Agenda

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

Tuesday, November 5, 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 October 15, 2019 Regular Council Meeting	1-7	Adopt
6.2	Minutes of the October 18, 2019 Special Council Meeting	8-9	Adopt
6.3	Minutes of the October 24, 2019 Special Council Meeting	10-11	Adopt

7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda.

Consent Agenda: 12-13

1. *Minutes of the October 15, 2019 Committee of the Whole Meeting;*
2. *Release of Items from Closed Meeting:*
   THAT Council support applying for a grant under the provincial Childcare BC New Spaces Fund to build a new child care facility at Kiwanis Park to replace the Edmonton Avenue Centre and existing day care building; AND THAT Council support the issuance of an 'expression of interest' for a partner to construct and operate the new facility.

8. **Committee and Board Reports**

9. **Correspondence**

10. **Staff Reports:**

Kleb 10.1 Community Engagement Policy and Framework 14-48

Staff Recommendation: THAT Council approve the Community Engagement Policy to articulate the City's commitment to community engagement;
AND THAT Council receive the Community Engagement Framework to guide staff in the implementation of the policy and inform citizens about the City's commitment to community engagement.

Bauer 10.2 Online Accommodation Platforms Funds 49-51

Staff Recommendation: THAT Council approve the allocation of Online Accommodation Platforms (OAP) funds for 2019, 2020 and 2021 towards tourism marketing and be included in the Municipal and Regional District Tax forwarded to Travel Penticton.

Renaud 10.3 Fees and Charges Amendment Bylaw No. 2019-37 52-123

Staff Recommendation: THAT Council give first, second, and third reading to "Fees and Charges Amendment Bylaw No. 2019-37".

Richards 10.4 Fire and Life Safety Amendment Bylaw No. 2019-43 124-157

Staff Recommendation: THAT Council give first, second and third reading to "Fire and Life Safety Amendment Bylaw No. 2019-43", a bylaw that amends the open-air burning conditions to align with the Province of British Columbia Open Burning Smoke Control Regulation.

Raposo 10.5 Penticton Seniors' Drop-In Centre Society 20 Year Lease 158-181

Staff Recommendation: THAT Council approve the 20-year nominal lease agreement with the Penticton Seniors' Drop-In Centre Society, located at 2965 South Main Street;
AND THAT the disposition of City improvements be advertised pursuant to Section 26 of the Community Charter;
AND THAT the Mayor and Corporate Officer be directed to execute the lease agreement on behalf of the City.

Laven/Siebert 10.6 Sharps Response Update 182-184

Staff Recommendation: THAT Council receive into the record the report dated November 5, 2019 titled "Sharps Response Update".

Laven 10.7 Local Government Support for Cannabis Retail 185-190

Re: 114-2436 Skaha Lake Road

Staff Recommendation: 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 Green Light Cannabis located at 114 – 2436 Skaha Lake Road;
AND THAT the letter of 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.*

Bauer 10.8 Asset and Amenity Management Project Charter 191-226

Staff Recommendation: THAT Council approve the Asset and Amenity Project Charter and approve the proposed budget of $378,000 in 2020 and $205,000 in 2021, which will be incorporated into the 2020-2024 Five Year Financial Plan.

11. **Public Question Period**

12. **Recess to a Closed Meeting:**

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

(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;

(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.

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

14. **Bylaws and Permits:**

Laven	14.1	Zoning Amendment Bylaw No. 2019-38 Re: 3790 South Main Street	227-228	2nd/3rd/Adopt
Laven	14.2	Zoning Amendment Bylaw No. 2019-39 Re: 962 Churchill Avenue	229-231	2nd/3rd

15. **Land Matters**

Kunka	15.1	Black Antler Restaurant Patron Participation Entertainment Endorsement and Change of Hours Re: 101-215 Winnipeg Street	232-244	Del/Sub

Staff Recommendation: THAT Council recommend to the Liquor & Cannabis Regulation Branch (LCRB) that it supports the application from Black Antler located at 101-215 Winnipeg Street for:

- *Patron Participation Entertainment Endorsement*
- *Extension of hours on Fridays and Saturdays from Midnight to 2:00 am (Interior Only)*

Laven	15.2	Development Variance Permit PL2019-8571 Development Permit PL2019-8570 Re: 1675 Fairview Road	245-260	Del/Sub

Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8571", for Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189, located at 1675 Fairview Road, a permit to reduce the front yard from 4.5m to 0.3m for the construction of a car wash building;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8571".

THAT Council, approve "Development Permit PL2019-8570" for 1675 Fairview Road, a permit to allow for the construction of a car wash building subject to approval of "Development Variance Permit PL2019-8571".

Laven	15.3	Development Variance Permit PL2019-8594 Re: 4037 Lakeside Road	261-274	Del/Sub

Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8594" for Lot 21, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4037 Lakeside Road, a permit to reduce the minimum front yard from 6.0m to 3.0m, reduce the north interior side yard of a principal building from 1.5m to 0.9m, increase the height of a retaining wall from 1.2m to 4.3m and reduce the driveway setback from 0.5m to 0.0m;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8594."

Laven	15.4	Development Variance Permit PL2019-8596 Re: 4039 Lakeside Road	275-291	Del/Sub

Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8596" for Lot 22, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4039 Lakeside Road, a

permit to: increase the permitted height of a single family house from 10.5m to 11.2m; increase the permitted size of a rooftop appurtenance from 10% to 12.9%; and, reduce the required parking from 2 spaces to 1 space;
AND THAT staff be directed to issue "Development Variance Permit PL2019-8596."

Johnson 15.5 Development Permit PL2019-8569 292-314
Re: 3790 South Main Street
Staff Recommendation: THAT Council approve "Development Permit PL2019-8569", a permit to allow for the construction of a 180-unit multi-family development in the form of two apartment buildings for the consolidated property of Lots 1, 2, 3 and 4 of District Lots 197 and 587, Similkameen Division Yale District Plan 27190, located at 3790, 3700, 3650 and 3600 South Main Street upon adoption of Zoning Amendment Bylaw No. 2019-38;
AND THAT staff are directed to issue DP PL2019-8569 upon completion of the lot consolidation.

Laven 15.6 Zoning Amendment Bylaw No. 2019-44 315-337
Development Permit PL2019-8587
Re: 589 Churchill Avenue
Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2019-44", a bylaw to rezone Lot 1 District Lot 2 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill), be given first reading and be forwarded to the December 3, 2019 Public Hearing;
AND THAT Council consider "Development Permit PL2019-8587", a permit that allows for the construction of a duplex development with an accessory building for 589 Churchill Avenue, after adoption of "Zoning Amendment Bylaw No. 2019-44".

Johnson 15.7 Placement of Rock Pit in Environmental Protection Area 338-341
Re: 2883 Partridge Drive
Staff Recommendation: THAT Council support the placement of a rock pit in a covenant area at 2883 Partridge Drive.

16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

Minutes

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Regular Council Meeting
held at Okanagan College – Penticton Campus
583 Duncan Avenue West, Penticton, B.C.

Tuesday, October 15, 2019
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes (arrived at 1:14 p.m.)
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Ben Johnson, Acting Director of Development Services
Jim Bauer, Chief Financial Officer
Bregje Kozak, Director of Recreation and Facilities
Mitch Moroziuk, General Manager of Infrastructure
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:05 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

440/2019 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council Meeting held on October 15, 2019 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:06 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 3:42 p.m.

6. Adoption of Minutes:

6.1 Minutes of the October 1, 2019 Regular Meeting of Council

441/2019 **It was MOVED and SECONDED**
THAT Council adopt the minutes of the October 1, 2019 Regular Meeting of Council as presented.
CARRIED UNANIMOUSLY

7. Consent Agenda:

442/2019 **It was MOVED and SECONDED**
THAT Council approve the Consent Agenda:
1. Minutes of the October 1, 2019 Public Hearing Meeting;
2. Penticton and Ellis Creek Restoration Select Committee Draft Minutes of September 24, 2019.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

10.1 UBCM Structural Flood Mitigation Grant

443/2019 **It was MOVED and SECONDED**
THAT Council support a grant application in the amount of $750,000 from UBCM for Structural Flood Mitigation of Upper Reach 3A and Reach 3B of Penticton Creek with construction expected to commence in 2021;
AND THAT the project cost of $2,960,000 is to be funded from this UBCM Grant, and the balance of the project cost from other grant funding and city funding;
AND THAT the City assume responsibility for the grant management process.

CARRIED UNANIMOUSLY

Mayor Vassilaki declared a conflict of interest and left the meeting at 3:54 p.m. Deputy Mayor Bloomfield chaired the meeting.

10.2 2020 Permissive Tax Exemption Bylaw No. 2019-34

444/2019 **It was MOVED and SECONDED**
THAT Council rescind third reading and give third reading as amended to "2020 Permissive Tax Exemption Bylaw No. 2019-34", a bylaw granting permissive tax exemptions as listed in Schedule A at 100% of the allowable exemptions for the 2020 Tax Year;
AND THAT a Special Council Meeting be held on Friday, October 18, 2019 at 11:00 am in Room A of City Hall, 171 Main Street to consider adoption of "2020 Permissive Tax Exemption Bylaw No. 2019-34".

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 3:57 p.m.

11. Bylaws and Permits:

11.1 Zoning Amendment Bylaw No. 2019-36
Development Variance Permit PL2018-8592
Re: 340 Douglas Avenue

445/2019 **It was MOVED and SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2019-36";
AND THAT Council approve "Development Variance Permit PL2018-8592".

CARRIED UNANIMOUSLY

12. Notice of Motion

From Councillor Bloomfield on October 1, 2019:

12.1 Manager of Social Development

446/2019 **It was MOVED and SECONDED**
WHEREAS investing in appropriate human assets to keep our community safe and secure is a Council Strategic Initiative under the priority of Community Safety;
NOW THEREFORE Council directs staff to bring forward information and analysis on the creation of a Manager of Social Development responsible for coordinating homeless and addiction initiatives as well as seniors and youth programs for the 2020 budget deliberations.

CARRIED
Councillors Robinson, Kimberley and Watt, Opposed

From Councillor Sentes on October 1, 2019:

Mayor Vassilaki declared a conflict of interest and left the meeting at 4:14 p.m. Deputy Mayor Bloomfield chaired the meeting.

12.2 Revitalization 400 Block of Main Street

447/2019 **It was MOVED and SECONDED**
WHEREAS continuing Downtown revitalization focused on cleanliness, safety, vibrancy and sustainable infrastructure is a Council Strategic Initiative under the priority of Community Design;
NOW THEREFORE Council directs staff to bring forward information and analysis on the revitalization of the 400 block of Main Street for the 2020 budget deliberations.

CARRIED
Councillors Regehr and Robinson, Opposed

Mayor Vassilaki returned to the meeting at 4:28 p.m.

12.3 Food Waste Management and Composting

448/2019 **It was MOVED and SECONDED**
WHEREAS utilizing best management practices and strategies related to climate change adaptation and mitigation activities is a Council Strategic Initiative under the priority of Community Design;
NOW THEREFORE Council directs staff to bring forward information and analysis on food waste management and composting for the 2020 budget deliberations.

