of the complainant;
- Address of the offending property; and
- Details of the alleged bylaw violation and duration of violation if known

Staff are to advise the complainant that the City has received the information and provide the staff member (Bylaw Enforcement Officer) investigating the complaint. That complainant may follow up with the Bylaw Intake Administrator or Bylaw Enforcement Officer to inquire as to status or outcome of the investigation.

Anonymous, frivolous, vexatious or incomplete complaints may not be accepted.

F. COMPLIANCE AND ENFORCEMENT

The City of Penticton administers statutory responsibility in a transparent and fair manner for the health, safety and livability of people and property.

While encouraging compliance with the Good Neighbor Bylaw, staff safety is paramount. Staff members are to cease investigation and remove themselves from the situation as safely as possible if being verbally or physically threatened. They are to advise the Bylaw Services Supervisor of the incident immediately.

1. Priority

The Bylaw Intake Administrator (during regular business hours) will assess the priority of the violation using, but not limited to the following criteria:

- Potential risk to public health and safety;
- Magnitude, nature, and duration of the contravention;
- History of non-compliance on the property or alleged offender;
- Potential impact on the community, environment, or structure;
- Legal precedents and statutory timeframes;
- Resources available to resolve or remediate the violation;
- Potential costs and liability associated with enforcement action;
- Likelihood of achieving desired results;
- Sufficient evidence to prove non-compliance;
- Reasonable use of City of Penticton's Resources

The Bylaw Intake Administrator will assess, triage and prioritize a valid complaint to determine compliance with City bylaws. The file will then be generated and assigned to a Bylaw Enforcement Officer for investigation. If the call for service is received after regular business hours, the Bylaw Enforcement Officer on duty will make the same assessment, prioritization and generate the file for officer investigation.

Staff will prioritize the violations into three levels: low priority, medium priority, and high priority.

- Low Priority: Contravention(s) unlikely to cause health and safety issues;
- Medium Priority: Contravention(s) with potential to cause health and safety issues; or
- High Priority: Contraventions(s) likely or known to cause health and safety issues.

2. Investigation

The initial investigation may include a review of the bylaw, property file, history, contacting the complainant, contacting the alleged bylaw offender, and conducting a site inspection. If a violation is identified, the alleged offender will be advised to resolve the violation. Section 7.25 of the Good Neighbor Bylaw authorizes the bylaw enforcement officer to issue an order requiring the owner to bring their real property into compliance with the provisions of the Bylaw within in the time directed by the Bylaw Enforcement Officer.

This process may be formalized through a 'Clean up order' which identifies and articulates what is required to remedy the issue at the property and a timeline by which the work(s) must be completed.

An investigation undertaken by the Bylaw Enforcement Officer will be assessed on a case-by-case basis and actioned according to the Bylaw Enforcement Progressive Enforcement Process (Appendix A of this policy).

Staff will attempt to achieve voluntary compliance whenever possible prior to recommending remedial action or injunctive/prosecution action. Voluntary compliance tools and actions may include one or more of the following:

- Education of the Bylaw (printed relevant sections), bulletins, Oops cards, etc.;
- 'Clean up order' (Notice)- served personally or posted to the property;
- Formal letter, e mail, or phone call requesting remediation;
- Bylaw Offence Notice or Municipal Ticket Information (tickets);

3. Remedial Action Request/Report to Council

Where the investigation file is not closed, the bylaw breaching activity has not ceased, and voluntary compliance is not achievable, the Bylaw Enforcement Officer will inform the Bylaw Services Supervisor of the file and provide options for consideration using one or more of the following enforcement options:

- Remedial Action Request and Report to Council;
- And/or Court prosecution and Report to Council

The authority to direct that if a person fails to comply with the requirements of the Good Neighbor Bylaw, the municipality may fulfill the requirement at the owner's expense is derived from section 17 of the *Community Charter*. In relation to clean-up orders (unsightly/untidy premises), this power is separate from the authority to impose a remedial order under section 73 or 74 of the Community Charter, and to authorize municipal officers to carry out the terms of the order at the property owner's expense. Staff follow the policies and procedures of existing departments including the Procurement policy (ie. Ensuring contractors have adequate insurance coverage, etc.).

Section 7.29 of the Good Neighbor Bylaw provides that if the owner fails to comply with the compliance order/Remedial Request Notice within the time specified, the City may enter onto the real property and bring about compliance at the cost of the defaulting owner. A clean up order is typically issued for matters related to the collection of refuse on a property, rodent infestation, boarding a

vacant derelict home or overgrown vegetation. After a notice period (typically 14-30 days) staff will take measures to engage the services of a contractor to rectify the non-compliant situation under a value of \$2500.

In order to ensure best use of staff time and resources, if the works required to remedy the property are under \$2,500 staff will proceed with the clean up *without* a Report to Council. If the works required to remedy the property exceed \$2,500 staff *will* prepare a report to Council requesting a recommendation to proceed with the works at the owner's expense.

4. Closing the Investigation

The Bylaw Services Supervisor has the ability to close the investigation at any time. The Bylaw Enforcement Officer may close the investigation file using the most appropriate action based on this policy and the Progressive Enforcement Process using one or more of the following options:

- No further action required;
- Referral to another agency/government;
- Formal warning;
- Voluntary compliance tools and actions.

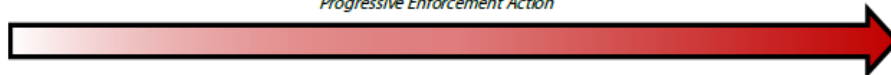
Certified Correct:

Angie Collison, Corporate Officer

Appendix A

Bylaw Enforcement Process

Progressive Enforcement Action



COMPLAINT Forwarded to Bylaw Enforcement Officer	Staff			Management Involvement	Council Involvement	
	Review	First / Second Contact	Third/ Fourth Contact	Long Form Information	Application to Judge	Civil Injunction
	<i>i.e. Verify information, create file</i>	<i>Voluntary Compliance: Education, Persuasion, Verbal Warnings, Demand letters</i>	<ul style="list-style-type: none"> • <i>Bylaw Offence Notice</i> • <i>Municipal Ticket Information</i> 	<i>Staff/Lawyer</i> <i>OR:</i> <ul style="list-style-type: none"> • <i>Notice on Tax</i> • <i>Finance Dept</i> • <i>Collections</i> 	<i>Council Report Required</i> <ul style="list-style-type: none"> • <i>Notice On Title</i> • <i>Remedial Action</i> 	<i>Council Report Required</i> <ul style="list-style-type: none"> • <i>Notice On Title</i> • <i>Remedial Action</i>
Complaint	✓	✓	⚠	✗	✗	✗

✓ = Proceed

⚠ = Enforcement Action

✗ = Stop/Do not proceed without direction from Supervisor/Management

Council Report

penticton.ca

Date: September 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: David Kassian, Community Sustainability Coordinator

File No: 6440-01 General

Subject: Plastic Use Reduction

Staff Recommendation

THAT Council support the Province of British Columbia's *CleanBC* single-use plastics action plan, by providing a formal submission to the Ministry of Environment and Climate Change Strategy, supporting the initiative to limit single-use plastics.

Strategic priority objective

This proposal is in alignment with Council's strategic priority of **Community Design** – Utilizing best management practices and strategies related to climate change adaptation and mitigation activities.

Background

At the June 18, 2019 Regular Meeting of Council, staff were directed to research and report back on steps to reduce the use of plastic bags in Penticton (Council Resolution 320/2019). Since that notice of motion, there have been new provincial (CleanBC) and national programs (Canada-wide Strategy on Zero Plastic Waste) and litigation to consider. On a more local level, at their July 4, 2019 meeting the RDOS Board of Directors expressed their support to the Province and Federal governments for a single use plastics ban. A student leadership delegation from Pen High presented to Council on May 7th, advocating for a local ban on single-use plastic bags, which is aligned with the recent CleanBC initiative.

The following is an overview of the applicable provincial and federal initiatives and recent litigation:

CleanBC

CleanBC, a provincial program directed by the Ministry of Environment and Climate Change Strategy (MoECCS) has recently released the Plastics Action Plan. The plan calls for public consultation on a single-use plastics ban. The four principle topics the province is seeking input on are:

- Bans on single-use packaging
- Expanding recycle options to include more plastic items
- Expanding plastic bottle and beverage container returns

- Methods to reduce the creation of plastics

CleanBC has developed an online survey for the general public and a submission process for organizations such as the City of Penticton. The survey can be found in Attachment C of this report. The City has been advertising this survey publically, and will continue to do so to both inform residents of the program and to show support for the action plan. Submissions are being accepted until September 30, 2019.

Although there are actions being taken by local governments in B.C., the Province proposes to collaborate with all levels of government both to avoid duplicating regulatory initiatives but also to progress actions that will have an immediate impact. The Province proposes to expand existing Extended Producer Responsibility (EPR) programs by including single-use and packaging like products under the provincial Recycling Regulation to ensure that these items are being managed responsibly prior to any potential federal bans coming into force (estimated 2021).

Canada-wide Strategy on Zero Plastic Waste

In November 2018, the Canadian Council of Ministers of the Environment (CCME) approved in principle the Canada-wide Strategy on Zero Plastic Waste. The Canada-wide Strategy on Zero Plastic Waste aims to reduce the harmful environmental impacts of plastic waste through greater prevention, collection and value recovery to achieve a more circular plastics economy. This first phase of the Action Plan focuses on product design, single-use plastics, collection systems, recycling capacity and domestic markets.

Canadian Plastic Bag Association v. Victoria (City)

The City of Victoria enacted a plastic bag ban on July 1st of 2018. The substantive provisions of the bylaw that effected the ban, prohibited stores from providing single use plastic bags to customers and required stores to charge 15 cents per bag for paper bags and one dollar for reusable bags. This bylaw was challenged by the Canadian Plastic Bag Association, which stated that the bylaw was outside of the scope of the *Community Charter*. The City claimed that the bylaw's main purpose was to regulate business; however, the B.C. Court of Appeal ruled that the bylaw's main purpose was to protect the environment.

A bylaw that regulates the environment must first have approval from the MoECCS. As a result, the three-judge panel unanimously ruled that without that approval, the bylaw is not valid and was in contravention of s. 9(3) of the *Community Charter*.

The City of Victoria has stated publically that they are reviewing their options for moving forward. Several other municipalities have passed similar bans modelled on the Victoria Bylaw.

Financial implication

There is no financial implication for providing a letter of support to the Province and Federal government.

Analysis

Since Council originally directed staff to review this issue, there have been announcements by the provincial and federal governments on action plans that are working towards limiting the creation and distribution of single-use plastics. The City of Victoria recently lost an appeal at the BC Supreme Court level, meaning that

municipalities have to seek approval from the MoECCS prior to enacting a plastic bag or single-use plastics ban.

At this time, rather than seek approval from MoECCS on such a bylaw, staff are recommending that the City support the provincial and federal initiatives currently underway, which is supporting a reduction and/or ban of single-use plastics at a higher level of government. Support for the CleanBC program can be presented through a formal submission to the MoECCS, and must be done so by September 30, 2019.

Staff will also follow up with the Pen High student delegation, informing the student leadership group about the CleanBC initiative and the Plastics Action Plan Survey. This will allow the students to leave a formal submission and comment on the proposed changes to single-use plastics in BC.

Alternate recommendations

Alternatively, Council could direct staff to begin public consultation on whether a local ban would be supported. This type of engagement could be conducted either through the City’s Community Engagement function or through a consultancy. Budget for either of these approaches would be budgeted for in 2020. Staff are not recommending this course of action as this work is already underway at the provincial level.

Attachments

Attachment A – CleanBC Plastics Action Plan Policy Consultation Paper:

https://cleanbc.gov.bc.ca/app/uploads/sites/436/2019/08/CleanBC_PlasticsActionPlan_ConsultationPaper_07252019_B.pdf

Attachment B – Canada-Wide Action Plan on Zero Plastic Waste:

https://www.ccme.ca/files/Resources/waste/plastics/1289_CCME%20Canada-wide%20Action%20Plan%20on%20Zero%20Plastic%20Waste_EN_June%202017-19.pdf

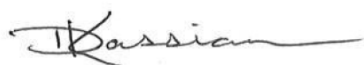
Attachment C – CleanBC Public Survey:

<https://cleanbc.gov.bc.ca/plastics/>

Attachment D – CleanBC Formal Submission Guidelines

<https://cleanbc.gov.bc.ca/plastics-submission-guidelines>

Respectfully submitted,



David Kassian
Community Sustainability Coordinator

<p>Acting DS Director</p> <p>KK</p>	<p>Chief Administrative Officer</p> <p>DyD</p>
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cleanBC
our nature. our power. **our future.**

Plastics Action Plan

POLICY CONSULTATION PAPER



The ministry is seeking feedback on new policy opportunities and proposed amendments to the Recycling Regulation of the Environmental Management Act by September 30, 2019 to address plastic waste.

Instructions on how to provide comments are provided on the last page of this consultation paper.



Introduction

British Columbians want action on plastic waste. Too often plastic packaging and single use items end up as litter in our communities, waste in landfills or debris in lakes, rivers and oceans. Plastic pollution hurts wildlife and harms ecosystems, and it is increasing year after year. The Ministry of Environment and Climate Change Strategy recognizes that new steps are needed and is proposing action in four connected areas.

1 BANS ON SINGLE-USE PACKAGING



Determining which types of plastic packaging to phase out altogether, as well as any necessary exemptions, such as those for health, safety and accessibility to keep products available for the people that need them.

2 DRAMATICALLY REDUCE SINGLE-USE PLASTIC IN LANDFILLS & WATERWAYS



Requiring producers to take responsibility for more plastic products, ensuring more single-use items like sandwich bags, straws and cutlery get recycled.

3 PLASTIC BOTTLE AND BEVERAGE CONTAINER RETURNS



Expanding the deposit-refund system to cover all beverage containers — including milk and milk-substitutes — with a 10-cent refundable deposit, keeping millions more containers out of landfills and waterways.

4 REDUCING PLASTICS OVERALL



Supporting effective ways to prevent plastic waste in the first place and ensuring recycled plastic is re-used effectively.

Through the release of this consultation paper, B.C. is engaging on the development of new policy options and seeking feedback on proposed amendments to improve existing programs.

B.C. has been actively involved in the development of a Canada-wide Strategy and Action Plan on Zero Plastic Waste (Strategy and Action Plan), and will continue to support and align with longer-term proposed federal initiatives to ban harmful single-use plastics.