CARRIED
Mayor Vassilaki, Councillors Kimberley and Watt, Opposed

12.4 Waterfront Revitalization - SS Sicamous Area

The Notice of Motion regarding the next phase of the waterfront revitalization of the SS Sicamous area was withdrawn.

12.5 Continuation of Restoration Work on Penticton Creek

The Notice of Motion regarding the continuation of the restoration work of Penticton Creek was withdrawn.

12.6 Housing Partnerships for Doctors

The Notice of Motion regarding housing partnerships for doctors was withdrawn.

From Councillor Regehr on October 1, 2019:

12.7 Bus Stops and Intersection Snow Clearing

449/2019 **It was MOVED and SECONDED**
WHEREAS supporting a safe, secure and healthy community is a Council priority;
AND WHEREAS the accumulation of snow at intersections and bus stops can be a safety concern;
NOW THEREFORE Council directs staff to bring forward information and analysis on improving snow clearing at bus stops and intersections for the 2020 budget deliberations.

CARRIED
Councillors Robinson and Watt, Opposed

12.8 City Revenues to Offset Ironman Sponsorship

450/2019 **It was MOVED and SECONDED**
WHEREAS reviewing agreements and determining fee structures to reflect the fiscal realities of service provisions is a Council Strategic Initiative under the priority of Asset & Amenity Management;
AND WHEREAS in approving sponsorship funding for the IRONMAN race, Council has attempted to find funding sources to minimize potential tax increases that may result from the sponsorship costs;
NOW THEREFORE Council directs staff to bring forward City revenue options that might be associated with tourism, such as fees and charges and downtown parking fees, for the purpose of offsetting the IRONMAN sponsorship costs for the 2020 budget deliberations.

CARRIED UNANIMOUSLY

From Councillor Robinson on October 1, 2019:

12.9 Increasing RCMP Resources

451/2019 **It was MOVED and SECONDED**
WHEREAS improving resident and visitor confidence that a safe and secure community exists through engagement, protection, prevention and enforcement is a Council Strategic Initiative under the priority of Community Safety;
NOW THEREFORE Council directs staff to bring forward information and analysis on increasing RCMP resources to address issues arising due to the proximity of the Okanagan Correctional Centre and the loss of Greyhound bus services for the 2020 budget deliberations.

CARRIED UNANIMOUSLY

12.10 Beautification of Major Streets

452/2019 **It was MOVED and SECONDED**
WHEREAS continuing revitalization focused on cleanliness, safety, vibrancy and sustainable infrastructure is a Council Strategic Initiative under the priority of Community Design;
NOW THEREFORE Council directs staff to bring forward information and analysis on beautification of major streets and highways with the increased use of landscaping for the 2020 budget deliberations.

DEFEATED
Mayor Vassilaki, Councillors Sentes, Watt and Bloomfield, Opposed

From Councillor Robinson and Councillor Sentes on October 1, 2019:

12.11 Financing a Lake-To-Lake Bike Route

453/2019 **It was MOVED and SECONDED**
WHEREAS expanding and investing in safe multi-modal transportation options including the 'Lake to Lake' connection is a Council Strategic Initiative under the priority of Community Design;
NOW THEREFORE Council directs staff to bring forward information and analysis on how to finance a lake-to-lake bike route for the 2020 budget deliberations.

CARRIED UNANIMOUSLY

From Councillor Kimberley on October 1, 2019:

12.12 Intersection Turn Signals

The Notice of Motion regarding intersections needing turn signals to improve traffic flow was withdrawn.

12.13 Improvements to Parking Area behind City Hall

454/2019 **It was MOVED and SECONDED**
WHEREAS promoting continuous improvement on our Asset Management processes is a Council Strategic Initiative under the priority of Asset & Amenity Management;
NOW THEREFORE Council directs staff to bring forward information and analysis on improvements to the parking area behind City Hall for the 2020 budget deliberations.

CARRIED
Mayor Vassilaki, Councillors Sentes and Watt, Opposed

12.14 Permanent Washrooms in Gyro Park

455/2019 **It was MOVED and SECONDED**
WHEREAS promoting continuous improvement on our Asset Management processes is a Council Strategic Initiative under the priority of Asset & Amenity Management;
NOW THEREFORE Council directs staff to bring forward information and analysis on the installation of permanent washrooms in Gyro Park for the 2020 budget deliberations.

CARRIED
Councillors Watt and Bloomfield, Opposed

12.15 Activity Park in Gyro Park

456/2019 **It was MOVED and SECONDED**
WHEREAS reviewing our amenities and investigating ways to maximize their usage and value while exploring innovative service delivery options with regional and other partners is a Council Strategic Initiative under the priority of Asset & Amenity Management;
NOW THEREFORE Council directs staff to bring forward information and analysis on creating an activity park in Gyro Park with the financial assistance from service clubs for the 2020 budget deliberations.

DEFEATED
Mayor Vassilaki, Councillors Regehr, Robinson, Sentes, Watt and Bloomfield, Opposed

12.16 Sidewalk Sweeper

The Notice of Motion regarding purchasing a sidewalk sweeper was withdrawn.

12.17 Intermittent Tree Planting on 400 and 500 Block of Main Street

The Notice of Motion regarding the intermittent tree planting on 400 and 500 block of Main Street was withdrawn.

From Mayor Vassilaki on October 1, 2019:

12.18 City Prosecutor

457/2019 **It was MOVED and SECONDED**
WHEREAS investing in appropriate human assets to keep our community safe and secure is a Council Strategic Initiative under the priority of Community Safety;
NOW THEREFORE Council directs staff to bring forward information and analysis on the addition of a City prosecutor for the 2020 budget deliberations.

DEFEATED
Councillors Regehr, Robinson, Sentes, Watt and Bloomfield, Opposed

12.19 Additional Climate Change Initiatives

The Notice of Motion regarding additional climate change initiatives was withdrawn.

12.20 Branding Initiatives

458/2019 **It was MOVED and SECONDED**
WHEREAS Penticton is home to several world-class events and festivals, and as part of playing host to these occasions, relies on thousands of volunteer hours from community members;
AND WHEREAS these world-class events would be further enhanced by steps taken by the City to showcase our community using resources such as branded banners, vehicles, and signage;
NOW THEREFORE Council directs staff to bring forward information and analysis on volunteer recognition and branding initiatives for the 2020 budget deliberations.

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

13. Business Arising

14. Council Round Table

15. Public Question Period

16. Adjournment:

459/2019 **It was MOVED and SECONDED**
THAT Council adjourn the Regular Council meeting held on Tuesday, October 15, 2019 at 5:11 p.m.
CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Special Council Meeting
held at City of Penticton Room A
171 Main Street, Penticton, B.C.

Friday, October 18, 2019
at 11:00 a.m.

Present:	Mayor Vassilaki Councillor Kimberley Councillor Regehr Councillor Robinson Councillor Sentes
Absent:	Councillor Watt Councillor Bloomfield
Staff:	Donny van Dyk, Chief Administrative Officer Angie Collison, Corporate Officer Jim Bauer, Chief Financial Officer Kerri Lockwood, Director, People and Safety Strategy

1. Call to Order

The Mayor called the Special Council Meeting to order at 11:03 a.m.

2. Adoption of Agenda

460/2019 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Special Council Meeting held on October 18, 2019 as presented.

CARRIED UNANIMOUSLY

3. Bylaws and Permits:

Mayor Vassilaki declared a conflict of interest and left the meeting at 11:04 a.m. Deputy Mayor Kimberley chaired the meeting.

3.1 2020 Permissive Tax Exemption Bylaw No. 2019-34

461/2019 **It was MOVED and SECONDED**
THAT Council adopt "2020 Permissive Tax Exemption Bylaw No. 2019-34".

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 11:06 a.m.

4. Public Question Period

5. Adjournment

462/2019 **It was MOVED and SECONDED**
THAT Council adjourn the Special Council meeting held on Friday, October 18, 2019 at 11:07 a.m.
CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Special Council Meeting
held at City of Penticton Room A
171 Main Street, Penticton, B.C.

Thursday, October 24, 2019
at 11:00 a.m.

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

Absent: Councillor Kimberley

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager Infrastructure
Ian Chapman, City Engineer

1. Call to Order

The Mayor called the Special Council Meeting to order at 11:01 a.m.

2. Adoption of Agenda

463/2019 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Special Council Meeting held on October 24, 2019 as presented.

CARRIED UNANIMOUSLY

3. Staff Reports:

3.1 Budget Amendment – WTP Chlorine Gas Disinfection Conversion

464/2019 **It was MOVED and SECONDED**
THAT Council amend the 2019 budget transfer $25,590 from CAP 40025-W01 and $113,000 from the Water Surplus Reserve for the completion of the conversion of the water disinfection system at the Water Treatment Plant from chlorine gas to liquid chlorine.

CARRIED UNANIMOUSLY

4. Public Question Period

5. Adjournment

465/2019 **It was MOVED and SECONDED**
THAT Council adjourn the Special Council meeting held on Thursday, October 24, 2019 at 11:19 a.m.
CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Committee of the Whole
held at Okanagan College – Penticton Campus
583 Duncan Avenue West, Penticton, B.C.

Tuesday, October 15, 2019
Recessed from the Regular Council Meeting at 1:00 p.m.

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

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Bregje Kozak, Director of Recreation and Facilities
Ben Johnson, Acting Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:06 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the agenda for the Committee of the Whole meeting held on October 15, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Staff Presentations:**

3.1 Okanagan College Overview

Eric Corneau, Regional Dean - South Okanagan provided Council with a presentation on an overview of the college developments, initiatives and programs being offered in Penticton.

Councillor Sentes arrived at 1:14 p.m.

3.2 Okanagan College Students Union – Student Housing in Penticton

Megan Potter and Sara Wood provided Council with a presentation on the need for student housing in the City of Penticton.

3.3 Update on the work of "100 More Homes Penticton"

Linda Sankey and Jude Brunt provided Council with a presentation on the work being done in Penticton on the issue of prevention and addressing of homelessness as well as the progress made and the challenges that still remain.

3.4 Ellis Creek Master Plan Presentation

Shawn Kilpatrick and Leif Burge, Stantec Consulting provided Council with a presentation on the Ellis Creek Master Plan which will guide the restoration of Ellis Creek to restore balance to the channel.

3.5 Travel Penticton Q2 and Q3 Update

Thom Tischik, Executive Director, Travel Penticton provided Council with a presentation on Travel Penticton's Q2 and Q3 update.

The meeting recessed at 3:20 p.m. and reconvened at 3:37 p.m.

3.6 Budget Process

Jim Bauer, Chief Financial Officer provided Council with an update on the City's 2020 budget process timeline.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED
THAT Council adjourn the Committee of the Whole meeting held October 15, 2019 at 3:42 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Council Report

penticton.ca

Date: November 5, 2019 File No:
To: Donny van Dyk, Chief Administrative Officer
From: JoAnne Kleb, Engagement Strategist

Subject: **Community Engagement Policy and Framework**

Staff Recommendation

THAT Council approve the Community Engagement Policy to articulate the City's commitment to community engagement;

AND THAT Council receive the Community Engagement Framework to guide staff in the implementation of the policy and inform citizens about the City's commitment to community engagement.

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.

Executive Summary

At their meeting on March 5, 2019, Council endorsed a recommendation to develop a policy articulating the City's commitment to community engagement and a framework to guide staff in the implementation of the policy. Staff have completed the process to develop the documents and are providing drafts to Council for their consideration.

Background

The following is a summary of the process followed by staff to prepare the draft policy and framework.

Research best practices and prepare drafts

- The first step in preparing the draft policy and framework was to identify the best practices of other municipalities. Staff reviewed the guiding documents of Calgary, Edmonton, Victoria, Pitt Meadows, Kamloops and Kelowna as well as a report by the City of Guelph that summarized the guiding documents of cities in Eastern Canada. Through this review, staff learned that the format and content of community engagement documents varies widely by municipality but the guiding principles are largely consistent.

- Through this review, staff also learned that many municipalities are embracing the direction provided by the International Association of Public Participation (IAP2). IAP2 is an international organization that is recognized as setting the global standard for community engagement. They have created the Public Participation Pillars to guide the community engagement programs and activities of their members. The Public Participation Pillars includes the IAP2 Spectrum of Public Participation, the IAP2 Core Values and the IAP2 Code of Ethics. (See Attachment A for more information.)
- Based on the information gathered from the review, staff prepared drafts of the policy and the framework. The content of these documents is consistent with the direction followed by other municipalities as well encouraged by the IAP2.

Review drafts with key stakeholders and the community

- The next step in the process confirmed the direction of the draft documents with key stakeholders and the community. City staff were provided with copies to review and were invited to a drop-in session to discuss their feedback with the Community Engagement Strategist. The drafts were also shared with Community Engagement peers from other municipalities including Pitt Meadows, Calgary and Kelowna.
- Feedback from these activities was incorporated into the draft documents and the revised versions were then shared with the public and Council for comment. Print copies were available at the library and at City Hall. Electronic copies were available at shapeyourcitypenticton.ca. Staff hosted multiple events for citizens to discuss the documents in person including a drop-in session at the Downtown Community Market and two focus groups.
- Through these activities, staff had conversations with or received feedback from approximately 150 people. Staff learned that most participants agree with the guidance provided by the documents but some wanted to see more information about: how the City decides when they will engage and to what extent; Council's role as a decision maker; how public input is considered; staff responsibilities to implement the program; and what constitutes open, transparent and balanced information. The drafts were revised to provide more information on these topics.
- Participants also expressed a wide range of comments about the current engagement program. Many agree that it is aligned with the principles and appreciate the efforts to date. Some suggested they would like the City to ensure that: the engagement program stays objective; the principles are applied consistently throughout the organization; the effort is scaled according to the level of interest; and that the process does not unnecessarily delay some decisions. Some also expressed concern that the City does not always listen to the feedback shared.

Analysis

Staff are now ready to share the draft policy and framework with Council for approval.

Key ideas in the Community Engagement Policy

The policy includes the guiding principles that provide oversight to the engagement program as well as the statements that describe the City's commitment in support of each principle. With this policy, the City's engagement program will:

- be guided by the best practices of the International Association of Public Participation (IAP2)
- lead to tangible outcomes or decisions which are defined clearly, accurately, and early in the process

- consider the potential level of public impact or interest in the decision or policy to determine the need for community engagement and the level of public involvement
- be supported by a plan that clearly identifies the decision, goals, and desired outcomes of the public's participation
- be open, transparent and balanced and provide information that includes the advantages and disadvantages of the initiative as well as the financial implications and funding sources where appropriate
- be inclusive and respectful and will work to involve and hear from a representative demographic of the population
- encourage Council, staff and citizens to participate openly, honestly, respectfully, and constructively
- create opportunities for citizens, staff, and Council to talk to and learn from each other and support discussion of values, principles, choices, and trade-offs in search of common ground
- report the complete findings of the engagement program and show how the results were reflected in the recommendation
- be resourced effectively, providing a professional level of quality in the engagement activities while leveraging internal resources and tools to minimize costs
- continuously improve the strategies and techniques to increase participation and improve effectiveness

Key ideas in the Community Engagement Framework

The framework document provides more information about how community engagement is conducted by the City of Penticton in alignment with the policy. Key features of the framework document include:

- An explanation of what engagement means and how it benefits the City and the community
- A description of how community engagement is intended to support and not replace Council decisions
- An overview of the process for determining the level of impact and the plan for engagement
- A glossary providing definitions of some of the most common engagement tools and techniques
- An explanation of how the City has applied the IAP2 Spectrum of Public Participation
- A description of the roles and responsibilities of Community Engagement and Department Staff, Council and Citizens in supporting the success of the program

Staff have aimed to provide a policy with aspirational guiding principles and achievable policy statements. It captures the efforts of the City to date and provides a foundation for the future. Despite the effort to add the rigor and structure of a policy, the challenge with community engagement is that it is not a scientific process and the City must remain flexible and adaptable as the interests of the community are understood.

Attachments

Attachment A – IAP2 Pillars of Public Participation Pillars Brochure
Attachment B – Community Engagement Policy
Attachment C – Community Engagement Framework
Attachment D – Engagement Policy Feedback Results

Communications Manager	Chief Administrative Officer
PCKC	DvD

Respectfully submitted,

JoAnne Kleb
Engagement Strategist

About iap2

Founded in 1990 by a group of dedicated P2 practitioners, the International Association for Public Participation (IAP2) has grown into an international federation of more than 6,000 professionals in 26 countries working to advance the practice of P2. National affiliates and their members benefit from research, training and networking opportunities with IAP2 peers.

IAP2's mission is to provide public participation practioners around the world with the tools, skills, networking and training opportunities to advance and extend the practice of public participation.

Training Today's Practitioners for Tomorrow's Challenges

IAP2 works with international licensed trainers. To find one in your area, visit www.iap2.org.

Become a Member

The IAP2 Federation is composed of regional and national affiliates including Australasia, Canada, Italy, Indonesia, Southern Africa and the United States. To become a member, contact your local affiliate. If you reside outside the geographic areas served by an IAP2 Affiliate, you are eligible for the IAP2 International Associates program. To become a member, contact your local affiliate or iap2hq@iap2.org.

IAP2 Copyright

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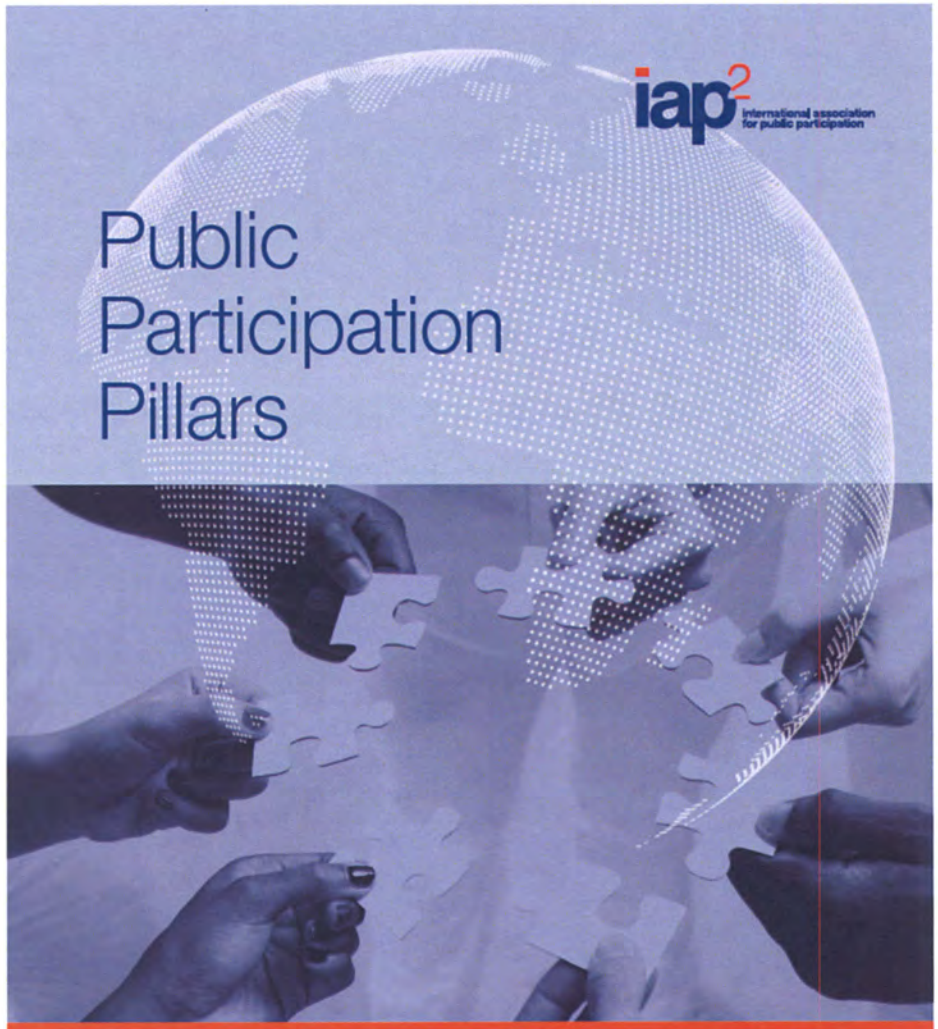

Internationally Recognized Principles for Making Better Decisions Together

3 Pillars for Effective Public Participation

As an international leader in public participation (P2), IAP2 developed three pillars for effective P2 processes. Developed with broad international input, these pillars cross national, cultural and religious boundaries, and they form the foundation of P2 processes that reflect the interests and concerns of all stakeholders.

IAP2 Spectrum of Public Participation | IAP2 Core Values | IAP2 Code of Ethics

IAP2 Spectrum of Public Participation

IAP2 developed The Spectrum of Public Participation to help groups define the public's role in any public engagement process. The Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION →

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

IAP2 Core Values

IAP2 Core Values define the expectations and participation process. P2 processes based on the Core Values have proved to be the most successful and respected.

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

IAP2 Code of Ethics

IAP2 Code of Ethics is a set of principles that guides the actions of P2 practitioners and enhances the integrity of the P2 process.

Purpose: We support public participation as a process to make better decisions that incorporate the interests and concerns of all affected stakeholders and meet the needs of the decision making body.

Role of Practitioner: We will enhance the public's participation in the decision making process and assist decision makers in being responsive to the public's concerns and suggestions.

Trust: We will undertake and encourage actions that build trust and credibility for the process among all the participants.

Defining the Public's Role: We will carefully consider and accurately portray the public's role in the decision making process.

Openness: We will encourage the disclosure of all information relevant to the public's understanding and evaluation of a decision.