Dramatically Reducing Plastic Use

DEVELOPING A PATH FORWARD WITH NEW POLICY OPTIONS

The Ministry of Environment and Climate Change Strategy (the ministry) recognizes that waste prevention is the highest priority. Plastic bans have been adopted in different forms in different jurisdictions to address the growing problem of plastic pollution — for British Columbia, it’s critical that we solicit public input on what forms potential bans on plastic packaging could take. For instance, there may be items of interest to British Columbians which are not covered by the proposed federal ban and that are within B.C.’s jurisdictional authority, or that are a priority due to B.C.’s coastal and remote geography.

There are also actions being taken by local governments in B.C. that could be supported by a provincial harmonized approach. B.C. proposes to collaborate with all levels of government both to avoid duplicating regulatory initiatives, and to progress actions that would have an immediate impact and protect B.C.’s environment. In addition, B.C. proposes to work with the federal government to develop national recycled content standards to ensure that in the longer term any new plastics and packaging produced contain recycled plastic.

NEW POLICY OPTIONS

- » Consider provincial bans for plastic packaging under the *Environmental Management Act*.
- » Support the development of recycled content performance standards being led by the federal government.



More than 40% of plastic is used only once. We can do our part to change this, and we want your thoughts and ideas on how to do it best.

Expanding Recycling and Recovery

AMENDMENTS TO THE RECYCLING REGULATION

By expanding recycling and recovery of plastics that are in use, we can significantly reduce the waste that accumulates in landfills and waterways. By doing this as efficiently as possible, we can improve the supply of clean recycled plastics for re-manufacturing. When this strategy is combined with higher recycled content standards for products, it can reduce the need for new plastics to be created.

Both expanding producer responsibility and expanding B.C.’s beverage container return system can be achieved through changes in existing regulations. B.C. currently regulates Extended Producer Responsibility (EPR) for many products, requiring producers (manufacturers, distributors and retailers) of designated products to take responsibility for the life cycle of their products, including collection and recycling. This shifts the responsibility from taxpayers, local government or Indigenous communities to the producers and consumers of a product.

By requiring producers to be accountable, EPR programs reduce waste by incentivizing producers to design products that are recyclable and durable in order that they can be recovered for future use instead of going to disposal. This further supports a circular economy approach to waste management where resources are continually conserved and reused as raw materials.

B.C. proposes to expand existing EPR by including single-use items and packaging-like products under the [Recycling Regulation](#)¹ to ensure that these items are being managed responsibly through EPR programs prior to any potential federal bans coming into force (estimated for 2021 and beyond).

B.C. is able to move quickly in this regard as the North American leader with more than twenty-two EPR programs already in place. Expanding EPR to cover these items enables B.C. to capture any items that are beyond the scope or exempted from any federal ban.

¹ <https://bit.ly/2OaqiSn>

The proposed amendments also include an update to the beverage container deposit system that would reduce the prevalence of littered single-use bottles in the environment and landfills by an estimated 50 million bottles per year.

As these actions would result in an increase in plastic items to be recycled, the Province would work with the federal government to develop national recycled content standards — ensuring that new single-use plastics and packaging-like products are produced using recycled plastic content.

PROPOSED AMENDMENTS TO THE RECYCLING REGULATION

- » Add `packaging-like products' and `single-use items' as obligated products to the Recycling Regulation to be recovered and recycled by producers.
- » Add all single-use beverage containers to the deposit-refund system.
- » Amend the refundable deposit amount to 10 cents for all beverage containers.
- » Allow electronic refund options for beverage containers in addition to cash.

Too often plastic packaging and single use items end up as litter in our communities, waste in landfills or debris in lakes, rivers and oceans. Plastic pollution hurts wildlife and harms ecosystems, and it is increasing year after year.



We Want Your Input

HERE ARE SOME SOLUTIONS WE ARE CONSIDERING

1 BANS ON SINGLE-USE PACKAGING



Determining which types of plastic packaging to phase out altogether, as well as any necessary exemptions, such as those for health, safety and accessibility to keep products available for the people that need them.

The *Environmental Management Act*² (EMA) governs the management of waste in British Columbia, to protect public health and the environment. The EMA allows for the banning of packaging by prohibiting, regulating or restricting the use or sale of packaging materials. British Columbia is considering bans as a policy option for plastic packaging and would like input on viable approaches.

Bans can be an effective policy tool to prevent plastic waste from occurring in the first place and help reduce the use of plastics that are commonly found in the environment and littered in our communities. Bans can also be used to divert recyclable plastics away from landfills to recycling facilities. They are also used to stop the use of plastics that are not recyclable or are considered difficult to recycle and manage.

Plastic packaging includes items such as plastic films (e.g., plastic bags, pouches or wraps) and containers (e.g., bottles, cups, tubs, and other hard plastics) that are used to package food and beverage products, consumer goods, cosmetics and personal care items.

Recent studies have shown that plastic packaging accounts for approximately 47% of all plastic waste discarded, and the majority of single-use plastics are used as packaging³.

² <https://bit.ly/1FETB2d>

³ <https://bit.ly/32OHPTJ>

EXAMPLES OF BANS

- » The European Union will ban single-use plastic products (plastic cotton swabs, cutlery, plates, straws, drink stirrers and sticks for balloons), as well as cups, food and beverage containers made of polystyrene foam and all products made from oxo-degradable plastics by 2021.
- » Many US states such as Maine, Vermont, California, and New York have enacted bans on plastic packaging including plastic bags and polystyrene foam.

B.C. Local Governments:

- » The City of Vancouver single-use item reduction strategy includes bans for plastic straws, foam cups and foam take-out containers beginning in 2020.
- » More than 23 communities in B.C. have been actively working on developing bans for single-use plastic items such as bags and straws.

Plastic packaging bans are typically implemented through the following approaches:

- » **Bans to regulate the sale or use:** regulate the supply of certain plastic packaging into the marketplace or prevent or restrict the use of certain plastic packaging — e.g., a ban on the use of polystyrene foam in packaging and takeout containers and cups, or a ban on an identified type of packaging, such as a ban on plastic bags to contain or transport goods at the point of sale.
- » **Disposal bans:** prohibit the disposal of plastics that instead can be readily recycled. These bans are typically implemented at the disposal site located within the jurisdiction applying the ban — e.g., an energy-from-waste facility or landfill — and at transfer facilities where wastes are aggregated for transport to a final disposal facility. Bans on the disposal of materials, such as plastics, are implemented after systems are in place to collect and recycle the banned materials (such as those created under EPR programs).

Globally there are a number of new regulations banning plastics. Bans on the sale of plastic bags have been introduced in 65 countries, as well as many regional and local jurisdictions. The federal government recently announced their intention to ban harmful single-use plastics as early as 2021 to reduce pollution from single-use plastic products and packaging, such as shopping bags, straws, cutlery, plates, and stir sticks.

British Columbia communities have also taken significant steps to implement strategies, including bans, levies or fees on plastic bags. Beyond plastic bags, many B.C. communities are pursuing single-use plastic bans on items including plastic bags and straws, polystyrene foam, disposable cups and takeout food containers.

The City of Victoria was the first municipality in B.C. to ban plastic bags in July 2018 through a business licensing bylaw. Municipalities may regulate in relation to a number of areas under the *Community Charter*. On July 11, 2019 the B.C. Court of Appeal ruled, however, that the intent of the bylaw was for the *protection of the natural environment* and therefore under the *Community Charter*, municipalities wishing to exercise their regulatory authority for protection of the natural environment are required to obtain Provincial approval. The Province is currently reviewing all aspects of the decision and recognizes that local governments need clarity on what their authorities are and the process for acting on those authorities should they so desire. Feedback from this engagement process will inform actions and processes moving forward.

Recent studies have shown that plastic packaging accounts for approximately 47% of all plastic waste discarded, and the majority of single-use plastics are used as packaging.



When policy tools, such as a ban, are evaluated, it is important to consider all impacts and to ensure that viable alternatives are available. For example, research has shown that switching from single-use plastic bags to single-use paper bags results in simply trading one set of environmental costs for another. A single-use paper bag can require up to four times as much energy to manufacture and produces two times the greenhouse gas emissions when compared to a single-use plastic bag; however, they are bio-degradable and do not persist in the environment like plastic bags do. Successful policies have included the use of bans, generally in combination with levies and fees to decrease unnecessary single-use consumption and to encourage the reuse of bags and other sustainable alternatives. It is critical to find the right policy approach that results in the fewest unintended consequences.

In addition, exemptions to the ban are often required where no viable alternative is found, or to ensure that the essential safety, health, and wellness of all individuals is maintained. For the remaining plastic packaging and single-use plastics, EPR programs are necessary to ensure these materials can be collected and recycled back into new packaging and products.

- » **Do you think bans on plastic packaging should be implemented in B.C.? What plastic packaging products are a priority for B.C. to ban?**
- » **What types of bans should be considered (examples include bans on sale of a certain type of packaging or ban on use of a certain type, or bans on disposal)?**
- » **If a ban was applied, how should exemptions be considered?**
- » **Bans can be implemented in some form by all levels of government due to the different regulatory powers in place. Are there bans best suited for implementation at the federal, provincial or local government level? Should local governments be given the authority to ban problematic plastic items in their community? What types of bans should be considered?**

2
MORE RECYCLING OPTIONS


Dramatically reduce single-use plastic in landfills and waterways: requiring producers to take responsibility for more plastic products, ensuring more single-use items like sandwich bags, straws and cutlery get recycled.

EXPANDING PRODUCER RESPONSIBILITY FOR PACKAGING-LIKE PRODUCTS AND SINGLE-USE ITEMS

British Columbia is a national leader in recycling with the widest range of regulated items collected — its existing province-wide Extended Producer Responsibility (EPR) program regulates recycling of packaging and paper products. The inclusion of packaging-like products and single-use items in the Recycling Regulation would expand the type of plastic products that producers are required to collect for recycling from sectors that may include, but are not limited to, residential and municipal properties province-wide.

Packaging-like products are materials that are sold as a product but are in turn used as packaging. This includes re-usable plastic containers, freezer/sandwich bags, canning jars, wrapping paper, and moving boxes. Single-use items are materials that are not necessarily packaging but similarly serve a one-time purpose. This includes plastic straws, stir sticks, cutlery and ‘disposable’ items purchased in multiples, such as plates, bowls, cups, and party supplies that could be easily diverted in a manner similar to packaging and packaging-like products. This change would require an amendment to the Recycling Regulation.

- » **Do you have comments or suggestions regarding the ministry’s proposal to include packaging-like products in the Recycling Regulation? Are there any packaging-like products you believe should be exempt from the Recycling Regulation?**
- » **Do you have comments or suggestions regarding the ministry’s proposal to add single-use items to the Recycling Regulation? Are there any single-use items you feel should be exempt from the Recycling Regulation?**

3

EXPANDING PLASTIC BOTTLE AND BEVERAGE CONTAINER RETURNS



Improving the deposit-refund system to cover all beverage containers — including milk and milk-substitutes — with a 10-cent refundable deposit, keeping millions more containers out of landfills and waterways.

EXPANDING RECOVERY AND RECYCLING OF BEVERAGE CONTAINERS

Expanding the EPR deposit-refund system to cover all beverage containers and standardizing the refundable deposit to 10 cents, as well as modernizing the system, would capture and recycle millions more single-use containers, while reducing consumer and retailer confusion over what is and is not covered under a deposit-refund program.

Beverage containers that are currently excluded from the deposit-refund system would now be included, such as milk and milk substitutes (e.g., rice milk, soya milk, flavoured milk, and the array of milk-like products including energy drinks and caffeinated milk beverages). Milk and related products are currently under the residential packaging and paper products schedule of the Recycling Regulation. Obligating these products under the beverage container deposit-refund schedule would provide the needed incentive for greater returns from residents and would capture all containers from commercial generators (e.g., restaurants, schools, offices) that are currently exempted from the Recycling Regulation.

This change would require an amendment to the Recycling Regulation, which currently has a range of deposit-refund amounts from 5 to 20 cents depending on the container type. Creating a uniform 10 cent deposit-refund for all beverage containers translates into an estimated additional 50 million beverage containers diverted from landfills and our environment. Most plastic beverage containers sold today have a 5 cent deposit and are frequently discarded, yet beverage containers with a 10 cent deposit, such as beer cans/bottles, are returned more often by consumers.

The Recycling Regulation currently requires all refunds for returning beverage containers to be paid in cash. Modernizing the Recycling Regulation to also allow refunds to be electronic and paid in an alternative form of cash (e-transfer, cheque, in-store credit, charitable donation, or similar alternatives), would increase ease and efficiency for the consumer. An example includes convenience options such as drop-and-go systems where customers set up an account, tag their mixed bag of containers and drop it in an automated receiving system. Bags are later picked up and sorted, and credit is applied to the customer's account. The existing depot network and cash refunds would still be maintained as an option to ensure those individuals and communities depending on cash refunds continue to have access to this immediate source of income.

Other jurisdictions have seen success with raising deposit-refund rates, expanding to more products and modernizing return systems. Oregon's recovery rate was stagnant at 65% in 2016 until a doubling of deposit-refunds from 5 to 10 cents (for all beverage containers), coupled with enhanced return options such as drop-and-go bags, resulted in an overall return rate of 90% in 2018. In 2008, Alberta increased deposit-refunds to a minimum 10 cents and expanded the program to include milk and related products, resulting in total recovery rates since increasing from 75% to 85%.

In two years' time, B.C would review the impact of the deposit rate changes to determine if further increases to the beverage container deposit rate are required to improve the recovery rate.

- » **Do you have comments or suggestions on the ministry's proposal to include milk and milk substitutes in the beverage container deposit-refund schedule?**
- » **Do you have comments or suggestions on the ministry's proposal to create a uniform 10 cent deposit-refund for all beverage containers?**
- » **Do you have comments or suggestions on the ministry's proposal to allow refunds to be electronic and paid in an alternative form of cash (e-transfer, cheque, in-store credit, charitable donation, or similar alternatives)?**

4 REDUCING PLASTICS OVERALL



Supporting effective ways to prevent plastic waste in the first place and ensuring recycled plastic is re-used effectively.

DEVELOPMENT OF NATIONAL RECYCLED CONTENT PERFORMANCE STANDARDS

Recycled content performance standards (standards) go hand in hand with extended producer responsibility programs. EPR programs collect and recycle the materials, turning them into recycled plastic commodities. Standards create the demand for recycled plastic materials by requiring a minimum content of recycled plastic in new packaging and products.