Access to the Process: We will ensure that stakeholders have fair and equal access to the public participation process and the opportunity to influence decisions.

Respect for Communities: We will avoid strategies that risk polarizing community interests or that appear to "divide and conquer."

Advocacy: We will advocate for the public participation process and will not advocate for interest, party, or project outcome.

Commitments: We ensure that all commitments made to the public, including those by the decision maker, are made in good faith.

Support of the Practice: We will mentor new practitioners in the field and educate decision makers and the public about the value and use of public participation.

Council Policy

penticton.ca

Approval date: **Resolution No.:**

Subject: Community Engagement

Purpose

The purpose of this policy is to articulate Council's commitment to engage with the community in key decisions and the development of policy, and to provide direction to staff on how to carry out a meaningful and trusted community engagement process.

Scope

This policy applies to the design and execution of community engagement programs and activities conducted by the City of Penticton that are not regulated by provincial legislation.

Policy

The City of Penticton recognizes that the involvement of citizens in making decisions and setting City policy is fundamental to good governance and that their participation improves the decisions by hearing all perspectives, identifying issues early and building understanding of the problem or opportunity. The following guiding principles and policy statements describe the approach to be followed by the City of Penticton in delivering its community engagement program.

Community engagement is guided by best practices

1. The City of Penticton recognizes the International Association for Public Participation (IAP2) as the international standard for effective community engagement. The City's community engagement activities are guided by the IAP2 Public Participation Pillars including the IAP2 Spectrum of Public Participation, the IAP2 Core Values, and the IAP2 Code of Ethics. (For information, see www.iap2.org.)

Community engagement is decision-oriented

2. Engagement must lead to tangible outcomes or decisions which are defined clearly, accurately, and early in the process. The City of Penticton does not undertake community engagement if the public cannot influence the decision or if there is no tangible outcome or decision to be made.

Community engagement is based on the level of public impact

3. The City of Penticton considers the potential level of public impact or interest in the decision or policy to determine the need for community engagement and the level of public involvement before initiating the work. In accordance with the IAP2 Spectrum of Public Participation, the level of engagement increases with the level of impact to citizens.

Community engagement is planned and measured

4. All community engagement activities are supported by a plan that clearly identifies the decision, goals, and desired outcomes of the public's participation. The City of Penticton demonstrates that results and outcomes of the engagement processes are consistent with the approved plans for engagement.

Community engagement is open, transparent and balanced

5. The City of Penticton ensures the public has the information necessary to participate meaningfully in the engagement activities. The City aims to provide information that is timely, complete, balanced and easy to understand. It includes the advantages and disadvantages of the initiative as well as the financial implications and funding sources where appropriate.

Community engagement is inclusive and respectful

6. The City of Penticton works to reach, involve and hear from a representative demographic of the population and takes steps to reduce physical, social, and cultural barriers to participation. Citizens are engaged early in the decision-making process, have a variety of opportunities to be involved, and have sufficient time to review information.

Community engagement is a shared responsibility

7. Council, staff and citizens have a responsibility to participate openly, honestly, respectfully, and constructively. At each level of engagement, all participants understand their roles, responsibilities and authority and recognize that the interest of the community may be greater than the interest of individuals.

Community engagement is collaborative

8. The City of Penticton's engagement processes create opportunities for citizens, staff, and Council to talk to and learn from each other. The process allows for discussion of values, principles, choices, and trade-offs in search of common ground. Council and staff take advantage of the opportunities provided by the engagement program to hear the different perspectives of citizens.

Community engagement is accountable

9. Staff will share the complete findings of the engagement program with Council and the public and report how the results were reflected in their recommendation. The results of the community engagement program are one of several factors considered by Council when they make decisions.

Community engagement is resourced effectively

10. The City of Penticton aims to provide a professional level of quality in its engagement activities. Staff are trained in community engagement and employ best practice tools and templates to ensure consistent and effective planning, implementation and evaluation of the program and services. The City of Penticton leverages internal resources and tools and takes advantage of City-owned venues to minimize costs while still meeting the goals for public involvement. When required, external resources are recruited and managed by Community Engagement staff.

Community engagement is continuously improving

11. The City of Penticton recognizes that community engagement is dynamic and regularly evaluates the program and continuously improves the strategies and techniques to increase participation and improve effectiveness.

Definitions

Community Engagement - defined as any process that involve the public in problem-solving or decision-making and that uses public input to make better decisions. It promotes sustainable decisions by providing participants with the information they need to be involved in a meaningful way, and it communicates to participants how their input affects the decision. The practice of public participation might involve public meetings, surveys, open houses, workshops, advisory committees and other forms of direct involvement with the public.

Certified Correct

_____

Angie Collison, Corporate Officer

2019

COMMUNITY ENGAGEMENT FRAMEWORK

CITY OF Penticton

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Prepared by JoAnne Kleb, Engagement Strategist

The Value of Community Engagement

In today's world, residents are more connected and educated than ever before on the issues that affect their lives. As a result, they expect opportunities to have a say on the decisions that come to City Hall. When they are engaged in a meaningful way and all perspectives are considered, Council makes more informed, trusted decisions.

This framework outlines the approach the City of Penticton has taken to shape community engagement for our municipality. As you'll learn, there is no one-size-fits-all strategy for community engagement. Nor does every initiative or project require community engagement.

We use guiding principles, best practices, and tools to steer our efforts so that when Penticton residents are consulted, they see their participation is valued and that their contributions are making a difference.

What is Community Engagement?

Community engagement describes a wide range of activities aimed at increasing citizen awareness and participation. For us, it means involving residents in the decisions that are most important to you. This ensures the best use of City resources and your time.

"Community engagement is defined as any process that involves the public in problem-solving or decision-making and that uses public input to make better decisions."

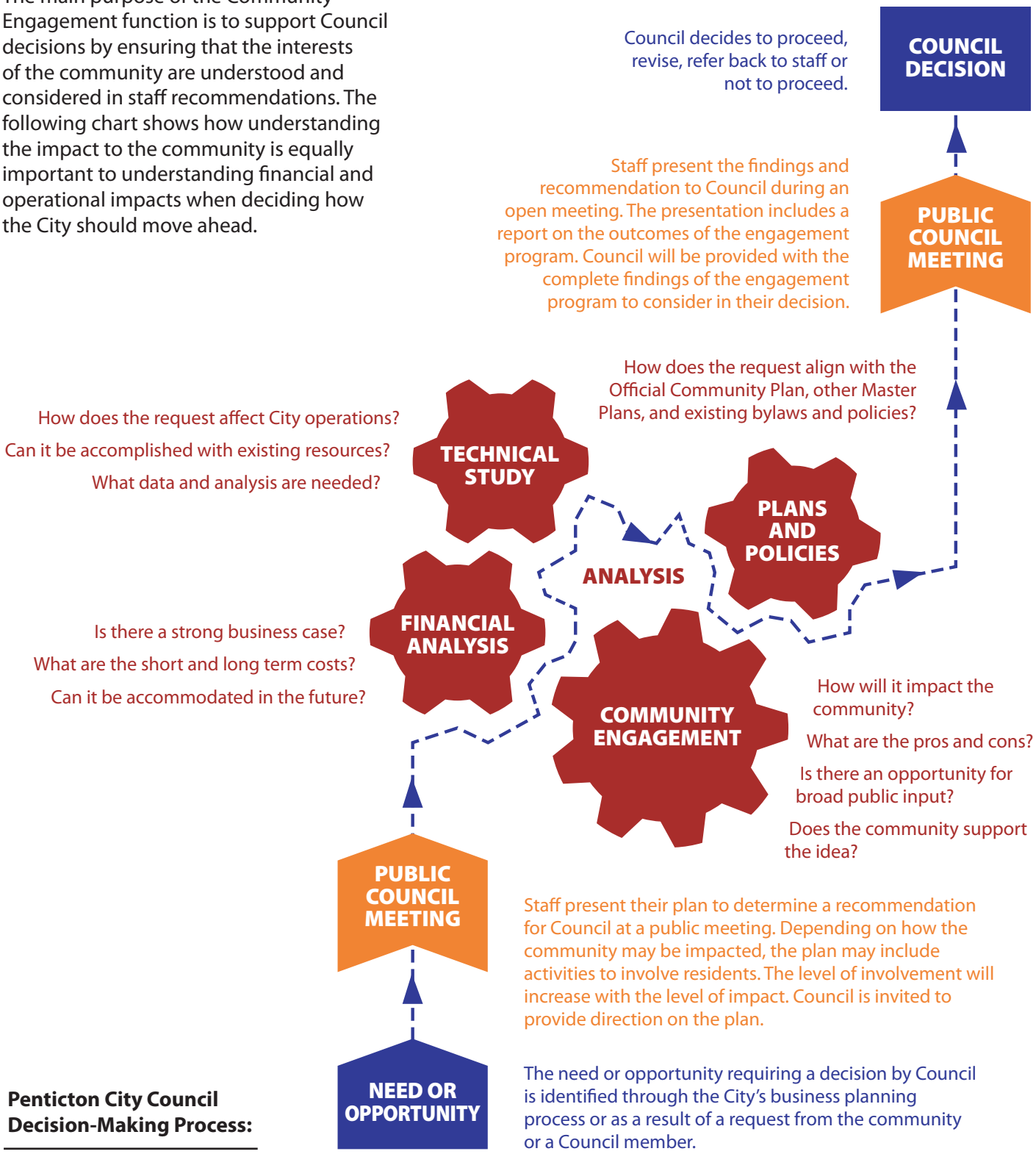
– International Association of Public Participation (IAP2)

Why Engage?

- Supports better, more informed decisions
- Fosters trust between the City and citizens
- Enables more input from diverse audiences
- Increases citizens' sense of civic responsibility and understanding of issues
- Reduces conflict and looks for common ground

Supporting Council Decisions

The main purpose of the Community Engagement function is to support Council decisions by ensuring that the interests of the community are understood and considered in staff recommendations. The following chart shows how understanding the impact to the community is equally important to understanding financial and operational impacts when deciding how the City should move ahead.



Penticton City Council Decision-Making Process:

Who has the final say?

Your Council is elected to represent your interests and community engagement does not replace their responsibility for decision making. The purpose of gaining input from the community is to provide Council with information about the public's opinion and interests to support their decisions.

Steps in the Plan

COMMUNITY ENGAGEMENT

Once the need or opportunity is identified through the City's business planning process or as a result of a request from the community or Council member, these are the steps we follow to determine how to give residents a voice on the civic issues that matter to them.

1 Identify who is affected

Each initiative is reviewed to determine who is affected and how. In addition to identifying stakeholder groups that may have an interest, the City also anticipates the potential interest from the broader community by considering how the decision may affect the City's parks, environment, heritage, arts and culture, affordability, aesthetics, health and safety, parking and traffic, amenities, infrastructure, and the economy.

2 Determining the level of engagement

Once the impacts to the community are understood and the stakeholders are identified, the level of participation is determined. The City bases its recommendation for engagement on the IAP2 Spectrum of Public Participation. The Spectrum provides for increasing levels of participation depending on the impact. In other words, the more you are affected by a decision, the greater your opportunity to get involved.

3 Developing the process and plan

The next step is developing the process and plan. This step aligns the engagement needs with the other types of analyses needed and the outcomes of the project. It identifies the tools and techniques that will be used to involve the public participation and determine the schedule. The process and plan are often shared with Council at a public meeting at the start of the project.

4 Implementing the plan

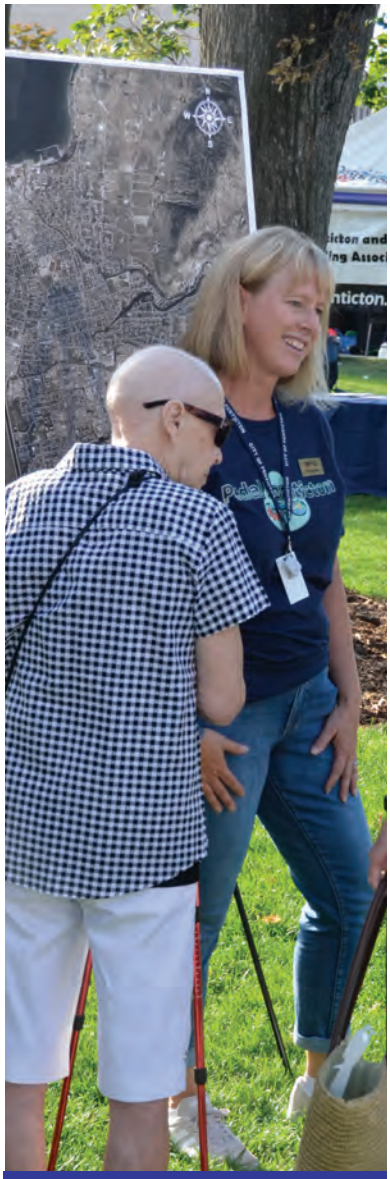
Once the plan is complete, it's time to execute the engagement activities. The City aims to provide at least two weeks notice of any engagement activities through advertisements in local media as well as on the City's communication channels. Where appropriate, the City will seek to use creative formats to encourage participation and make the activity rewarding and meaningful for the participants. Information about the process and the initiative, as well as all events and activities, can be found on shapeyourcitypenticton.ca.

5 Reporting and measuring

Whatever form the engagement takes, it's important to follow up with residents to share how their public input helped shaped the recommendations and decisions made. For larger programs, the City may share a summary of the findings at a Council meeting as well as through local media and the City's communication channels. The complete results will also be available on shapeyourcitypenticton.ca. One of the final steps is an evaluation of the community engagement plan and process to determine opportunities for continuous improvement.

Raising the Bar

The *Community Charter* and the *Local Government Act* define the authority of local governments and guide decision-making in British Columbia. They include requirements for public participation in several areas such as the development of a Financial Plan and Official Community Plan, boundary changes and borrowing of funds. With the creation of the Community Engagement Policy and this framework, we are choosing to involve the community in more decisions.



Factors Influencing Engagement

While this framework aims to provide more structure to how we conduct our engagement program, determining when to involve the community and to what extent is not a scientific process. The City considers how the decision affects the following values of the community to determine the need and the level of involvement.

- Appearance (i.e. aesthetics, view and heights)
- Lifestyle (i.e. nuisance factors and amenities)
- Activity (i.e. parking and traffic)
- Health and Safety (i.e. air quality and water quality)
- Environment (i.e. wildlife, natural areas, parks and ALR)
- Heritage (i.e. historic buildings and community character)
- Culture (i.e. investments in the arts)
- Affordability (i.e. taxes, utilities and fees)
- Assets (i.e. buildings and roads)
- Business (i.e. economic development and operations)
- Finances (i.e. budgets and spending)

It's important to follow up with residents to share how their public input helped.

What is the IAP2 Spectrum of Public Participation?

The City of Penticton recognizes the International Association for Public Participation (IAP2) as the international standard for effective community engagement. The City's community engagement activities are guided by the IAP2 Public Participation Pillars including the IAP2 Spectrum of Public Participation, the IAP2 Core Values, and the IAP2 Code of Ethics.

The IAP2 Spectrum is a continuum that helps us determine the extent to which stakeholders and the community are involved in a decision. The following chart explains the five categories of participation and provides examples of how they have been used to support City of Penticton decisions. The greater the impact, the higher the recommended level of involvement.

Increasing Level of Public Impact

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
TOOLS AND TECHNIQUES	• Fact Sheets • Websites • News releases	• Open Houses • Feedback Forms	• Workshops • Surveys	• Advisory Committees • Charrettes	• Referendum • Alternative Approval Process
PENTICTON EXAMPLES	• Net Metering Returns • Bioreactor Waste Pump Replacement	• Utility Rate Review • Wastewater Solids Handling • Triathlon Strategy	• Retail Cannabis Policy • Utility Rate Review	• Official Community Plan • Parks and Recreation Master Plan • Robinson Property	• SOEC • Skaha Bluffs Boundary Extension

This level is often used when the interest in involvement is fairly low, such as with highly technical or routine decisions.

These levels are often used when the interest is fairly high, such as with decisions about the environment, the economy or future of the city.

This level is reserved for decisions that are regulated by legislation such as borrowing of funds or extension of City borders. This level may also be requested at the discretion of Council.

The City is always looking for new and creative ways to meaningfully involve residents.

Tools and Techniques

We are always looking for new and creative ways to meaningfully involve residents. Here is a description of some of the more common tools used by the City of Penticton to involve the community.

Advisory Committees – Council may choose to recruit a group of citizens with specialized knowledge or experience to participate in a committee to support a specific purpose such as guiding the development of the Official Community Plan or providing recommendations on Parks initiatives. Council-appointed committees are legislated by the Community Charter and have a Terms of Reference to describe their mandate.

Feedback Form – This form is used to gather comments about options or recommendations. Feedback Forms are typically open-ended and require a basic knowledge of the subject matter in order to provide feedback.

Information Session – The purpose of this type of event is to provide a presentation focused on building understanding of a topic. Participants may or may not have the opportunity to ask questions or participate in activities to share their feedback.

Shapeyourcitypenticton.ca – This website houses all information related to projects the City is seeking involvement in. The information is accessible to all interested citizens although registration may be required for participation in some online activities.

We recognize that community engagement is dynamic. We will regularly evaluate the program and continuously improve the strategies and techniques to increase participation and improve effectiveness.

Open House – This is a central event that allows residents to drop by at their convenience to learn more about a topic and discuss it with staff. There will usually be an opportunity to complete a form to leave feedback.

Questionnaire – Interested members of the public will have the opportunity to answer questions about specific topics. Participation is voluntary and results will reflect views of participants only and not the general population. Questionnaires are often used to gather input at the onset of a project where broad community input is needed to identify options and solutions. Questionnaires are useful in assessing the level of interest in a topic within the community.

Survey – A survey is intended to measure public opinion in a scientific manner. Residents are randomly selected to participate and results are considered reflective of the general population. Surveys sometimes require support by consultants and are often used for more challenging topics. Information gathered through a survey helps Council understand public opinion when making decisions. In the City's reports on the findings of a survey or questionnaire, staff will indicate when the results are considered scientific and when they are reflective of the participants alone.

Workshop / Charrette – During these events, participants have a hands-on role in identifying and developing solutions. The workshop may involve a presentation or reading material to prepare participants. These events are very specialized and will usually involve the support of outside consultants to facilitate.

Our Promise to You

In 2019, Penticton City Council approved a Community Engagement Policy that provides direction to staff on how to carry out a meaningful and trusted community engagement process. Here are the principles and commitments included in the policy:

1 **Community engagement is guided by best practices**

The City of Penticton recognizes the International Association for Public Participation (IAP2) as the international standard for effective community engagement. The City's community engagement activities are guided by the IAP2 Public Participation Pillars including the IAP2 Spectrum of Public Participation, the IAP2 Core Values, and the IAP2 Code of Ethics.

2 **Community engagement is decision-oriented**

Engagement must lead to tangible outcomes or decisions which are defined clearly, accurately, and early in the process. The City of Penticton does not undertake community engagement if the public cannot influence the decision or if there is no tangible outcome or decision to be made.

3 **Community engagement is based on the level of public impact**

The City of Penticton considers the potential level of public impact or interest in the decision or policy to determine the need for community engagement and the level of public involvement before initiating the work. In accordance with the IAP2 Spectrum of Public Participation, the level of engagement increases with the level of impact to citizens.

4 **Community engagement is planned and measured**

All community engagement activities are supported by a plan that clearly identifies the decision, goals, and desired outcomes of the public's participation. The City of Penticton demonstrates that results and outcomes of the engagement processes are consistent with the approved plans for engagement.

5 **Community engagement is open, transparent and balanced**

The City of Penticton ensures the public has the information necessary to participate meaningfully in the engagement activities. The City aims to provide information that is timely, complete, balanced and easy to understand. It includes the advantages and disadvantages of the initiative as well as the financial implications and funding sources where appropriate.

6 Community engagement is inclusive and respectful

The City of Penticton works to reach, involve and hear from a representative demographic of the population and takes steps to reduce physical, social, and cultural barriers to participation. Citizens are engaged early in the decision-making process, have a variety of opportunities to be involved, and have sufficient time to review information.

7 Community engagement is a shared responsibility

Council, staff and citizens have a responsibility to participate openly, honestly, respectfully, and constructively. At each level of engagement, all participants understand their roles, responsibilities and authority and recognize that the interest of the community may be greater than the interest of individuals.

8 Community engagement is collaborative

The City of Penticton's engagement processes create opportunities for citizens, staff, and Council to talk to and learn from each other. The process allows for discussion of values, principles, choices, and trade-offs in search of common ground. Council and staff take advantage of the opportunities provided by the engagement program to hear the different perspectives of citizens.

9 Community engagement is accountable

Staff will share the complete findings of the engagement program with Council and the public and report how the results were reflected in their recommendation. The results of the community engagement program are one of several factors considered by Council when they make decisions that they believe are in the best interests of citizens and the City of Penticton.

10 Community engagement is resourced effectively

The City of Penticton aims to provide a professional level of quality in its engagement activities. Staff are trained in community engagement and employ best practice tools and templates to ensure consistent and effective planning, implementation and evaluation of the program and services. The City of Penticton leverages internal resources and tools and takes advantage of City-owned venues to minimize costs while still meeting the goals for public involvement. When required, external resources are recruited and managed by Community Engagement staff.

11 Community engagement is continuously improving

The City of Penticton recognizes that community engagement is dynamic and regularly evaluates the program and continuously improves the strategies and techniques to increase participation and improve effectiveness.

In 2019, Penticton City Council approved a Community Engagement Policy.

We can all do our part – be open to all ideas and respectful of all participants.