Standards help producers of plastic products to design products with recyclability in mind, which helps to eliminate products that are hard to recycle. Having a common national standard provides clarity and avoids a patchwork approach across provinces and territories for producers. National standards also incentivize and complement government procurement policies and targets requiring purchased plastic products to contain recycled plastic. Procurement policies at all levels of government can stimulate and support market development in this area.

Increasing the levels of recycled plastic content in products can also result in greenhouse gas emissions reductions to help meet the goals set out in [CleanBC⁴](#), the Government's plan to reduce carbon pollution. The production and manufacturing of packaging and products, including the increasing use of plastics, generates greenhouse gas emissions. These emissions can be substantially mitigated by ensuring that packaging and products are reused and, once they reach the end of their life, are collected to be recycled back into new packaging and products. This reduces the need to produce more plastic from virgin materials and fossil fuels.

Recycling plastic beverage containers, for example, has been shown to reduce greenhouse gas emissions by almost 70% compared to producing plastic from virgin resources⁵.

As noted earlier, B.C. has been actively involved in developing the Canada-wide Action Plan on Zero Plastic Waste⁶ which identifies the federal government as leading the development of national performance requirements and standards for plastics. British Columbia has a significant opportunity to collaborate and influence the development of these standards, in particular with the proposed recycled content standard.

- » **What should B.C. consider in the development of a national standard on recycled content and any associated targets?**
- » **Do you have comments or suggestions on any related provincial policies or actions?**

Recycling plastic beverage containers, for example, has been shown to reduce greenhouse gas emissions by almost 70% compared to producing plastic from virgin resources.



⁴ <https://cleanbc.gov.bc.ca/>

⁵ <https://bit.ly/30UDrkd>

⁶ <https://bit.ly/2Q0QvtP> and <https://bit.ly/2XbqmAx>

Implementation

The actions proposed in this consultation paper will further advance the reduction, diversion and recyclability of plastics and other single-use items in B.C.

Feedback received will help B.C. determine other potential actions that should be developed or further consulted upon at the provincial level. Your input is welcomed regarding other potential products for inclusion in the Recycling Regulation, or other policy initiatives to minimize plastic waste.

All comments received through webinars, meetings, mail or email by 30 September 2019 will be compiled for review by ministry staff before final drafting of the regulatory amendments. This is expected to be completed in 2019.

By expanding recycling and recovery of plastics that are in use, we can significantly reduce the waste that accumulates in landfills and waterways.



Additional Information Sessions

The ministry will conduct a series of webinars on the proposed revisions. The webinars will review the information contained in this consultation paper and provide an opportunity to ask questions and provide comments.

If you are interested in participating in a webinar, please contact the email below:

Email: Plastics@gov.bc.ca

Providing Feedback

The ministry welcomes comments on the information and proposals outlined in this consultation paper, and has provided the following opportunities for feedback:

- 1. Complete the public survey at:**
<https://cleanbc.gov.bc.ca/plastics>
- 2. Send a formal submission to: Plastics@gov.bc.ca**
Read the guidelines for formal submissions at:
<https://cleanbc.gov.bc.ca/plastics>
- 3. Email your comments to: Plastics@gov.bc.ca**
- 4. Mail your comments to:**
*Ministry of Environment and Climate Change Strategy –
Recycling Regulation Amendments
PO Box 9341 Stn Prov Govt
Victoria, BC V8W 9M1*

All comments received through the public survey, formal submission, webinars, mail or email by September 30, 2019 will be compiled for review by ministry staff before final drafting of the amendments to the Recycling Regulation or other policy changes. This is expected to be completed in 2019.

Please note that each organization's submission with opinions and identifiers could be made public either through a decision by the Ministry or if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Thank you for your time and comments.



Canadian Council
of Ministers
of the Environment

Le Conseil canadien
des ministres
de l'environnement

CANADA-WIDE ACTION PLAN ON ZERO PLASTIC WASTE

Phase 1

PN 1289

1. Introduction

In November 2018, the Canadian Council of Ministers of the Environment (CCME) approved in principle the Canada-wide Strategy on Zero Plastic Waste. Ministers agreed that taking action to reduce plastic waste, support improved reuse and value recovery is vital to lowering the amount of plastic released in our environment.

Nearly ninety per cent of Canada’s plastic waste is not recycled or recovered. This represents an economic loss of \$7.8 billion

The Canada-wide Strategy on Zero Plastic Waste aims to reduce the harmful environmental impacts of plastic waste through greater prevention, collection and value recovery to achieve a more circular plastics economy (Figure 1). Circular economies keep materials and products in use as long as possible by recirculating them back into the economy through recycling, refurbishing or repurposing.

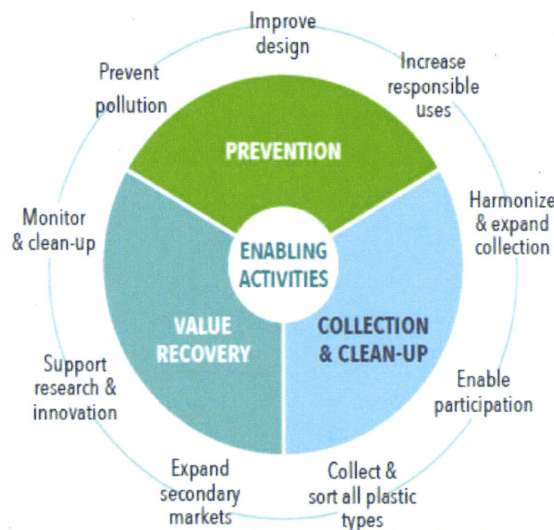


Figure 1: Main areas of action for a circular plastics economy in Canada

Retaining materials and products in a circular economy not only reduces effects on the environment but also has significant economic benefit. For example, it is estimated that a zero-plastic waste economy could help Canada save \$500 million of annual costs, create 42,000 direct and indirect jobs, and prevent 1.82 megatonnes of CO₂ equivalent greenhouse gas emissions.¹

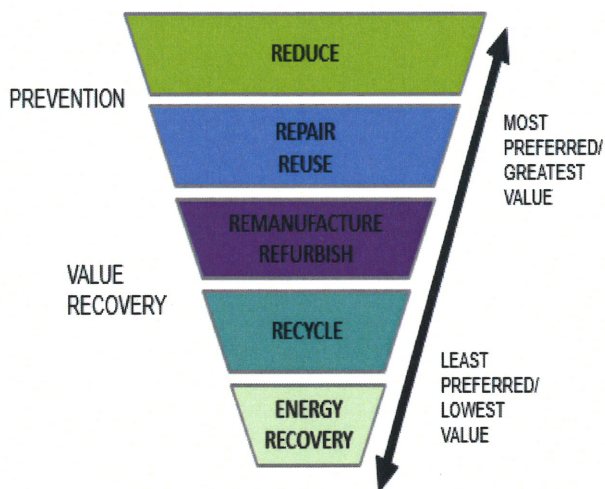


Figure 2: Waste Management Hierarchy

This Strategy’s approach aligns with the Ocean Plastics Charter championed by Canada during its G7 Presidency in 2018 and the principles established in the waste management hierarchy (illustrated in Figure 2). The hierarchy ranks the preferred ways to reduce, repair, reuse and recycle materials according to the value each method retained in the economy.

CCME is releasing its Action Plan for the Canada-wide Strategy for Zero Plastic Waste in two phases. This first phase of the Action Plan focuses on product design, single-use plastics, collection systems, recycling capacity and domestic markets.

Phase 2 of the Action Plan will focus on preventing plastic pollution in oceans, inland lakes and waterways, advancing science to monitor the impacts of plastics pollution within the environment,

During its G7 Presidency in 2018, Canada championed the Ocean Plastics Charter, which contains commitments to work with industry to reach:

- 100% reusable, recyclable, or, where viable alternatives do not exist, recoverable plastics by 2030
- at least 50% recycled content in plastic products where applicable by 2030
- with other orders of government, recycling and reuse of at least 55% of plastic packaging by 2030 and the recovery of 100% of all plastics by 2040
- the reduction in the use of plastic microbeads in rinse-off cosmetic and personal care consumer products to the extent possible by 2020, and to address other sources of microplastics.

To reach this ideal and move closer to a zero-waste target, Canada needs to increase its efforts significantly. Currently, it is estimated that only nine per cent of all plastic in Canada is recycled. This estimate considered plastic from all sources, including plastics that have traditionally been hard to collect and recycle like those plastics found in some packaging, clothing, cars, and construction and commercial waste.

Governments, industry, stakeholders, civil society and the public all have a role to play to advance plastic waste reduction. In February 2019 CCME

hosted a wide range of stakeholders and interested parties for a two-day workshop to hear from

consumer awareness, clean-up and taking global action. Phase 2 of the Action Plan will be released in 2020.

2. Taking Action

Plastic has become a staple in modern life as it has many properties that make it a material of choice. It is durable, lightweight, costs less than alternatives to transport, can be sterilized, and extends product life.

An action plan that targets zero waste does not mean zero plastic. It means plastic reduction and improved plastics life-cycle management to achieve a more circular plastics economy. This involves work to influence plastic product design to promote recycled content. It also means having the right systems in place to recover plastics and flow them back in the economy, preferably in Canada.

Significant volumes of plastic enter the oceans, lakes and waterways in Canada. It is estimated that almost 10,000 metric tonnes of plastic enters the Great Lakes each yearⁱⁱ. This pollution, originating in Canada and the US, includes microbeads from personal care products, plastic shavings and droplets from commercial and industrial sources, clothing fibre and litter - plastic bags, bottles, straws and cigarette butts.ⁱⁱⁱ

diverse perspectives and inform this Action Plan. Insights generated during this workshop supported CCME jurisdictions in identifying six priority action areas in Phase 1. These action areas include:

- 1) extended producer responsibility
- 2) single-use and disposable products
- 3) national performance requirements and standards
- 4) incentives for a circular economy
- 5) infrastructure and innovation investments
- 6) public procurement and green operations.

CCME developed the following actions for each of these areas.

Priority Action 1: Extended Producer Responsibility (EPR)

EPR programs are recognized as one of the most effective mechanisms to support the creation of a circular economy. They improve recycling rates, reduce litter, and create the conditions to incent efficiency and reduce costs for end-of-life management. Under an EPR program, companies making products are responsible for end-of-life management of their products and/or packaging. The EPR program establishes targets for collection and recycling performance for companies or organizations implementing the program.

As a competitive, market-based approach to manage the reuse, recycling and safe disposal of waste products and packaging, extended producer responsibility is recognized as a leading approach for reducing plastic waste in a cost-efficient and responsible manner.

Recognizing that EPR is essential to achieving zero plastic waste, CCME will facilitate consistent EPR programs for plastics. CCME will work with stakeholders and other interested parties to develop guidance that will be informed by existing successful initiatives, including EPR, which are currently in place within jurisdictions to manage plastics. It will identify the components and tools that can be used by jurisdictions across Canada and will include guidance on common material categories and product definitions; performance standards to guide reuse and recycling programs; options to encourage innovation and reduce costs; and clear monitoring and verification approaches.

Additional actions may be completed by jurisdictions to ensure the EPR approach is consistent and comprehensive. EPR tools and guidance developed by CCME will be completed by the end of 2020 and available for application at the discretion of jurisdictions.

Priority Action 2: Single Use and Disposable Plastic Products

Many single-use, disposable plastic products can help to reduce food waste, protect health, improve safety and lower transportation emissions and costs. Some single-use plastic items can be avoided, designed to be readily recyclable, redesigned or replaced by alternatives that are more durable, have a lower environmental footprint and/or are easier to recover at end of life.

To facilitate action on single-use plastic waste, CCME will develop a roadmap to strengthen management of single-use, disposable plastics. This work will involve defining and identifying the single-use items that are most likely to be released into the environment or pose other end-of-life management challenges. CCME will work with stakeholders and other interested parties to promote solutions to single-use and disposable plastic items and identify sustainable alternatives to their use. Work associated with this action area will be completed by the end of 2021.

Priority Action 3: National Performance Requirements and Standards

Plastics within the marketplace have been designed for specific safety, functional and/or aesthetic requirements and are not always easy to recover and recycle. Products can be designed to better incorporate recycled content and to facilitate recycling at the end of product life. Common standards and performance requirements can facilitate complementary practices along the value chain and create a level playing field to accelerate progress towards the goals of this Action Plan. Standards can also support consumers to make more informed, eco-conscious purchase choices.

Given the important role performance standards and requirements play in moving to a more circular economy, Canada will lead the actions associated with updating national standards, engaging CCME members, stakeholders and interested parties to develop targets and standards for recycled content, certified compostable items, and for repair, remanufacturing and refurbishment. CCME will lead the development of a reference compendium of existing guidelines for designing items so that they can be recycled at the end of their life, including recommendations for jurisdictions to consider during implementation.

Priority Action 4: Incentives for a Circular Economy

Supporting a shift to a more circular economy will be accelerated when the cost of recycling is reduced, and other barriers are removed. Examples of other barriers include harmful additives that lower the quality of recycled plastic, fluctuating supply of recycled plastic, low landfill costs, and product or material choices that cannot be repaired or refurbished.

Regulatory, economic and fiscal measures can play an important role in supporting a circular plastics economy and highlight the value of these materials in the economy. Action by CCME and/or individual jurisdictions will include developing best management practices for disposal bans, facilitating economic and fiscal incentives for greater value recovery (i.e., repair,

remanufacture/refurbishment, recycling), and the federal government will continue to control toxic substances, including additives or products. CCME actions will be completed by the end of 2019 and available for application at the discretion of jurisdictions. In addition, member jurisdictions at their discretion, will consider how regulatory requirements or non-regulatory approaches can support product life extension, incorporate recycled content, redefine waste as a resource, and support overall waste reduction.

Priority Action 5: Infrastructure and Innovation Investments

Supporting the transition to a more circular economy for plastics requires innovation to influence change at the design, collection and recovery stages. Transition will not be immediate – it will take time to influence change.

Recognizing that industry often needs support to build momentum and achieve a significant economic transition, CCME member jurisdictions will promote the use of incentives. This could include targeted investments for infrastructure and innovation in the areas of plastic design, production and recovery, and/or for transitioning current operations to circular economy practices. The Government of Canada will assess infrastructure needs for improved plastic life-cycle management. and work with jurisdictions, industry and funding organizations to identify how they can support access to capital funding. This will be completed by the end of 2020.