Roles of Participants

Council, community engagement and department staff, and citizens all have a role to play to implement the Community Engagement Policy and support the success of the program. Here are various ways we can all do our part:

Community Engagement Staff

- Identify issues that may need or benefit from public participation
- Partner with department staff to design a meaningful and trusted engagement process
- Ensure sufficient time for citizens to learn about and participate in engagement activities
- Provide quality materials and activities to support participation
- Ensure participants have the information needed to participate effectively
- Encourage discussion and understanding of all viewpoints, but not try to influence the input
- Execute as transparently and as effectively as possible
- Document and report the findings to Council and the community
- Evaluate the engagement program and activities
- Continuously build skills and tools for effectiveness
- Uphold the principles of the policy

Department Staff

- Consult community engagement staff about the need for engagement before initiating the work
- Partner with community engagement staff to design a meaningful and trusted process
- Work with community engagement staff to schedule the work and allow enough time to properly develop and implement the program
- Encourage discussion and understanding of all viewpoints but not try to influence the input
- Fully consider findings of the engagement program and report how they are reflected in the recommendation
- Uphold the principles of the policy

Council

- Help to identify the issues that would benefit from public participation
- Review and comment on public participation strategies
- Support the implementation of the policy and framework
- Promote attendance or participation in engagement activities
- Attend and observe engagement activities, but not try to influence the input
- Review the findings of the engagement program
- Consider the results in forming opinions and making decisions
- Support the increasing capacity of the organization to deliver effective engagement programs
- Uphold the principles of the policy

Citizens

- Review materials and become informed
- Be open to all ideas and respectful of all participants
- Adhere to the established process and time frame
- Understand that the outcome may not be as you hoped
- Uphold the principles of the policy

Engagement is all about making better decisions on civic issues.

The process of community engagement gives residents a voice on the civic issues that matter to them.

About shapeyourcitypenticton.ca

One of the most important tools for engagement is the website shapeyourcitypenticton.ca. This website acts as a central hub, housing all information about each project and the opportunities for participation. On this site, you will find the schedule of activities, historical reports or studies, open surveys or forums, and more. While anyone can access the information on the site, registration is required in order to provide feedback. This helps the City minimize the risk of multiple submissions and confirms the location of the person providing feedback. Persons who register can opt in to receive an email every few weeks with an update on projects and engagement activities. Anyone not interested in registering will also have access to paper copies of relevant documents and feedback forms.

Your Privacy

One of the core values of effective engagement is openness and transparency. When you participate in forums on shapeyourcitypenticton.ca or in person at events, your contributions and identity are considered public. When you participate in surveys, questionnaires, or feedback forms, your comments will be available to the public in reports and on the website but your identity will only be known to the staff person who is managing the engagement and will not be made available to other City staff, Council, or members of the public. On occasion, staff will invite participants to provide their contact information in order to be entered into a draw for prizes. Your contact information will be used for draw purposes only and will be kept private.

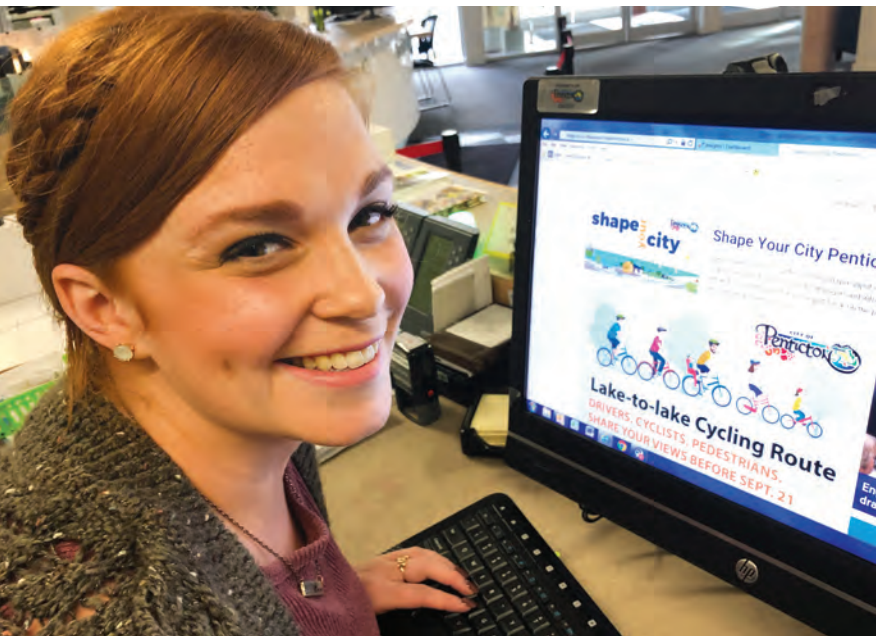
thank you

We wish to express our sincere thanks to all citizens who have participated in our engagement activities to date and have helped build the engagement program.

We would also like to thank the many municipal governments whose community engagement guiding documents inspired the content of our policy and this framework.

The City of Penticton

The greater the level of impact and influence, the greater the level of involvement.



CITY OF Penticton

Survey Report

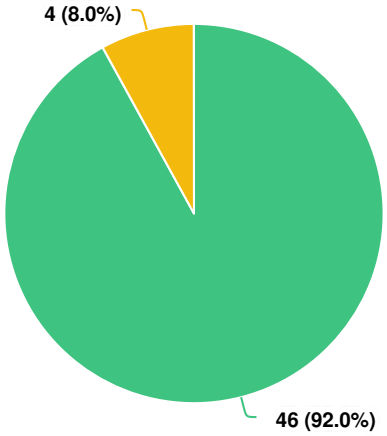
09 May 2016 - 22 October 2019

Engagement Policy Feedback Form

PROJECT: Engagement Policy

Shape Your City Penticton

Q1 Have you participated in an engagement activity with the City? (i.e. completed a survey, participated in a workshop or atte...

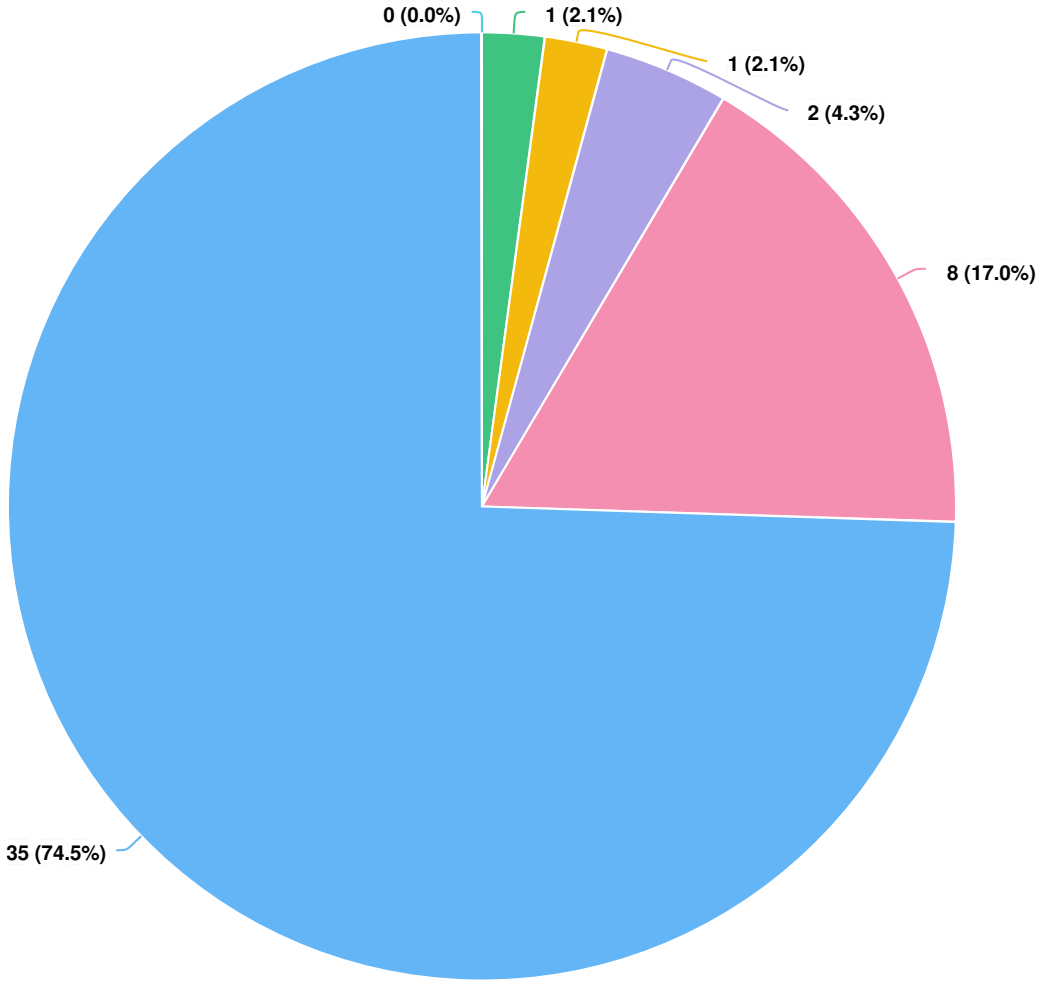


Question options

Yes No

Optional question (50 responses, 0 skipped)

Q2 How important is it to you that the City involve residents in key decisions?