Priority Action 6: Public Procurement and Green Operations

Collectively, CCME member jurisdictions purchase significant volumes of products containing plastic. Recognizing the influence that government can have within the marketplace, and building on work being undertaken by the Government of Canada, CCME will facilitate information and best practice sharing between member jurisdictions to strengthen their sustainable procurement policies and practices to support a more circular economy for plastics.

CCME acknowledges that member jurisdictions have all taken steps towards more sustainable practices, which may include considerations related to lifecycle management, recycled content, packaging and single-use plastics reduction, durability and repairability. Given the many forms these policies and practices take, the Government of Canada will develop guidelines that will provide the tools for jurisdictions to update their sustainable procurement practices to incorporate best practice principles for plastics management and support the transition to a more circular economy. This work will be completed by the end of 2021.

Summary of Action Items

CCME and member jurisdictions will work with stakeholders and other interested parties in the development of the following actions.

Actions	Completion Date
1. Extended Producer Responsibility (EPR)	
Facilitate consistent EPR programs for plastics through the development of guidance on:	
<ul style="list-style-type: none"> • Common material categories and product definitions 	December 2020
<ul style="list-style-type: none"> • Performance standards for reuse and recycling programs 	
<ul style="list-style-type: none"> • Options to encourage innovation and reduce costs 	
<ul style="list-style-type: none"> • Standard monitoring and verification approaches 	
2. Single-Use & Disposable Plastic Products	
Develop a roadmap to address priority single-use and disposable plastics most commonly released into the environment by:	
<ul style="list-style-type: none"> • Defining priority items to be targeted for waste reduction efforts 	December 2021
<ul style="list-style-type: none"> • Establishing targets to support plastic waste reduction 	
<ul style="list-style-type: none"> • Identifying mechanisms to reduce waste 	
3. National Performance Requirements and Standards	
Develop the following to establish national performance requirements for plastic:	
<ul style="list-style-type: none"> • Targets & timelines for increasing recycled content; update standards for measuring and reporting recycled content 	December 2020
<ul style="list-style-type: none"> • New standards for bio-based plastic products (e.g., certified compostable packaging and single-use products) 	December 2021
<ul style="list-style-type: none"> • Roadmap to establish targets for specific sectors for repair, reuse and remanufacture/refurbishment; complete standards or other requirements as needed to implement 	2022
<ul style="list-style-type: none"> • Compile a reference compendium of existing guidelines for recyclability and recommendations for use by jurisdictions and industry 	December 2021

Actions	Completion Date
4. Incentives for a Circular Economy	
<ul style="list-style-type: none"> Develop best management practices for disposal bans of end-of-life plastics, levies and incentives to support implementation by jurisdictions 	December 2019
<ul style="list-style-type: none"> Develop agreements and tools with willing industry sectors to control toxic or harmful additives in plastics and achieve plastics waste reduction 	on-going
<ul style="list-style-type: none"> Implement economic and fiscal incentives or best management practices and remove regulatory barriers 	on-going
5. Infrastructure and Innovation Investments	
<ul style="list-style-type: none"> Assess infrastructure needs for improved plastic life-cycle management, and work with jurisdictions, industry and funding organizations to identify how to facilitate access to capital funding or financing 	2020
<ul style="list-style-type: none"> Promote or increase access to capital funding or financing for innovation in and infrastructure for improved plastic life-cycle management. 	on-going
6. Public Procurement and Green Operations	
Develop guidelines and tools for government procurement practices to green operations and reduce plastic:	
<ul style="list-style-type: none"> Facilitate the exchange of tools and best practices for the public procurement of sustainable plastics 	2020
<ul style="list-style-type: none"> Guidance for reducing plastic waste in government operations and events 	December 2021
<ul style="list-style-type: none"> Guidelines and tools to incorporate national recycled content targets and requirements (reuse, recycling, composting, repair & remanufacture/refurbishment) into government procurement requirements 	

3. Collaboration and Follow-up

Moving to a more circular economy with less plastic waste will take time and considerable effort. Leadership from and collaboration among all CCME member jurisdictions, industry, and citizens is needed.

Work is beginning on Phase 2 of this Action Plan to develop CCME commitments that focus on reducing plastic waste found in our oceans, Great Lakes and inland lakes and waterways. Specifically, Phase 2 action areas include reducing plastic waste from aquatic activities, clean-up, research and monitoring, consumer awareness, as well as taking global action. Building on momentum from Phase 1, a similar approach will be taken to develop Phase 2 of the Action Plan.

This will include working through CCME to consult and engage industry, interested parties and non-governmental organizations to shape Phase 2 priority actions.

4. Reporting on Progress

Federal, provincial and territorial governments are working together to advance the priorities of the Canada-wide Action Plan on Zero Plastic Waste. CCME will report on progress to ministers regularly, starting with the 2020 Council of Ministers meeting. This will help ensure progress on our common goals, and accountability to Canadians.

ⁱDeloitte Canada. 2019. Economic Study of the Canadian Plastic Industry, Market and Waste. <https://www.canada.ca/en/environment-climate-change/services/managing-pollution/publications/plastic-waste-report.html>

ⁱⁱHoffman, M. and Hittinger, E. 2017. Inventory and transport of plastic debris in the Laurentian Great Lakes. *Science Direct*. 115 273-281.

ⁱⁱⁱCommunity clean up 2018 <https://www.shorelinecleanup.ca/storage/resources/gcsc-2018annualreport-190416.pdf>

Council Report

penticton.ca

Date: September 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Amber Coates, Revenue Supervisor
Subject: **2020 Permissive Tax Exemption Bylaw No. 2019-34**

File No: 1970-04

Staff Recommendation

THAT Council give first, second and third readings to the 2020 Permissive Tax Exemption Bylaw 2019-34, a bylaw granting \$557,900 in permissive tax exemptions as listed in Schedule A granting 94.35% of the allowable exemptions for the 2020 Tax Year.

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

Pursuant to the *Community Charter*, on or before October 31 in any year, Council may, by bylaw, exempt land or improvement from taxation under very specific circumstances. Over the last several years, the City of Penticton has seen growing requests for assistance from organizations that qualify for permissive tax exemption and so on April 2, 2019 the Permissive Tax Exemption Policy was updated to provide suggested funding limits as well as parameters to allow Council to more directly provide assistance to organizations that compliment Council priorities for the city as a whole if they so choose. The April 2, 2019 Council report, minutes, and resulting policy are included as Attachment B for reference.

For clarity, there are a variety of assessment exemptions that fall into two broad categories. The first are **statutory and exempted at the provincial level** by the *Community Charter*, such as buildings set apart and used for public worship or hospitals, and those for incorporated institution of learning. The other type are exemptions that are **exempted by bylaw at the municipal level**, such as permissive and revitalization exemptions. The municipal exemptions may compliment the statutory exemptions by addressing the surrounding lands that are not covered by the provincial level exemption. This is most often grassy areas and parking lots, and are referred to as the Places of Worship, Private Schools and Hospitals ancillary properties for our purposes to distinguish them from the statutory exemptions.

Financial implication

Section 3.14 of the Permissive Tax Exemption Policy provides direction that exemptions approved in the current year for the subsequent tax year will not exceed 1.68% of the current year’s total budgeted general municipal tax requisition. This provides Staff with a budget of \$557,716 in general municipal taxes to be exempted for the 2020 Permissive Tax Exemption Bylaw.

Description	Amount
2019 Schedule B Budget Amount for General Municipal Property Taxes	\$33,197,395
Percentage per Permissive Tax Exemption Policy	1.68%
Total Provided for 2020 Permissive Tax Exemption	\$557,716

Applications received during the 2020 Permissive Tax Exemption intake total **\$591,309**. This estimate is derived using 2019 taxable assessment values and 2019 property tax rates and represents **1.78%** of the 2019 total budgeted general municipal tax requisition.

Analysis

Only those applications that meet the criteria of the *Community Charter* are able to move forward for more in-depth analysis. Staff then review the application to confirm that the organization has been able to demonstrate appropriate attempts to secure alternate funding, community support, competent administration, and a clear mandate. All applications in this intake were able to demonstrate the above.

As part of the Permissive Tax Exemption application, applicants are asked to self-identify in one of the six evaluation categories outlined in the policy. Categories are considered as part of the staff review to confirm the applicant has chosen a category that is reasonable to their use of the property. The below table provides a summary overview of the structure of this year’s applications:

Self-Declared Evaluation Category	# of Folios	\$ per Category	% of Ask
Health, Safety and Social Service properties	28	\$205,820	34.81%
Places of Worship, Private Schools and Hospitals ancillary properties	30	\$131,898	22.30%
Affordable Rental Housing	81	\$81,116	13.72%
Parks, Recreation and Sports facilities	10	\$73,182	12.38%
Special Needs and Supportive Housing	12	\$50,553	8.55%
Arts, Cultural and Heritage facilities	5	\$48,740	8.24%
Grand Total	166	\$591,309	100.00%

** IMPORTANT – Number of folios under Affordable Rental Housing has been increased by 39 to incorporate stratification in progress of two of the applicant properties in order to reflect the true final folio count once the projects are complete.*

A proportional reduction of 5.65% to all applications would be required to bring the total provided for 2020 Permissive Tax Exemptions within reasonable range of the allocated amount of \$557,716 as directed by

policy. This still provides every applicant with 94.35% of the allowable permissive tax exemptions on their properties.

Changes in the intake for 2020 Permissive Tax Exemption applications from last year are summarized below. We have three new properties requesting exemption and two prior applicants not returning for the 2020 tax year.

New Applications for the 2020 Tax Year

1. Penticton and District Society for Community Living – 259 Backstreet Blvd.
 - Affordable rental units.
2. South Okanagan Women in Need Society – Tamarack (NOT DISCLOSED)
 - Long-term, safe, affordable, 2-bedroom apartment housing for women with children only.
3. YMCA of Okanagan Association – 630 Birch Ave.
 - Childcare and preschool services for children 0-12.

Applications not Returning for the 2020 Tax Year

1. Victory Church of Penticton - 352 Winnipeg St.
 - Currently operating at 74 Penticton Ave (application under Grace Mennonite Brethren Church).
2. Royal Canadian Legion #40 - 502 Martin St.
 - Moved to a new location which is fully occupied by a lounge and no longer qualifies for partial exemption.

Alternate recommendations

1. THAT Council direct Staff to prepare the 2020 Permissive Tax Exemption Bylaw 2019-34 to award permissive exemptions at 100%, a bylaw granting \$591,309 in permissive tax exemptions.
2. THAT Council direct Staff to prepare the 2020 Permissive Tax Exemption Bylaw 2019-34 to award permissive exemptions in an alternate method outlined by Council.

Attachments



Attachment A – 2020 Permissive Tax Exemption Bylaw 2019-34

Attachment B – Permissive Tax Exemption Policy, Minutes, and Council Report

Respectfully submitted,

Amber Coates,
Revenue Supervisor

Concurrence

Chief Financial Officer 	Chief Administrative Officer 
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Applicant	Folio	Civic Address	Additional Comments	% Permissive Exemption Granted	Estimated Total Exempted 2020 Municipal Tax
Affordable Living for Today Society	02166-020	245 Warren Ave. W.		94.35%	\$6,709
BC Wine Info Centre	05757-020	#101 - 553 Veas Dr.		94.35%	\$3,532
BPOE Penticton Elks Lodge #51	06275-000	343 Ellis St.	Apportioned based on area used for liquor sales - 66.12% of land/improvements used for charitable purposes	94.35%	\$3,031
Cheers the Church	00128-000	639 Main St.		94.35%	\$5,967
Christian Science Society, Penticton, BC	00068-000	608 Winnipeg St.		94.35%	\$1,331
Community Foundation of the South Okanagan Similkameen	00111-005	501 Main St.		94.35%	\$20,159
Concordia Lutheran Church of Penticton BC	03084-000	2800 South Main St.		94.35%	\$4,546
Fraternal Order Of Eagles #4281	01247-000	1197 Main St.	Class 8 portion used for charitable purposes	94.35%	\$3,959
Good Samaritan Canada	01162-580	270 Hastings Ave.		94.35%	\$50,118
Grace Mennonite Brethren Church	01737-000	74 Penticton Ave.		94.35%	\$1,522
Green Mountain Congregation of Jehovah's Witnesses	02068-100	52 Roy Ave.		94.35%	\$3,333
Hellenic community of Penticton	01064-000	1265 Fairview Rd.		94.35%	\$1,292
Holy Cross School	01806-000	1299 Manitoba St.		94.35%	\$15,048
Luso Canadian Multicultural Society	05022-000	135 Winnipeg St.		94.35%	\$2,188
Oasis United Church	02241-101	2964 Skaha Lake Rd.		94.35%	\$10,167
Okanagan Boys & Girls Clubs	01806-010	1295 Manitoba St.		94.35%	\$7,057
Okanagan Similkameen Neurological Society	07464-006	#104 - 550 Carmi Ave.		94.35%	\$1,318
OneSky Community Resources Society	01603-010	470 Edmonton Ave.		94.35%	\$3,025
OneSky Community Resources Society	01603-020	500 Edmonton Ave.		94.35%	\$910
OneSky Community Resources Society	02176-500	2434 Baskin St.		94.35%	\$986
OneSky Community Resources Society	02176-510	2450 Baskin St.		94.35%	\$990
OneSky Community Resources Society	02844-000	150 McPherson Cres.		94.35%	\$2,439
OneSky Community Resources Society	02845-000	154 McPherson Cres.		94.35%	\$2,439
OneSky Community Resources Society	06300-300	330 Ellis St.		94.35%	\$10,958
OneSky Community Resources Society	07643-000	1160 Commercial Way	Leased portion of 1140 Commercial Way	94.35%	\$2,689
OneSky Housing Society	05099-010	285 Nanaimo Ave. W.	Only those residential units held in the name of OneSky/Catalyst (26 units) Land Title registrations in process	94.35%	\$18,118
Ooknakane Friendship Centre	06033-020	146 Ellis St.		94.35%	\$3,647
Our Redeemer Lutheran Church of Penticton, B.C.	02574-110	1370 Church St.		94.35%	\$1,555
Penticton & District Community Arts Council	01807-200	220 Manor Park Ave.		94.35%	\$11,865
Penticton & District Minor Hockey Association	05757-000	399 Power St.		94.35%	\$1,219
Penticton Alliance Church	02178-060	197 Brandon Ave.		94.35%	\$3,918
Penticton and District Emergency Program Society	07565-010	251 Dawson Ave.		94.35%	\$1,349
Penticton and District Multicultural Society	06300-260	340 Ellis St.		94.35%	\$4,306
Penticton and District Society for Community Living	00375-010	453 Winnipeg St.		94.35%	\$3,547
Penticton and District Society for Community Living	01031-000	252 Conklin Ave.		94.35%	\$1,982
Penticton and District Society for Community Living	01522-030	180 Industrial Ave. W.		94.35%	\$10,152
Penticton and District Society for Community Living	01522-040	146 & 150 Bruce Crt.		94.35%	\$8,188
Penticton and District Society for Community Living	04794-000	259 Backstreet Blvd.	Only those residential units held in the name of PDSCL (15 units) Land Title registrations in process.	94.35%	\$7,467
Penticton and District Society for Community Living	06209-000	234 Van Horne St.		94.35%	\$2,313
Penticton and District Society for Community Living	07475-010	1706 Main St.		94.35%	\$13,996
Penticton and Wine Country Chamber of Commerce	06028-000	102 Ellis St.		94.35%	\$2,530
Penticton Art Gallery	05888-000	199 Marina Way		94.35%	\$19,195
Penticton Bethel Pentecostal Tabernacle	01194-000	65 Preston Ave.		94.35%	\$1,995
Penticton Bethel Pentecostal Tabernacle	01194-505	973 Main St.		94.35%	\$4,148
Penticton Bethel Pentecostal Tabernacle	01195-020	945 Main St.		94.35%	\$6,702
Penticton BMX Society	07338-105	630 Munson Mountain Rd.		94.35%	\$2,623
Penticton Christian School Society	01619-000	#102 - 96 Edmonton Ave.		94.35%	\$822
Penticton Community Garden Society	05986-001	480 Vancouver Ave.		94.35%	\$972