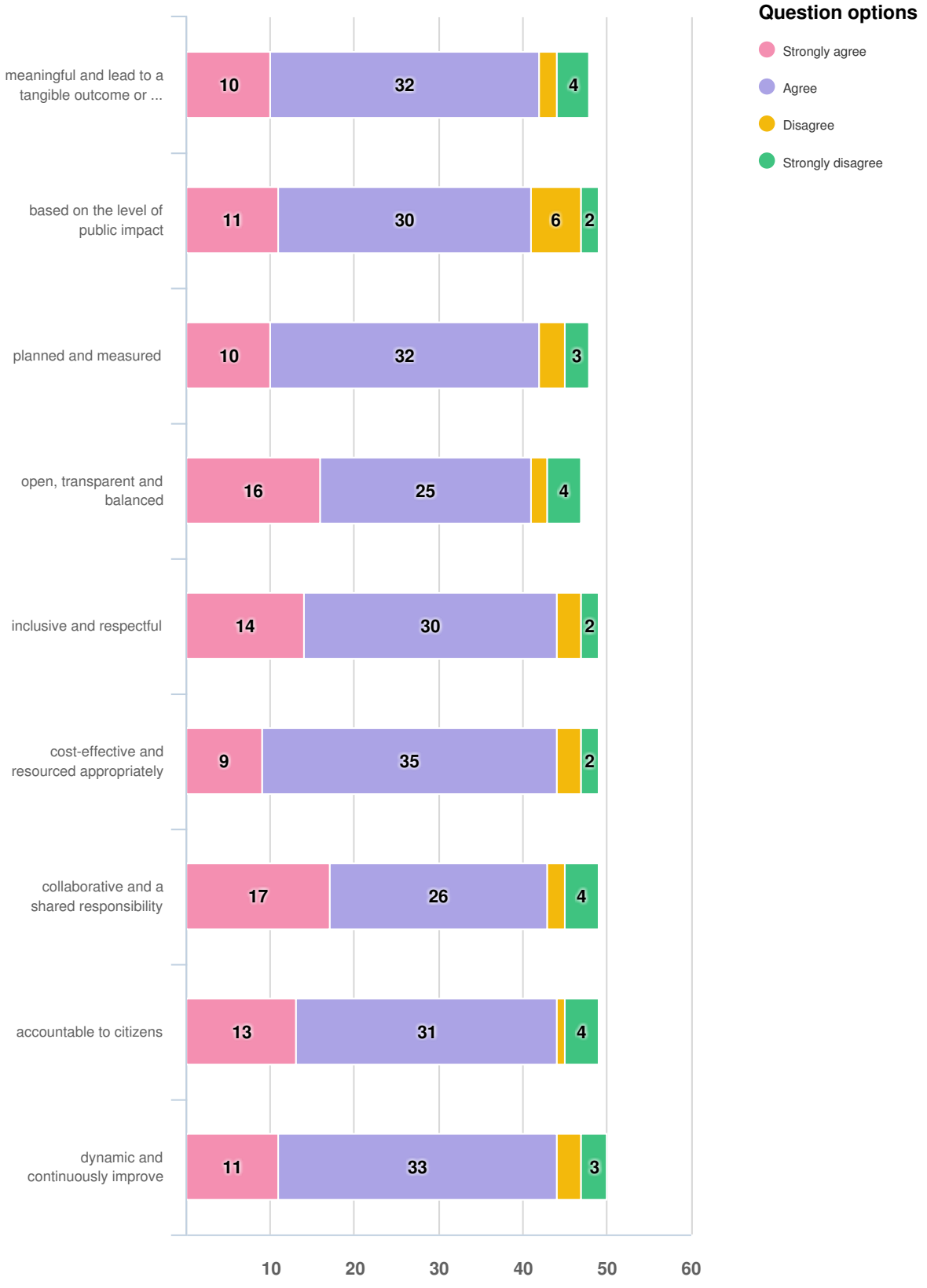


Question options

2 3 4 5 6 Very 1 Not at all

Optional question (47 responses, 3 skipped)

Q5 Rate your level of agreement with the proposed policy statements about the City's engagement program. The community engagement program should be...



Optional question (50 responses, 0 skipped)

Q6 Are any potential policy statements missing from the list?

[redacted]

Our planners make a mockery of public engagement.... one only needs to look at how they wanted to maintain giving tax dollars away to developers and future owners of property worth $1 million or more that don't need them. I also believe the engagement program should report to city council directly and act more as an ombudsman until the principles on which public engagement are firmly entrenched in the organizations and community's culture.
Not sure

Environmentally sustainable / friendly

The engagement program should emphasize a timely response

The caveat that public engagement is proportionate to the level of public impact is not fully articulated so as to hold the staff and Council accountable for their choices. Level of public impact is contextual and as has been shown in the past, dependent upon the voices at the Council table. I would like a more explicit description of how this will be calculated.
In the planned and measured..I hope thought has gone into bike lanes crossing exits from senior centres and senior homes.

Accessible through varied means of connection. Consider those who aren't able to access standard means of communication.

Identifying the need for multiple technology platforms: email Facebook, postal letters or paper form at City Hall, and allow for potential future unknown platforms.
Informative Sharing of facts with citizens

Looks comprehensive to me. No additional suggestions..

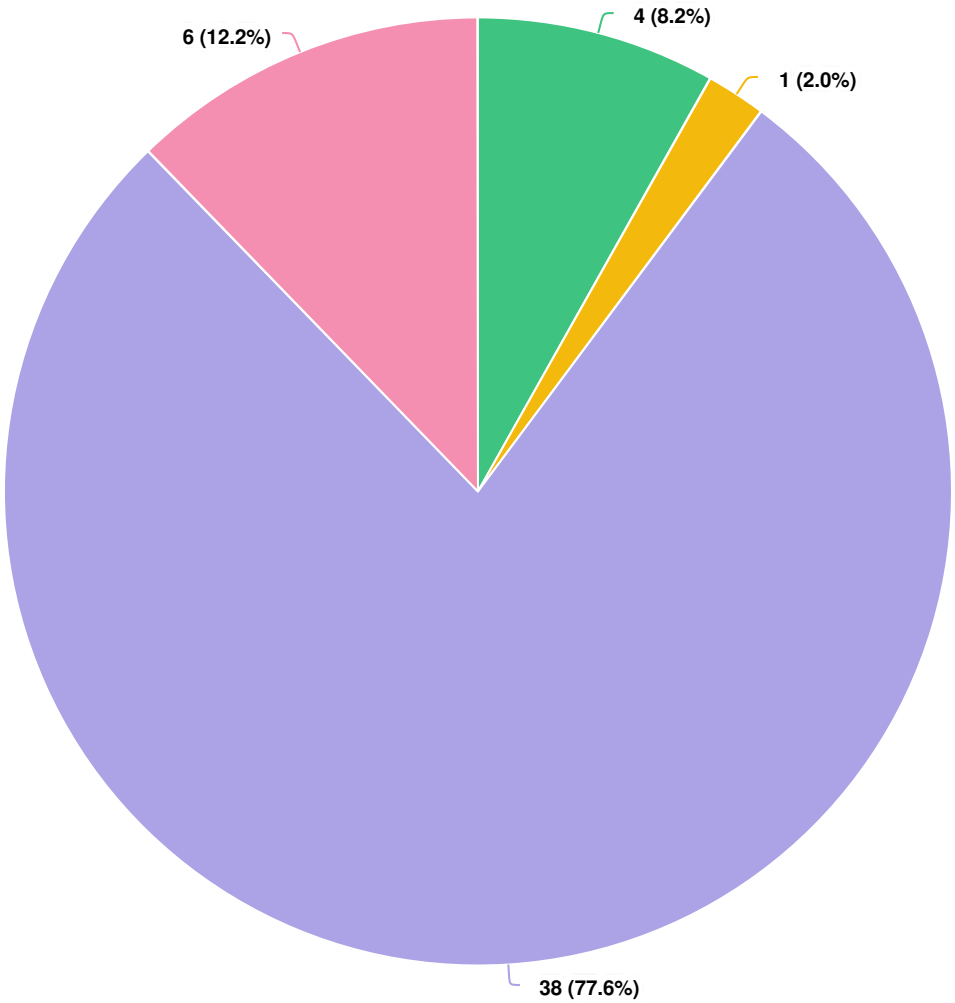
We are never shown any proof of how the outcome was reached. We get a "pat yourself on the back" PAMPHLET at all you've done. No reasons financially or citizen driven alternatives to what you present or why you've reached your conclusions are ever given to the public.
A percentage of public interest must be met for the engagement to move forward to the next step

I can't answer the questions as the policies described are non specific and open to interpretation. I would like a policy that states "no small group of stakeholders will make a recommendation on policy" or " All citizens will have

input" This questionnaire is a prime example of what it shouldn't be. How many different ways can you interpret the questions? For example, open transperent and balanced. I hope balanced doesn't mean a balance between public and commercial interests. Business has a chamber of commerce, the city is supposed to represent us.

Optional question (13 responses, 37 skipped)

Q8 Do you agree that the engagement program aligns with the draft policy?



Question options

Strongly agree Agree Disagree Strongly disagree

Optional question (49 responses, 1 skipped)

Q9 Do you have any other comments or suggestions for the City's engagement program?

[redacted]

See above. We need planners, in particular, and all staff that act as advocates for citizens ... not specific business or interest groups. The public engagement program could be significantly enhanced by slowing down decisions at city as the only thing that needs to happen fast at city hall is good decisions. .... As much as I agree with using the Institute for public participation as guiding principles this who survey should be structured around this to determine the extent to which the city actually complies with them. As it stands, the proposed policy statements are not as clear as the standards and this survey doesn't deal with the extent to which input is considered in making final decisions...

The engagement program seems good, but I'm concerned that the council may defer too much to engagement processes instead of simply making a decision. Informal discussions with councillors already suggests a reluctance to make decisions without getting permission first. It's important that the engagement program does not slow decisions making more than is appropriate for each issue, and councillors must exercise their authority as delegated by the voters.

No

Great work.

To continually adapt and change where and how you target your different audiences based on the issues being discussed. You are doing well now but it always has to be improved on and adjusted with the times and the audience.

Allow for online voting for proposals if one cannot attend in person - eg someone on vacation or in a wheelchair or in hospital for surgery.

We elect city councillors to lead. I expect that they are committed to taking the time to research issues and direct staff to develop policies based on direction from councillors. The current engagement system is flawed. It appears that staff develops policy, presents it to the public, and then tells council that this is what the public wants. There are two problems with this: 1. it gives the impression that the policy came from the public rather than staff (the mayors current position of cannabis shops is an example - it was staff not the public that proposed limits on retail cannabis shops) 2. the public comments on the issues based on emotion and usually from an uninformed position. Members of council should provide direction to staff, staff should develop the policy and then city staff and councillors should sell that policy to the people, explaining why it is the right thing to do. If the current system is expanded, we might as well save a lot of money and do away with council and just have a referendum on policies developed by staff.

[redacted]

Keep up the good work of engaging with the citizens of Penticton. A survey needs to be done on the social problems in the city, especially crime, addictions, homelessness and mental health.
Keep up the good work

Keep up the good work. Remember the city is made up of residents who are passionate about what affects them.

Taking into account, the thoughts and opinions of the public is important. It's good that technology has opened this avenue to be used as a platform this way. Hopefully lots have gotten involved.
It is obvious the what citizens want do NOT make it to a policy. Years of fighting for Skaha Lake Park so the public could have input and council voted to open the marine with no consultation with the Parks Advisory Committee and NO input from citizens. The survey to Rate Your City showed public safety, housing and the THIRD was the environmental concerns. NOTHING ABOUT THE ENVIRONMENT GETS EVEN A MENTION BY CITY COUNCIL. . Nothing done about evasive species in our lakes,nothing done about better recycle programs, nothing done about banning single use plastic bottles-why? Other cities have done it in Canada. NO, YOUR ENGAGEMENT PROGRAM DOES NOT WORK FOR THE CITIZENS it works for the city.
When first made aware of the program, I felt it was likely a public relations gimmick, however I have changed my opinion. It seems focused and responsive so far. I hope the communication with the citizens continues. Please continue to ask for community input.

I think there should be a way for individuals to make their views known to mayor/council apart from speaking at council meetings. Public speaking is way too intimidating.
If a very small amount of citizens show interest in a subject does it warrant the full attention and time of the department? I would like to think that there are some thresholds they would have to meet to have the engagement process dedicated to that issue.
Retain JoAnne Kleb - She has brought the right skills, approach, knowledge and attitude to the task. (Several City staff have and will support her!)

Optional question (17 responses, 33 skipped)

From: City of Penticton
To: Get Connected
Subject: Cpotter completed Engagement Policy Feedback Form
Date: September-16-19 9:53:18 AM

Cpotter just submitted the survey 'Engagement Policy Feedback Form' with the responses below.