Applicant	Folio	Civic Address	Additional Comments	% Permissive Exemption Granted	Estimated Total Exempted 2020 Municipal Tax
Penticton Curling Club	05757-040	505 Vees Dr.		94.35%	\$9,103
Penticton Disc Golf Club	05902-012	500 Marina Way		94.35%	\$18,835
Penticton First Baptist Church	02623-000	1498 Government St.		94.35%	\$5,062
Penticton Free Presbyterian Church	01202-000	120 Preston Ave.		94.35%	\$2,645
Penticton Golf & Country Club	04245-010	600 Comox St.	Approx. 172,000 square feet exempt for land and approx. 10,000 square feet exempt for buildings	94.35%	\$11,276
Penticton Golf & Country Club	04251-000	852 Eckhardt Ave. W.		94.35%	\$15,104
Penticton Kiwanis Housing Society	06064-011	#101 - 150 Van Horne St.		94.35%	\$665
Penticton Kiwanis Housing Society	06064-012	#103 - 150 Van Horne St.		94.35%	\$565
Penticton Kiwanis Housing Society	06064-013	#105 - 150 Van Horne St.		94.35%	\$565
Penticton Kiwanis Housing Society	06064-017	#113 - 150 Van Horne St.		94.35%	\$565
Penticton Kiwanis Housing Society	06064-018	#115 - 150 Van Horne St.		94.35%	\$672
Penticton Kiwanis Housing Society	06064-018	#312 - 150 Van Horne St.		94.35%	\$573
Penticton Kiwanis Housing Society	06064-019	#112 - 150 Van Horne St.		94.35%	\$662
Penticton Kiwanis Housing Society	06064-022	#104 - 150 Van Horne St.		94.35%	\$562
Penticton Kiwanis Housing Society	06064-023	#102 - 150 Van Horne St.		94.35%	\$662
Penticton Kiwanis Housing Society	06064-024	#201 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-028	#209 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-029	#211 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-030	#213 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-031	#215 - 150 Van Horne St.		94.35%	\$676
Penticton Kiwanis Housing Society	06064-032	#214 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-033	#212 - 150 Van Horne St.		94.35%	\$573
Penticton Kiwanis Housing Society	06064-034	#210 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-037	#204 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-038	#202 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-039	#301 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-046	#315 - 150 Van Horne St.		94.35%	\$676
Penticton Kiwanis Housing Society	06064-047	#314 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-049	#310 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-050	#308 - 150 Van Horne St.		94.35%	\$650
Penticton Kiwanis Housing Society	06064-052	#304 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-053	#302 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-054	#401 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-060	#413 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-061	#415 - 150 Van Horne St.		94.35%	\$676
Penticton Kiwanis Housing Society	06064-062	#414 - 150 Van Horne St.		94.35%	\$669
Penticton Kiwanis Housing Society	06064-063	#412 - 150 Van Horne St.		94.35%	\$573
Penticton Kiwanis Housing Society	06064-064	#410 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-065	#408 - 150 Van Horne St.		94.35%	\$650
Penticton Kiwanis Housing Society	06064-066	#406 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-067	#404 - 150 Van Horne St.		94.35%	\$569
Penticton Kiwanis Housing Society	06064-068	#402 - 150 Van Horne St.		94.35%	\$669
Penticton Lawn Bowling Club	05104-010	260 Brunswick St.		94.35%	\$5,016
Penticton Masonic Building Association	05289-010	416 Westminster Ave. W.		94.35%	\$2,844
Penticton New Beginnings Christian Fellowship	01619-000	#101 - 96 Edmonton Ave.		94.35%	\$822
Penticton Recovery Resource Society (Discovery House)	00634-000	633 Winnipeg St.		94.35%	\$3,460
Penticton Safety Village Society	01603-030	490 Edmonton Ave.		94.35%	\$4,279
Penticton Seniors' Drop-In Centre Society	02233-000	2905 South Main St.		94.35%	\$23,633
Penticton Sikh Temple and Indian Cultural Society	03096-010	3290 South Main St.	Class 1 Residential portion not eligible for exemption & 5% of taxable Class 8 portion not eligible for exemption as not usable in relation to worship or charitable works	94.35%	\$5,836
Penticton Tennis Club	05902-025	675 Marina Way		94.35%	\$2,780
Penticton United Church	06900-000	696 Main St.		94.35%	\$3,348
Penticton Vineyard Community Church	01540-050	1825 Main St.		94.35%	\$9,454
S.S. Sicamous Restoration Society	08729-000	1099 Lakeshore Dr. W.		94.35%	\$9,207
Seventh-day Adventist Church (British Columbia Conference)	02167-000	290 Warren Ave. W.		94.35%	\$4,011
South Okanagan Similkameen Brain Injury Society	00721-000	742 Argyle St.		94.35%	\$2,038
South Okanagan Similkameen Brain Injury Society	00739-000	332 Eckhardt Ave. W.		94.35%	\$2,380
South Okanagan Similkameen Medical Association	07495-005	1748 Camrose St.		94.35%	\$4,857
South Okanagan Similkameen Medical Association	07495-010	1802 Camrose St.		94.35%	\$3,393
South Okanagan Women in Need Society	NOT DISCLOSED	Hughes House	Qualified for Class 03- Supportive Housing in 2019	94.35%	\$0
South Okanagan Women in Need Society	NOT DISCLOSED	Tamarack		94.35%	\$11,826

Applicant	Folio	Civic Address	Additional Comments	% Permissive Exemption Granted	Estimated Total Exempted 2020 Municipal Tax
South Okanagan Women in Need Society	05838-010	#101 - 1027 Westminster Ave. W.		94.35%	\$637
South Okanagan Women in Need Society	05838-020	#102 - 1027 Westminster Ave. W.		94.35%	\$1,303
St. Andrew's Presbyterian Church	04857-000	397 Martin St.		94.35%	\$1,399
St. Andrew's Presbyterian Church	04872-005	157 Wade Ave. W.		94.35%	\$2,316
St. Ann's Parish	01805-000	1296 Main St.	Class 8 portion only	94.35%	\$6,157
St. Ann's Parish (Penticton Recovery Resource Society)	05311-000	397 Wade Ave. W.		94.35%	\$1,435
St. Ann's Parish (Pregnancy Support Program under OneSky Communities)	01804-220	200 Bennett Ave.		94.35%	\$1,515
St. Ann's Parish (St. John Vianney Church)	05310-000	361 Wade Ave. W.	Class 8 portion only	94.35%	\$2,794
St. Saviour's Anglican Church	00059-000	150 Orchard Ave.		94.35%	\$4,671
The British Columbia Society for the Prevention of Cruelty to Animals	07658-050	2200 Dartmouth Dr.		94.35%	\$13,514
The Care Closet	06572-000	574 Main St.		94.35%	\$2,012
The Church of Jesus Christ of Latter-day Saints in Canada	03085-030	2946 South Main St.		94.35%	\$5,150
The Penticton Church of the Nazarene	00238-010	523 Jermyn Ave.	Class 8 only, excludes that portion in Class 1	94.35%	\$2,872
The Penticton Horseshoe Pitchers Club	02233-005	2905 South Main St.		94.35%	\$2,121
The Penticton Kinsmen Disability Resource Center Society	01162-060	216 Hastings Ave.		94.35%	\$8,497
The Salvation Army Penticton	02189-010	2399 South Main St.		94.35%	\$10,253
The Salvation Army Penticton	02193-020	2469 South Main St.		94.35%	\$3,552
The Salvation Army Penticton	06300-355	318 Ellis St.		94.35%	\$3,843
YMCA of Okanagan Association	05628-001	630 Birch Ave.	Portion YMCA occupied land area: 15,700 sf	94.35%	\$2,091
Total One (1) Year Permissive Tax Exemptions:		127 Properties			\$557,900

Approval date: April 2, 2019

Resolution No.: 190/2019

Subject: **Permissive Tax Exemption Policy**

1.0 Goal

The goal is to provide clarity, consistency and certainty to the municipality, the public and the prospective applicants in the requirements and evaluations of applications for exemption from property taxes pursuant to Section 224 of the Community Charter.

2.0 Background and Scope

Section 224 of the Community Charter provides for permissive tax exemptions for properties used by a variety of non-profit organizations or properties that Council considers are used for a purpose directly related to the purposes of the organization. It also provides for permissive exemptions for some properties which are additional to statutory exemptions under Section 220, such as church halls or ancillary land surrounding places for public worship or privately run schools.

Exemptions provided for in Section 224 are established by Council bylaw at the absolute discretion of Council. There is no obligation to give the exemption or to continue it in future years.

Exemptions cannot be granted if the organization does not qualify under the Community Charter.

The intent of this policy and associated evaluation categories and guidelines is to identify the services and organizations which are the most complementary extensions of municipal services, and for which the burden resulting from the exemption is a justifiable expense to the taxpayers of Penticton. Support will be directed towards services the City would consider providing given adequate resources.

3.0 Policy

3.1 Applications for permissive tax exemption will only be accepted during the annual advertised application period and using the prescribed application method and form in order to ensure reasonable consideration and opportunity for all applicants.

3.2 The following information will be considered when determining whether to grant a permissive tax exemption:

- a) The principal use of the property, including the services offered
- b) The need for the services
- c) The availability of the services

- d) Other funding sources
- e) The use of volunteers to deliver services

3.3 A permissive tax exemption may be granted when:

- a) The organization is able to demonstrate a need for its services
- b) The organization has made an effort to obtain other funding sources for provision of services
- c) The organization does make use of volunteers to provide services

3.4 Exemptions are based on the principal use of the property, not on the charitable service of the organization as a whole.

3.5 Exemptions can only be granted to the portion of a property that meets all the requirements of this policy. The exemption may apply to the whole or part of the taxable assessed value of land, improvements, or both.

3.6 Only that part of the property used for non-profit activities will be considered for exemption. Commercial activities will be excluded. For clarity, society administration is considered part of the non-profit organization's program delivery.

3.7 Applicants must show evidence of a clear mandate and competent administration.

3.8 Applicants must not be in arrears with the City in regard to any accounts for taxes, fees or charges.

3.9 The use of the property must be consistent with and in compliance with all applicable municipal policies, bylaws and legislation.

3.10 The organization must justify the need for the services and may be required to make a presentation to Council.

3.11 The organization must be seen to be working towards self-sufficiency by seeking funding from other sources.

3.12 The organization may be required to show evidence of ongoing, active volunteer involvement.

3.13 Services and activities should be equally available to all residents of the City, and benefit primarily residents of the City.

3.14 Permissive tax exemptions approved in the current year for the subsequent tax year will not exceed 1.68% of the current year's total budgeted general municipal property tax requisition. The permissive exemption general municipal tax values will be calculated by using the current year's assessment multiplied by the current year's general municipal tax rates. In the case where the calculated permissive exemption values for the subsequent year exceed 1.68% of the current year's tax requisition, all permissive exemptions will be proportionately reduced, or in an alternate method as directed by Council during the annual Bylaw adoption process.

4.0 Evaluation Categories

All applications must meet the description of at least one of the categories below, and self-declare their primary category as part of the application:

- 4.1 **Affordable Rental Housing:** housing with rents equal to, or lower than, average rates in the private market.
- 4.2 **Special Needs and Supportive Housing:** short term emergency or crisis protection for members of the community, supportive housing for people with special needs, halfway houses, transitional homes and group homes with supportive staff and programs.
- 4.3 **Health, Safety and Social Service properties:** support services and programs to assist maximizing the health, safety, and quality of life of members of the community.
- 4.4 **Arts, Cultural and Heritage facilities:** preparation and delivery of artistic, cultural or historical events, exhibits, or education to the public.
- 4.5 **Parks, Recreation and Sports facilities:** provide space and equipment for the physical and mental enjoyment of the participants.
- 4.6 **Places of Worship, Private Schools and Hospitals ancillary properties:** must be recognized by BC Assessment as operating in one of these capacities as well as be able to provide supporting documentation to that effect.

5.0 Application and Exemption Cycle

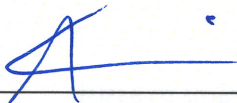
- 5.1 **Applications:** The annual application period will be during the Spring months of each year in order to apply to the following tax year. Each year in advance of the application period the dates will be advertised in the local newspaper, as well as notice made to prior year applicants if possible.
 - a) **Long Form Application:** form to be used for first time applications on a property, or if a property has had significant changes in use, applicant, or physical changes to the site since the prior year application.
 - b) **Short Form Application:** form to be used for prior year exempted properties with no significant changes in use, applicant, or physical changes to the site.
- 5.2 **Evaluations and Bylaw Preparation:** The annual evaluation period will be during the Summer months of each year for the following tax year. During the evaluation time period applicants may be contacted for additional information as needed or to appear before Council to make a presentation.
- 5.3 **Bylaw Review and Adoption:** The Permissive Tax Exemption Bylaw, or amendments to the Permissive Tax Exemption Bylaw, must be adopted and submitted to BC Assessment prior to the end of October in order to apply for the following tax year in order for the exemptions to take

effect. Proposed bylaw or bylaw amendment and the dates Council will deliberate will be advertised in accordance to the Community Charter Section 227.

Previous revisions

Approval Date: April 2, 2013
Council Resolution: 200/2013

Certified correct:



Angie Collison, Corporate Officer

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

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

Council Report

penticton.ca

Date: April 2, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Amber Coates, Revenue Supervisor
Subject: **Permissive Tax Exemption Policy Update**

File No: 1970-04

Staff Recommendation

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*.



FISCAL
SUSTAINABILITY

Strategic priority objective

Good fiscal sustainability refers to the City's ability to maintain programs and services while funding its infrastructure commitments and future growth.

Background

Local governments have the authority to exempt eligible properties from property taxation for a specified period of time. Such exemptions must be provided by bylaw. Permissive exemptions are different to statutory exemptions, which are automatic and not at the discretion of a local government.

The authority to grant permissive exemptions allows municipalities to promote or achieve goals deemed to be of high importance to the local community. These often include societies and non-profits providing support services, programs, and housing to at-risk members of the community, as well as those that provide increased well-being to members of the community at large.

Local governments are limited by Section 224 of the *Community Charter* as to which types or applicants and services may be considered for Permissive Tax Exemption. Exemptions provided for in Section 224 are at the discretion of Council and there is no obligation to give the exemption.

Analysis

The Permissive Tax Exemption program and number of applications has grown substantially over the past decade. In 2008, the total number of applications for the 2009 tax year was 72 and represented 1.44% of the annual municipal tax levy in 2008. In 2018, the total number of applications for the 2019 tax year was 128 and represented 1.68% of the annual municipal tax levy in 2018.

In order to continue to best support the services and organizations which are the most complementary extension of municipal services, and for which the burden resulting from the exemption is a justifiable expense to the taxpayers of Penticton, a review of other British Columbian municipalities' practices and policies for permissive tax exemption was undertaken. The intent is to incorporate selected practices into the City of Penticton Permissive Tax Exemption Policy for maximum balanced benefit of the exemption program.

Summary Municipality Overview Table

Municipality	Published Cap	Categories	Last Updated
City of Penticton (Current)	None	None	2013
City of Vernon	None 3 year phase-in	Yes Based on Resident Benefit	2018
City of Kelowna	None	None	2017
District of West Kelowna	None	Yes Based on Resident Benefit	2015
District of Summerland	None	None	2014
Town of Oliver	None	None	2011
City of Kamloops	Amount Set each Cycle	Yes Based on Type	2016
City of Victoria	1.60% of taxes + Category %	Yes Based on Type	2013
City of Abbotsford	Amount Set at Budget	Yes Based on Resident Benefit	2016
City of Courtenay	2.00% of taxes + Category %	Yes Based on Resident Benefit	2017
Township of Langley	None	Yes Based on Type	2006
City of Penticton (Proposed)	1.75% of taxes	Yes Based on Type	2019 Proposed

It was determined that evaluation categories for services provided at the applicant properties is key to ensure exemptions are being provided to the services most desired to promote the City's priorities of community building and social development. To that end, the evaluation categories provided are:

1. Affordable Rental Housing;
2. Special Needs and Supportive Housing;
3. Health, Safety and Social Service properties;
4. Arts, Cultural and Heritage facilities;
5. Parks, Recreation and Sports facilities; and
6. Places of Worship, Private School and Hospital ancillary properties.

It was also determined that incorporating a stated percentage of the annual general municipal tax levy that Council is willing to forego in order to provide support to these services is in the best interest of the

taxpayers at large, as it provides certainty as to the maximum support they will bear from year to year. The percentage value of 1.75% was selected as it will not preclude any current applicants, but will provide certainty to the general taxpayer of the maximum overall expense that may be incurred. Once the cap is reached, the permissive exemptions will be proportionately reduced, or reduced in an alternate method as directed by Council during the annual Bylaw adoption process.

The updated policy brings the focus more clearly to the services offered at the property and whether the organization has a clear mandate and competent administration. As well, by showing the organization makes efforts to obtain alternate sources of funding and is able to attract volunteers, the organizations are able to demonstrate that the community has a need for its services and that the community is willing to support the organization and its activities.

Alternate recommendations



1. 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.
2. THAT Council direct Staff to incorporate a maximum percentage per Evaluation Category into the amended Permissive Tax Exemption policy:
 - Affordable Rental Housing: 100%
 - Special Needs and Supportive Housing: 100%
 - Health, Safety and Social Service properties: 100%
 - Arts, Cultural and Heritage facilities: 80%
 - Parks, Recreation and Sports facilities: 80%
 - Places of Worship, Private School and Hospitals ancillary properties: 100%
3. THAT Council provide alternate direction to Staff for amendments to the Permissive Tax Exemption Policy.

Attachments

- Attachment A – Amended Permissive Tax Exemption Policy
- Attachment B – Long Form Application for 2020 Exemption
- Attachment C – Short Form Application for 2020 Exemption
- Attachment D – Current Permissive Tax Exemption Policy

Respectfully submitted,

Amber Coates
Revenue Supervisor

Chief Financial Officer 	Chief Administrative Officer 
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Council Report

penticton.ca

Date: September 17, 2019 File No: RZ PL2019-8552; DVP PL2019-8592
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 340 Douglas Avenue
Subject: **Zoning Amendment Bylaw No. 2019-36**
Development Variance Permit PL2019-8592

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-36", a bylaw that rezones Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, as shown on Schedule A of the bylaw, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the October 1, 2019 Public Hearing.

AND THAT delegations and submissions for "Development Variance Permit PL2019-8592" for Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, a permit to allow vehicle access with a maximum driveway width of 3m to be from both the lane and the street (Douglas Avenue), be heard at the October 1, 2019 Public Hearing;

AND THAT Council consider "DVP PL2019-8592" following the adoption of "Zoning Amendment Bylaw No. 2019-36".

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

The applicant is requesting to rezone a portion of 340 Douglas Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane). The property currently has one large single family dwelling and a garage. The site is 0.5233 acres in area. The proposed rezoning will facilitate the subdivision of the property into two parcels, which will allow the construction of a front-to-back duplex on Proposed Lot 2 (Figure 1 – Proposed Subdivision). The current house would remain on proposed lot 1. The applicant has also requested a variance to the RD2 zone to allow vehicle access from both the lane and the street.

The subject property (Attachment 'A') is currently zoned R2 (Small Lot Residential) and is designated for Detached Residential by the City's Official Community Plan 2019-08 (OCP). The surrounding neighbourhood is experiencing various infill redevelopments. The Zoning Map of the neighbourhood (Attachment 'C') indicates that there is a mix of zones within the neighbourhood including R2 (Small Lot Residential), RM2 (Low Density Multiple Housing), and RD2 (Duplex Housing: Lane). As indicated in the Future Land Use Map (Attachment 'B'), much of this neighbourhood is identified for Detached Residential and Infill Residential.

Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the property as follows: Rezone Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, as shown on Schedule A of the bylaw, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

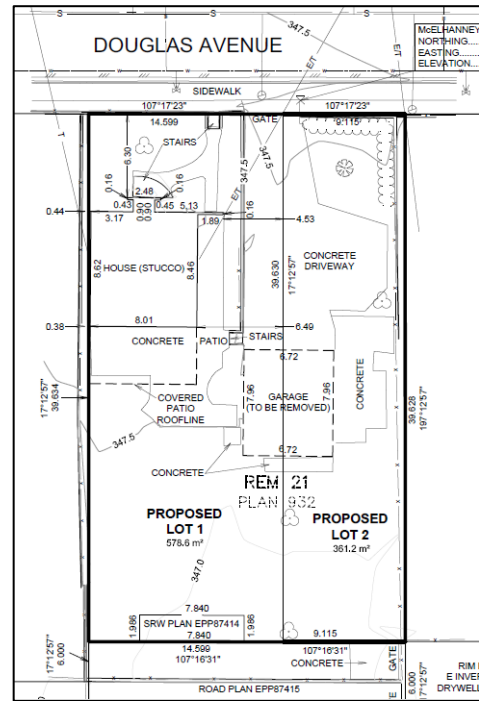


Figure 1 – Proposed Subdivision

The applicant is also requesting the following variance to the City's Zoning Bylaw:

Vary Section 10.6.3 of Zoning Bylaw 2017-08, allowing vehicle access to be from both the lane and the street (Douglas Avenue).

The applicant is required to obtain a Development Permit for the form and character of the building, as the property is located within the Intensive Residential Development Permit Area. This will be issued by staff at a later date.

Financial implication

If approved, the development anticipated by this application will create 1 new development site for the construction of a duplex, hence contributing to an increase in the City's tax base. All costs of the development are the responsibility of the property owner.

Development Statistics

The following table outlines the proposed development statistics for the new RD2 zoned lot (does not include the R2 lot, with the existing house):

	Requirement RD2 Zone	Provided on Plans
Minimum Lot Width:	9.1 m	9.1 m
Minimum Lot Area:	275 m ²	389m ²
Maximum Lot Coverage:	40 %	35%

Maximum Density:	0.95 Floor Area Ratio (FAR)	0.70 Floor Area Ratio (FAR)
Vehicle Parking:	2 (1 per dwelling unit)	2
Required Setbacks		
Front Yard (Douglas Ave):	4.5 m	6.0 m
Side Yard (east):	1.5 m	1.5 m
Side Yard (west):	1.5 m	1.5 m
Rear Yard (lane):	6.0 m	10.9 m
Maximum Building Height	10.5 m	7.0 m
Other Information:	<ul style="list-style-type: none"> • The Development Permit will be issued by Staff • Variance requested to allow parking from both the lane and the street 	

Analysis

When considering a zoning amendment application, staff and Council look toward the Official Community Plan’s future land use map and designation for guidance, including all relevant planning policy. As indicated by the Future Land Use Map (Attachment ‘B’), this property is identified for Detached Residential development and future development is envisioned to support single family and duplex development as well as limited commercial and institutional use.

The proposal for the site provides a single detached dwelling and a duplex, at an acceptable scale for the current area and follows the development pattern of the neighbouring lands. Staff consider that the zoning amendment to allow for the proposed development represents an appropriate use of the land for the following reasons:

- The proposal is consistent with the OCP’s policy that encourages more intensive “infill” residential development in areas close to employment, services and shopping.
- The OCP also encourages new residential development in or adjacent to existing developed areas where compatible, which is the case here.
- The OCP encourages subdivision of larger lots in established neighborhoods where access and services are adequate. The current proposal will convert a large lot into 2 lots in a desirable location.

In addition to the above, staff consider the proposed additional lot to be a good fit for the property and will increase housing diversity in the neighborhood. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for the proposal. Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2019-36” and forward the application to the October 1, 2019 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain R2 (Small Lot residential). If this is the case, Council should deny the bylaw amendment. Alternatively,

Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Support Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is to allow vehicle access to the RD2 (Duplex Housing: Lane) zone to be from both the lane and the street (Douglas Avenue).

The RD2 (Duplex Housing: Lane) zone, is one of many residential zones in the Zoning Bylaw that require primary vehicle access to be from the lane (provided there is a lane). There are many benefits associated with this requirement including:

- Generally improved pedestrian experience (the street becomes more comfortable and safe for pedestrians, rather than being dominated by vehicle parking and pavement).
- Increased greenery (less driveways allows for more space for boulevard grass, trees and other greenery); and
- Maintaining on-street parking (allowing driveways off of a street reduces available parking spaces along the street, as it becomes filled with driveways)

The proposed variance will allow for each unit of the duplex to have a more private entry into their home. It will also provide each unit with more private yard space. Furthermore, there are a number of existing driveways on Douglas Avenue. To minimize the impact of additional driveways, a maximum of 3m driveway is proposed to allow for landscaping and greenery.

Given the above, staff find that the proposed design generally integrates driveways into the existing neighborhood. Staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed access to the property is not appropriate at this location. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-36" and deny support for DVP PL2019-8592.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-36", but deny support for DVP PL2019-8592.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-36", and give support for DVP PL2019-8592 with conditions that Council feels are appropriate.

Attachments

- Attachment A – Location Map
- Attachment B – Official Community Plan Map
- Attachment C – Zoning Map
- Attachment D – Image of Subject Property and Elevations
- Attachment E – Site and Subdivision Plan
- Attachment F – Letter of Intent
- Attachment G – DVP PL 2019-8592
- Attachment H – Zoning Amendment Bylaw No. 2019-36

Respectfully submitted

Audrey Tanguay
Senior Planner

Concurrence

Acting DS Director <i>KK</i>	Chief Administrative Officer DvD
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Attachment A – Location Map

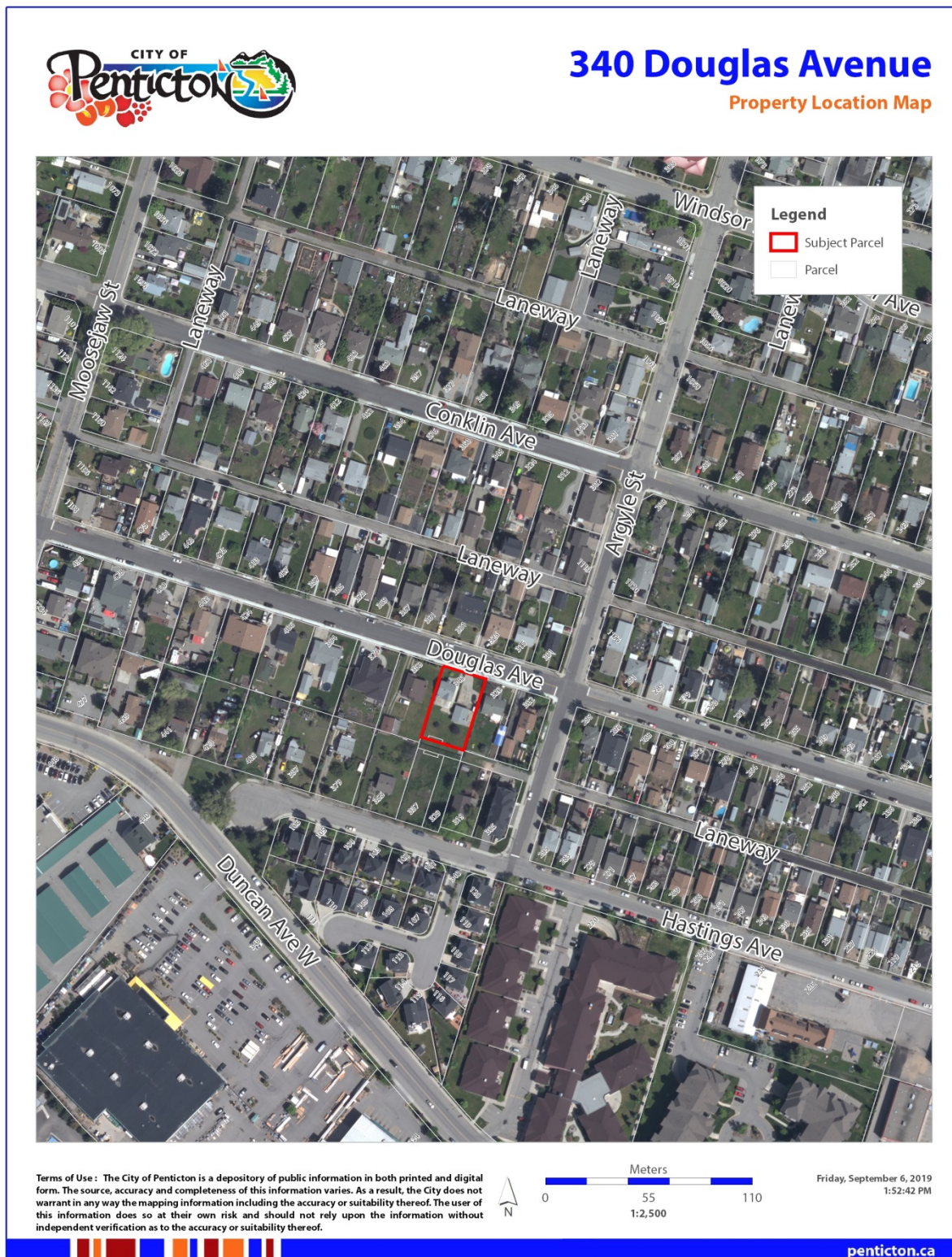


Figure 1: Location Map

Attachment B – Official Community Plan Map

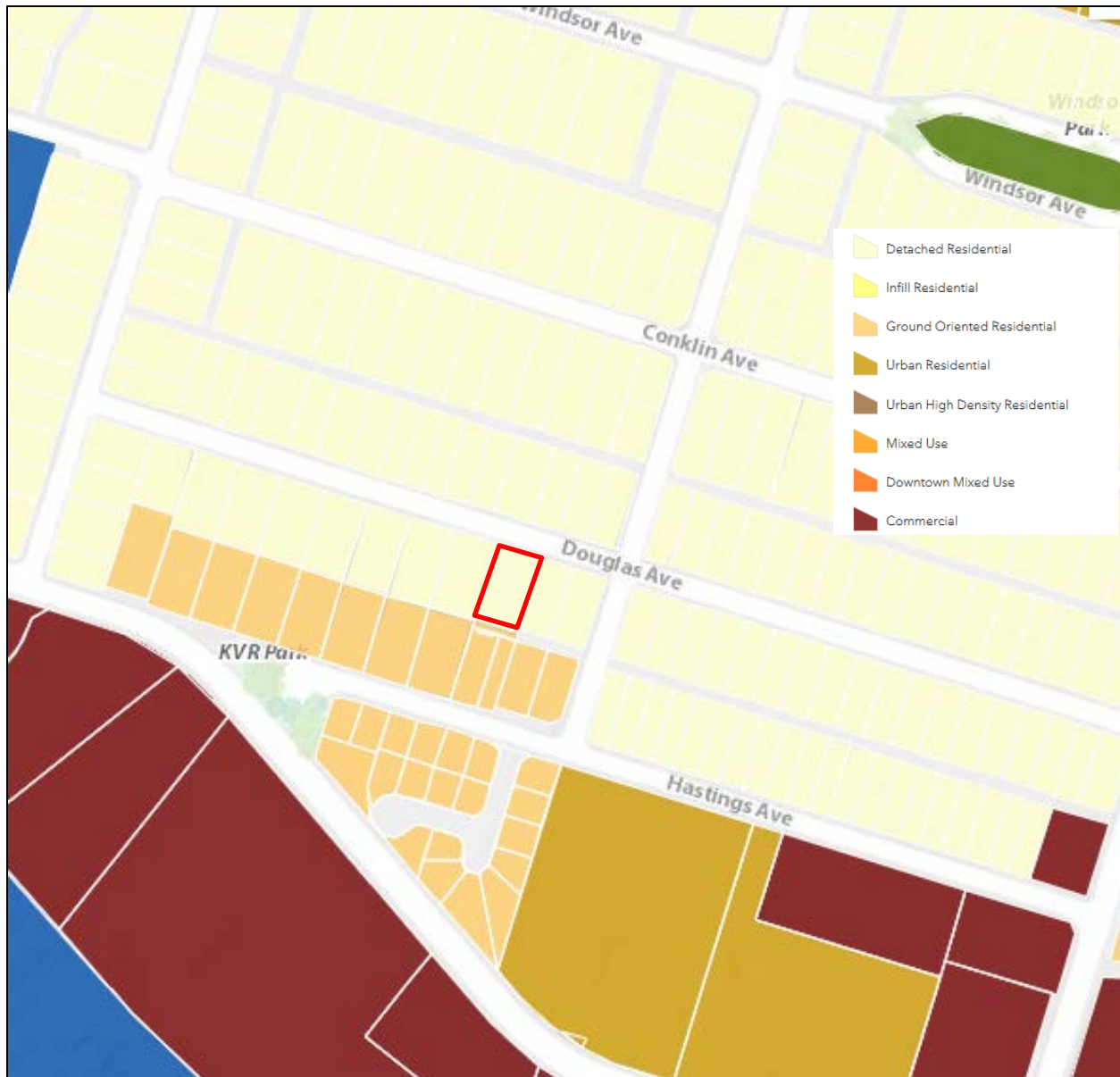


Figure 2: OCP Map

Attachment C – Zoning Map



Figure 3: Zoning Map

Attachment D – Image of Subject Property and Elevations



Figure 4: Image of subject property with current house and garage



Figure 5: Rendering showing the existing house and proposed duplex

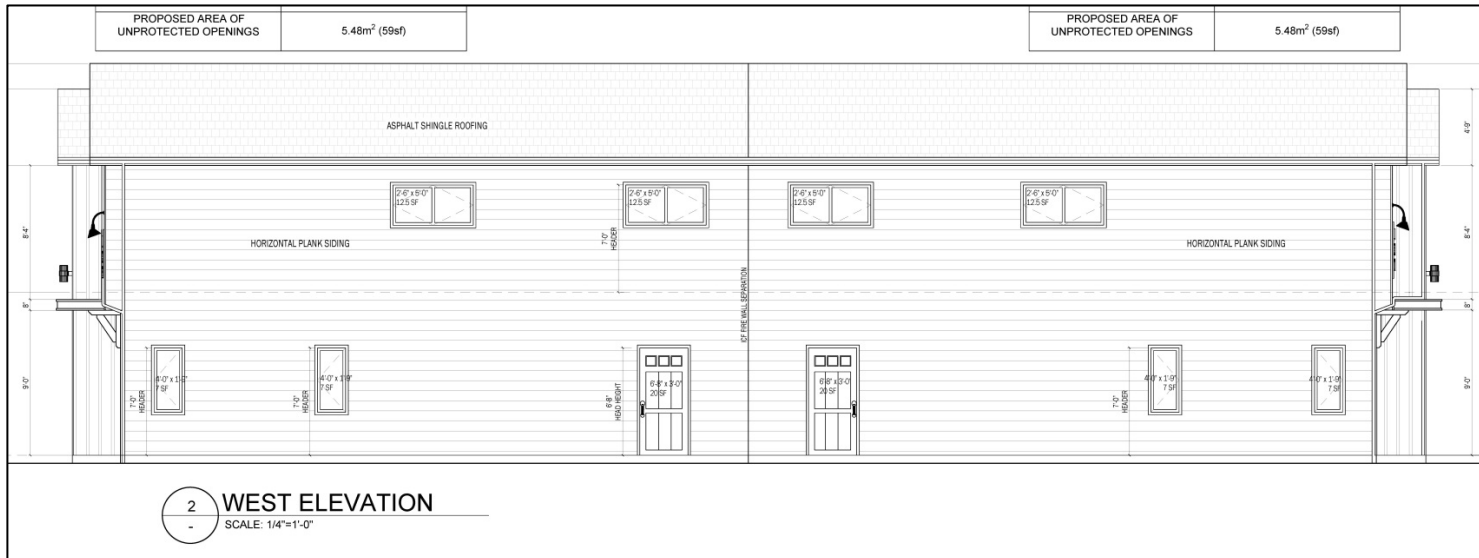


Figure 10: West Elevation



Figure 11: East Elevation

Attachment E – Subdivision Plan

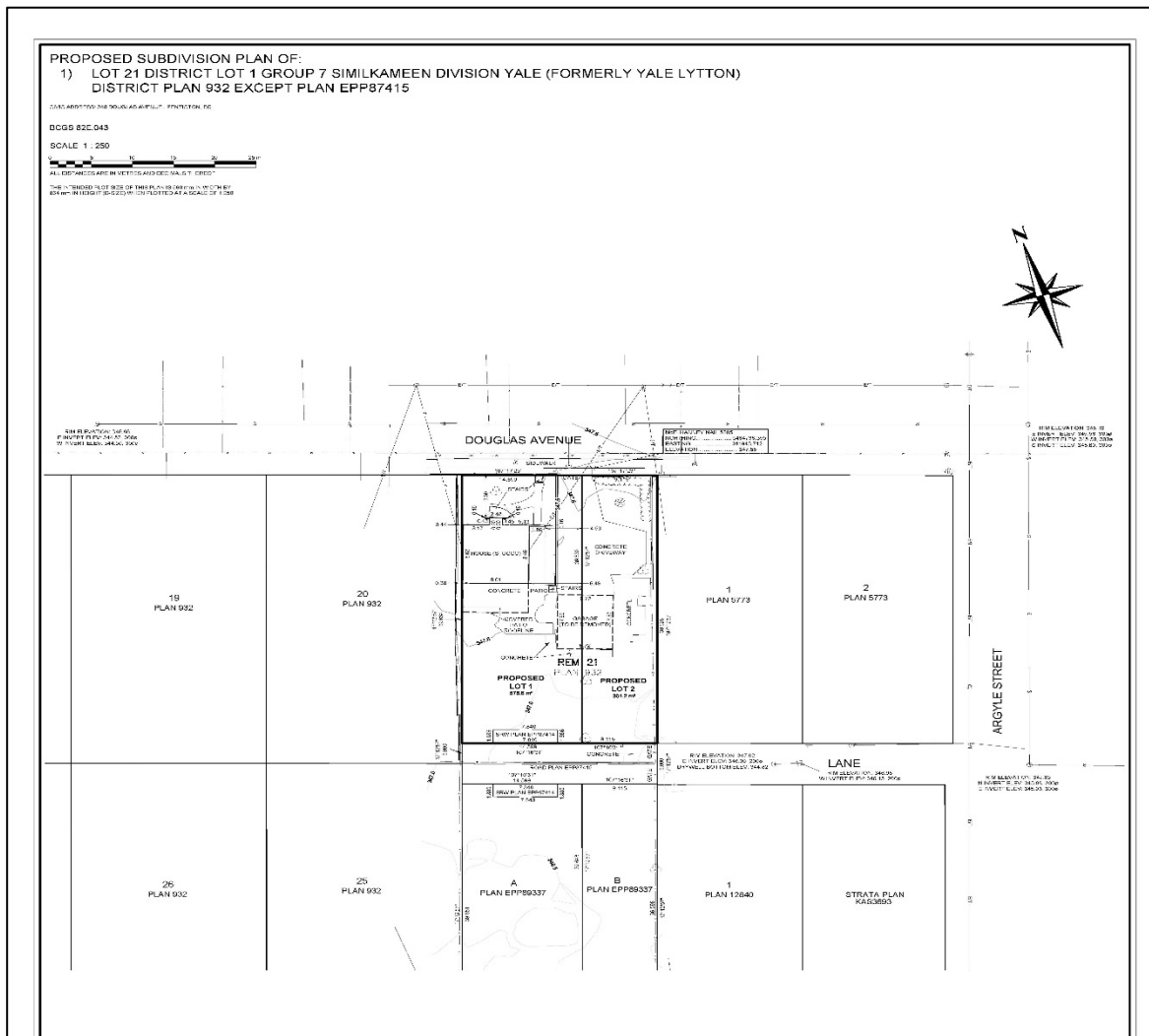


Figure 12: Subdivision Plan

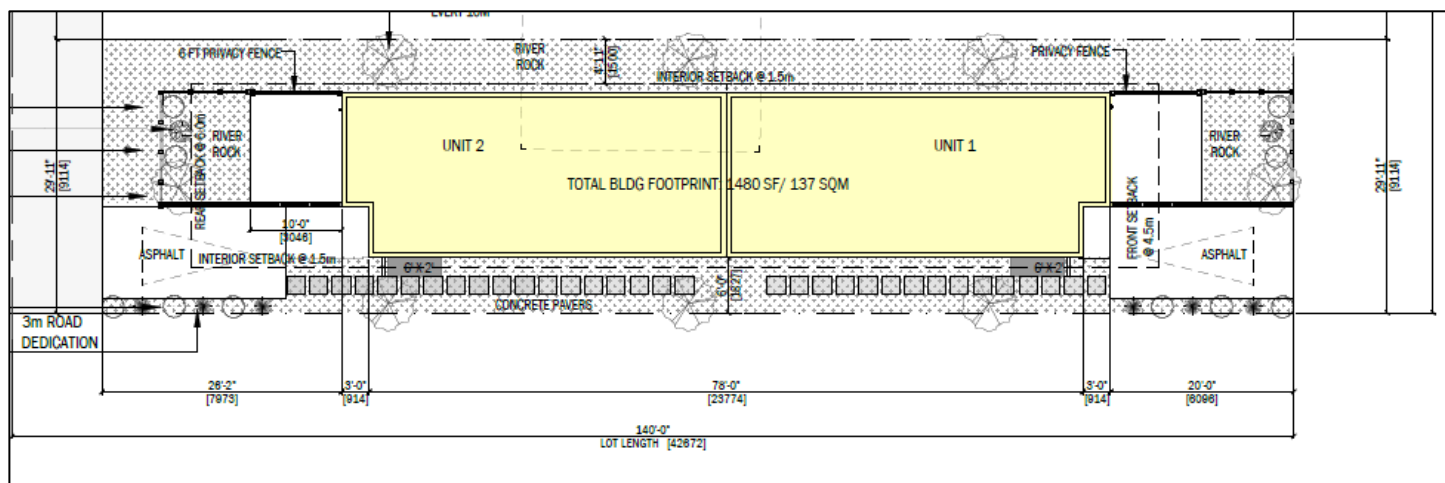


Figure 13: Site Plan

Attachment F – Letter of Intent

340 Douglas Avenue

Development Application, Rezoning & Subdivision Application

June 17, 2019

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

Dear Blake Laven:

We are proposing to construct a duplex at 340 Douglas Avenue. The project will require a re-zoning and a subdivision of the lot.

The goal of this project is to build an infill solution that provides more affordable housing and densification to accommodate the increase in population that is expected over the next few years. We believe this is a suitable lot for this townhome project as it is consistent with current development around the area, and the project will provide a great opportunity for young families to get in the market. Furthermore, the OCP designates this site as Low Density Residential, which is consistent with the intent of this project.

Under the zoning bylaw, the lot is currently zoned as R2- Small Lot Residential, which we propose to subdivide into two parcels. One of the parcels will remain R2 with the existing house and the other would be re-zoned to *RD2-Duplex Housing: Lane*. With this design there are no variances requested.

This design allows us to build affordable housing that is ideal for young families in a popular area of town. The proposed duplex is 3 bedrooms which, in our experience, is the most desirable for families. The design allows for two spacious units while also not requiring any variances to setbacks within the proposed subdivision. The new duplex would share the laneway with 1167041 B.C. LTD's duplex and fourplex projects at 329 and 337 Hastings Avenue so there will be no requests for any further dedications. With the lane, the new duplex has access and space for parking in front of each new unit.

The existing house at 340 Douglas will remain as it fits in well with the neighborhood and would remain a desirable home after the subdivision.

The only request we have is to allow parking at the front yard of the units on Douglas Avenue. Allowing parking from the front yard would be consistent with the housing development across the street to the south of Hastings Avenue and many of the homes on Douglas Avenue. By having single-car driveways we still allow for parking spots out front of the project along the street.

In summary, please accept the enclosed application package for the 340 Douglas Avenue. We would greatly appreciate your consideration in granting the request to re-zone, site-specific allowance and lane dedication requests and subdivision application.

Sincerely,



Drew Barnes
Owner 1167041 B.C. Ltd.

Attachment G – DVP



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

Development Variance Permit

Permit Number: DVP PL2019-8555

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: Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415
Civic: 340 Douglas Avenue
PID: 011-895-977
3. This permit has been issued in accordance with Section 498 of the *Local Government Act* to vary the following section of Zoning Bylaw 2017-08 to allow the construction of a front to back duplex:
 - Vary Section 10.6.3 of Zoning Bylaw 2017-08, allowing vehicle access to be from both the lane and the street (Douglas Avenue).

General Conditions

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

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

Authorized by City Council, the day of, 2019.

Issued this ___ day of _____, 2019

Angie Collison,
Corporate Officer

Bylaw No. 2019-36

A Bylaw to Amend Zoning Bylaw 2017-08

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

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

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

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-36".

2. Amendment:

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

Rezone Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue as shown on Schedule 'A', from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
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 __ day of ____, 2019 and the __ day of ____, 2019 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2019</p> <p>_____ for Minister of Transportation & Infrastructure</p>
--

Angie Collison, Corporate Officer

Council Report



Date: September 17, 2019 **File No:**
To: Donny van Dyk, Chief Administrative Officer
From: Angie Collison, Corporate Officer
Subject: **Officers and Delegation of Authority Amendment Bylaw No. 2019-35**

Staff Recommendation

THAT Council give first, second and third reading to “Officers and Delegation of Authority Amendment Bylaw No. 2019-35”, a bylaw that delegates the authority to temporarily restrict traffic to the City Engineer or Development Infrastructure Manager.

Strategic priority objective

Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

Section 38 of the *Community Charter* gives Council the authority to temporarily restrict or prohibit all or some types of traffic on a highway. In addition to the authority under section 154 [delegation of council authority], a council may, by bylaw, authorize a municipal employee to control traffic on a highway or to temporarily restrict or prohibit in relation to matters specified in the bylaw.

The Traffic Bylaw authorizes staff to close a highway. For clarity, staff are requesting that the delegation of authority to restrict traffic be included in the Officers and Delegation of Authority Bylaw.


Attachments

Attachment A – Officers and Delegation of Authority Amendment Bylaw No. 2019-35

Respectfully submitted,

Angie Collison
 Corporate Officer

Concurrence

<p>General Manager of Infrastructure</p> 	<p>Chief Administrative Officer</p> <p>DvD</p>
--	---

Council Report

penticton.ca

Date: September 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Angie Collison, Corporate Officer

File No:

Subject: Committee Terms of References – Community Sustainability and Safety and Security

Staff Recommendation

THAT Council approve the 2019 - 2022 Terms of Reference for the Community Sustainability Advisory Committee.

THAT Council approve the 2019 - 2022 Terms of Reference for the Safety and Security Advisory Committee.

THAT Council approve the amended Terms of Reference for the Penticton and Ellis Creek Restoration Select Committee and add one member of the Parks and Recreation Advisory Committee.

Strategic priority objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

Community Sustainability Advisory Committee

The 2019 – 2022 Terms of Reference for Community Sustainability Advisory Committee is for 9 voting members with a focus on the Council Priority – Community Design and encouraging environmentally sustainable development including renewable energy initiatives.

Safety and Security Advisory Committee

The 2019 – 2022 Terms of Reference for the Safety and Security Advisory Committee is for 12 voting members with a focus on guidance and advice on safety and crime prevention initiatives. In 2018, staff initiated a task force to look at ways to address the reported increase in problems that had citizens feeling less secure and unsafe. Community Safety is a Council Priority, the work initiated by the task force will continue as a Council Advisory Committee.

Penticton and Ellis Creek Restoration Select Committee

At the Penticton and Ellis Creek Restoration Select Committee held on July 23, 2019, the Committee made the following recommendation:

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Advisory Committee recommend to Council that the Committee's Terms of Reference be amended to include a member from the Parks and Recreation Advisory Committee.

The amended Terms of Reference are attached for Council's approval.

Call for Committee Members

Once the Terms of Reference for the Committees are approved, staff will advertise in the newspaper and via social media for members.

Attachments

Attachment A – Community Sustainability Advisory Committee Terms of Reference

Attachment B – Safety and Security Advisory Committee Terms of Reference

Attachment C – Amended Penticton and Ellis Creek Restoration Select Committee Terms of Reference

Respectfully submitted,

Angie Collison
Corporate Officer

Chief Administrative
Officer

DvD

2019 – 2022 Terms of Reference Community Sustainability Advisory Committee

1. The Committee shall consist of **Nine (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
 - One (1) Interior Health representative
 - One (1) Penticton Indian Band representative
 - One (1) Okanagan College representative
 - One (1) Fortis BC representative
 - Five (5) members of the community with knowledge or interest in community sustainability
2. The Committee Members shall appoint a Chair and Vice-Chair each year.
3. Role of Council Representatives:
 - One (1) Representative
 - Non-Voting Member
 - Liaison to City Council
4. A majority of appointed voting members shall constitute a quorum.
5. The Community Sustainability Coordinator or designate, shall attend committee meetings to provide operational support to the Committee.
6. The Corporate Administration Department shall arrange for secretarial services to the Committee.
7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.
8. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - Providing recommendation on the preparation, updating and administration of Corporate and Community Climate Action Plans;
 - Reviewing, analyzing and providing feedback on any community related climate action items as directed by Council, including strategic planning, bylaws and policy development;
 - Providing a forum for dialogue and information sharing related to community sustainability initiatives;
 - The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding;
 - Recommend actions, education and marketing initiatives which promote increased public awareness and participation in climate action and community sustainability;
 - The committee will not participate in operational matters respecting the City of Penticton.

9. Disqualification from Office

If an advisory member is continuously absent from Committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Committee members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory Committee of the City of Penticton for a period of one year.

10. Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2019 – 2022 Terms of Reference Safety and Security Advisory Committee

1. The Committee shall consist of **Twelve (12)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
 - One (1) Downtown Penticton Association representative
 - One (1) Chamber of Commerce representative
 - One (1) Community Action Support Table (CAST) representative
 - One (1) Interior Health representative
 - One (1) Penticton Indian Band representative
 - Seven (7) members of the community with knowledge or interest in safety and security
2. The Committee Members shall appoint a Chair and Vice-Chair each year.
3. Role of Council Representatives:
 - Three (3) Representative
 - Non-Voting Member
 - Liaison to City Council
4. A majority of appointed voting members shall constitute a quorum.
5. The Chief Administrative Officer or designates (Fire, Bylaw, RCMP), shall attend committee meetings to provide operational support to the Committee.
6. The Corporate Administration Department shall arrange for secretarial services to the Committee.
7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.
8. The Committee's mandate is to make recommendations to Council on all matters referred to the Committee, including:
 - Providing recommendation on public safety and crime prevention initiatives such as but not limited to: environmental design; lighting; vandalism management and security of community facilities.
 - The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding.
 - Recommend actions, education and marketing initiatives that promote increased public awareness and participation in public safety in the community.
 - The committee will not participate in operational matters respecting the City of Penticton.

9. Disqualification from Office

If an advisory member is continuously absent from Committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Committee members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory Committee of the City of Penticton for a period of one year.

10. Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the *Community Charter*. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

2018 - 2020 Terms of Reference Penticton and Ellis Creek Restoration Select Committee

1. The Committee shall consist of **TEN (10)** voting members appointed by City Council for a term ending December 31, 2020 or at another date approved by Council. Preference will be given for:
 - One (1) representative and one (1) alternate of the Okanagan Nation Alliance
 - One (1) representative of the Penticton Indian Band
 - One (1) representative of the Fresh Water Fisheries Society of BC
 - One (1) representative and one (1) alternate of the Penticton Fly Fishers' Association
 - One (1) representative of the South Okanagan Conservation Program
 - One (1) downtown residential owner
 - One (1) downtown business owner
 - One (1) Penticton Industrial Development Association
 - One (1) member of the community based upon their interest in the Penticton Creek restoration
 - **One (1) member of the Parks and Recreation Advisory Committee**
2. The Committee shall consist of **TWO (2)** non-voting members:
 - One(1) representative and one (1) alternate of the Ministry of Forests, Lands and Natural Resource Operations: Fish and Wildlife Division
 - One (1) Representative and one (1) alternate of the Ministry of Forests, Lands and Natural Resource Operations: Water Stewardship Division
3. The Committee Members shall appoint a Chair and Vice-Chair each year.
4. Council shall appoint one (1) non-voting Council Representatives to the Committee annually.
5. Role of Council Representative:
 - Non-Voting Member
 - Liaison to City Council
6. A majority of appointed voting members shall constitute a quorum.

7. The General Manager of Infrastructure and City Engineer or designates, shall attend committee meetings to provide operational and professional engineering support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
 - The technical matters related to the restoration and redesign of the Penticton Creek and Ellis creek;
 - The principles and design parameters of redesign and restoration, including the recognition of what impacts may occur on adjacent commercial and residential properties;
 - Land use issues within the Penticton and Ellis Creek riparian area;
 - Technical input an assistance with framing content related to Request for Proposals and expressions of Interest;
 - Public engagement strategies related to the restoration of Penticton and Ellis Creek; and
 - Development and recommendations on funding alternatives and fund raising.

11. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

12. Closed Meeting

Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

- Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
13. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
 14. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

Bylaw No. 2019-24

A Bylaw to Amend Zoning Bylaw 2017-08

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-24".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Remove Section 6.1.2.2 Cooperative Vehicle Parking Spaces in its entirety.

2.2 Delete and replace Section 6.1.2.3 Cash-in-Lieu with the following:

In lieu of providing the required number of off street vehicular parking spaces in the following zones RM2, RM3, RM4, RM5, C1 – C9 and M1 - M3 or bicycle parking in any zone, a property owner may provide the City a sum of money equal to the number of parking spaces not provided multiplied by the applicable cash in lieu amount as identified in Table 6.1. The sum of money will be deposited in the Off-Street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve.

2.3 Add Section 6.1.2.4:

In the case of the RM2 and RM3 zones, the cash in lieu provision shall not lower the total number of parking spaces to below one space per dwelling unit.


2.4 Delete and replace Table 6.1 Cash in Lieu with the following:

Existing floor area converted to residential dwelling unit	New commercial, industrial and/or high density residential floor area	Class 1 bike parking space for new commercial and/or residential floor area
\$13,000	\$13,000	\$500

2.5 Delete Section 14.5.4.1.ii in its entirety.

READ A FIRST time this 18 day of June, 2019
READ A SECOND time this 20 day of August, 2019
A PUBLIC HEARING was held this 3 day of September, 2019
READ A THIRD time as amended this 3 day of September, 2019
RECEIVED the approval of the 10 day of September, 2019
Ministry of Transportation on the
ADOPTED this day of , 2019

Notice of intention to proceed with this bylaw was published on the 23 day of August, 2019 and the 28 day of August, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this 10th day of September, 2019

for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Bylaw No. 2019-28

A bylaw to repeal Local Improvement Charge Bylaw, No. 1, 1968 and amendment thereto

WHEREAS section 137 of the *Community Charter* provides that the power to repeal a bylaw must be exercised by bylaw and is subject to the same approval and other requirements, if any, as the power to adopt a new bylaw;

AND WHEREAS the Council of the City of Penticton deems it necessary and expedient to repeal Bylaw No. 2525 Local Improvement Charge By-law No. 1, 1968 and its amendment thereto in its entirety;

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 "Local Improvement Charge Repeal Bylaw No. 2019-28".

2. **Repeal:**

Bylaw No. 2525 "Local Improvement Charge By-law, No. 1, 1968" and amending Bylaw No. 2810, 1971 are hereby repealed.

READ A FIRST time this	3	day of	September, 2019
READ A SECOND time this	3	day of	September, 2019
READ A THIRD time this	3	day of	September, 2019
ADOPTED this		day of	, 2019

John Vassilaki, Mayor

Angie Collison, Corporate Officer