Have you participated in an engagement activity with the City? (i.e. completed a survey, participated in a workshop or attended an open house.)

Yes

How important is it to you that the City involve residents in key decisions?

6 Very

What level of interest do you have in being involved in decisions that affect the following?

Community safety and lifestyle (i.e. bylaws and enforcement)	High
Transportation (i.e. parking, bike lanes, bussing and traffic)	
Health and Safety (i.e. air quality and water quality)	Medium
Environment (i.e. wildlife, natural areas, parks and ALR)	High
Heritage (i.e. historic buildings and community character)	Medium
Culture (i.e. investments in the arts)	Medium
Affordability (i.e. taxes, utilities and fees)	High
Assets (i.e. capital projects, buildings and roads)	Medium
Business (i.e. economic development and operations)	Medium
Finances (i.e. budgets and spending)	
Future plans (i.e. Official Community Plan and other Master Plans)	High

Are there any topics missing that you would like involvement in?

No Answer

The City has prepared a draft policy to guide staff in carrying out a meaningful and trusted community engagement process. Rate your level of agreement with the proposed policy statements about the City's engagement process and program.

It should lead to a tangible outcome or decision.	Agree
It should increase with the level of public impact.	Agree
It should be planned and its effectiveness should be measured.	Strongly agree
It should be open, transparent and balanced.	Strongly agree
It should be inclusive, collaborative and respectful.	Strongly agree
It should be cost effective and resourced appropriately.	Strongly agree
It should be dynamic and continuously evolve.	Agree
Its findings should be reported back to participants.	Strongly agree

Are any potential policy statements missing from the list?

No Answer

Do you agree that this policy meets your expectations for Council's commitment to engagement?

Agree

Do you agree that the engagement program aligns with the draft policy?

Agree

Do you have any other comments or suggestions for the City's engagement program?

No Answer

Council Report

penticton.ca

Date: November 5, 2019 File No:
To: Donny van Dyk, Chief Administrative Officer
From: Jim Bauer, Chief Financial Officer

Subject: **Online Accommodation Platform Funds**

Staff Recommendation

THAT Council approve the allocation of Online Accommodation Platforms (OAP) funds for 2019, 2020 and 2021 towards tourism marketing and be included in the Municipal and Regional District Tax forwarded to Travel Penticton.

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

Under changes in 2018 to the Provincial Sales Tax Act (October 2018), the Provincial government announced that the eligible uses of Municipal and Regional District Tax (MRDT) revenues would be expanded to include affordable housing initiatives. At the same time it was announced that online accommodation platforms located outside of BC would be enabled to register to collect provincial sales tax and MRDT on purchases of accommodation through their platform.

In keeping with these announcements, the MRDT Program Requirements have been updated to reflect the changes. In particular, the revised Program Requirements include the following clarifications:

- MRDT revenues from **online accommodation platforms (OAP)** can be used for affordable housing initiatives;
- General or traditional MRDT revenues cannot be used for affordable housing initiatives unless the designated recipient can demonstrate support of tourism stakeholders and accommodation providers; and
- The requirement to demonstrate accommodation support will remain unchanged. Individual hosts that only list on online accommodation platforms will not need to be consulted**.**

The collection and remittance of the OAP/PST is the responsibility of the short term rental (STR) operator with the exception of those who use the Airbnb online booking platform. Airbnb is the only platform provider registered with the Province to collect PST and OAP through the booking process.

In the first six months of 2019 MRDT and OAP taxes received by the City amounted to:

- MRDT = $247,584
- OAP = $44,422

Based on MRDT levels for the first half of 2019, City staff estimates that for 2019 MRDT will be approximately $600,000, down approximately $25,000 from 2018. The expected decreased trend of MRDT for 2019 is likely caused by the removal of some low cost hotel units to social/low income housing and the increased in trend of STR bookings.

Online Accommodation Platform (OAP) revenues for 2019 are estimated between $100,000 to $125,000.

If the OAP funds or part of were directed to affordable housing, it could be allocated to the existing Affordable Housing reserve, which could accumulate substantial funds for acquiring, constructing or renovating housing initiatives. This could be combined with other provincial programs in place for affordable housing projects. Staff have confirmed with the Province that funds can be earmarked and saved for the purpose of developing housing projects, and accumulated year over year.

Should the City wish to use OAP funds for Affordable Housing this needs to be confirmed by the Province before November 30th.

Financial implication

The new OAP tax funds remitted to the City are projected to be between $100,000 to $125,000 in 2019. The City's only ability to use these funds for City purposes would be to designate them for affordable housing. OAP funding would not be eligible to fund any other City operations.

Analysis

Staff have had a number of discussions with Travel Penticton regarding the OAP/PST program changes.

There is acknowledgement of the needs that exist for affordable housing, however there is also a recognition the overall intent of OAP program was to level the playing field between traditional accommodation providers and those accessing online platforms, so all accommodators collect the MRDT which ultimately contributes to tourism marketing in their region.

A need also exists for the City to improve overall aesthetics of the community and activate City assets to support major events in the community that align closely with the visitor experience in the City. This includes welcome signs, staff uniforms, roadside banners, celebratory decaling of city vehicles and other city owned assets.

Should OAP revenue be rolled into the MRDT program it would provide Travel Penticton with additional revenues to further expand their tourism marketing initiatives.

Travel Penticton appreciates the need to refresh the overall aesthetics of the City. In light of this need should OAP funds be directed into the MRDT program Travel Penticton is proposing to rebate $50,000 annually back to the City in conjunction with the length of the current MRDT contract. City staff would work collaboratively with Travel Penticton to ensure these funds improve City aesthetics and align with Travel Penticton tourism marketing efforts.

Alternate recommendations

THAT Council approve the allocation of the Online Accommodation Provider (OAP) funds for 2019, 2020, 2021 towards affordable housing, with the funds being deposited into the affordable housing reserve.

THAT Council approve allocation of the Online Accommodation Provider (OAP) funds for 2018, 2019, 2020 to be split on some ratio determined by Council between the City and Travel Penticton with the City's portion being directed towards affordable housing, and the funds being deposited into the affordable housing reserve.

Respectfully submitted,

Jim Bauer
Chief Financial Officer

Chief Administrative Officer
DvD

Council Report

penticton.ca

Date: November 5, 2019 File No: 1715-05
To: Donny van Dyk, Chief Administrative Officer
From: Wesley Renaud, Budget Analyst
Subject: **Fees and Charges Amendment Bylaw No. 2019-37**

Staff Recommendation

THAT Council give first, second, and third reading to "Fees and Charges Amendment Bylaw No. 2019-37".

Background

As provided for in the *Community Charter*, fees and charges are used to recover the cost of services provided wherever possible, and as an alternative to property taxation. On an annual basis, staff consider the following factors when setting fees and charges:

- Inflation;
- Changes that bring the City's fees in line with other neighboring markets;
- Changes that are intended to bring the City closer to full cost recovery;
- New or deleted Fees and Charges related to new services or billing methodologies
- *Community Charter* restrictions.

This report summarizes the proposed annual updates to the City of Penticton's 2020 Fees and Charges Amendment Bylaw.

Financial implication

The revised Fees and Charges rates are an important component in finalizing the proposed 2020-2024 Financial Plan.

Analysis of changes

Below are highlights of the changes that are included in the supporting tables. Standard inflationary increases (generally 1.5%-2.5% per year) are not highlighted below due to the volume of changes. Some rates may have higher inflationary increases in 2020 if the rate hasn't changed in recent years and needs to be caught up. Please refer to the supporting tables for details on all rate changes (all 2020 rate changes are highlighted in yellow).

Appendix 1: Administrative Rates

- Adjusted Freedom of Information Protection of Privacy - Requests for Information fees to reference B.C. regulation 155/2012 for non-commercial and media applicants. For commercial applicants, the actual cost will now be charged rather than have a $20 minimum.

Appendix 2: Dog Control

- Increased daily impoundment maintenance fees by $10 for regular dogs and $20 for dangerous dogs to cover the increased cost of food and supplies and bring in line with market rates.
- Added $75 fee for impoundment of a dog without a valid license. This fee is for the collection and care of an impounded dog is being introduced in order to incentivize dog owners to get a license.
- As a result of the forgoing items, staff expect an overall revenue increase of $3,200.

Appendix 3: Arena Rates

- Adjusted public skating rates in order to reflect a rounded number (including GST) in the fitness guide and to reduce the taxpayer subsidy.
- As a result of the forgoing item and the items contained in appendix 10, 21 and 24, staff expect an overall revenue increase of $60,000.

Appendix 4: Building Department Fees

Since 2016, Building and Licensing fees have not seen a significant increase with only minor changes to flat rates and professional discounts. The majority of changes have been modified for inflationary purposes ranging from 2.86 to 5%. Valuations that have not been modified are the result of fee change increases in recent years.

The following fee changes are recommended upon evaluating the department operating cost for 2020 in ensuring and maintaining high customer service levels, continue department improvements & enforcement and supportive department costs. In most cases changes proposed relate to inflationary costs and collective agreement pay grade re-structuring to stay competitive with the growing demand on trained professional Building Officials within the Province.

- For permits based on value of construction:
    - Introduction of new construction value range to reflect service levels in plan review and inspections for smaller to mid-size projects, typically involving new Building Code and Building Bylaw provisions for Simple (Part 9) buildings. Discounts provided where registered professionals are required.
- Professional discounts:
    - Modified to match other communities for complex building discounts and wording consistent with provincial legislation. Under legislation a discount of building permit fee is required when under the supervision of a registered professional. However, it does not specify the amount and 5% appears to be typical for complex buildings.
    - New mid-construction blower door test refund for all new Simple (Part 9) residential projects, issued as of January 1, 2020 as an incentive to encourage better building practices and avoid costly corrections and delays at time of occupancy.

- Implementing sidewalk use fees for 100 and 200 block of Main Street as 3 year exemptions will expire by 2020.
- Increased secondary suites fee by $100 to better reflect staff resources for plan reviews and site inspections.

Appendix 5: Business Licensing

- Increased change of location fee by $25 to help offset costs of staff resources for file and site reviews.
- Increased vacation rental application fee by $5 to help offset costs of staff resources for file and site reviews.
- Increased downtown farmer's market fee by $100 per year. There has been no increase since the inception of the licensing of the market.
- Increased downtown community market fee by $250 per year. There has been no increase since the inception of the licensing of the market.
- Added non-refundable deposit of $80 to cover staff time for initial review of standard business licenses. Will be credited to business license fee if approved.
- Added non-refundable deposit of $250 to cover staff time for initial review (including public consultation) of short-term rental applications. Will be credited to business license fee if approved.
- Adjusted business license fee methodology pertaining to vacation rental & bed and breakfasts as a result of tourism fees being replaced by the new Municipal and Regional District Tax (MRDT). With the expansion of the existing hotel MRDT taxation to include most short term vacation rental operations, Staff are suggesting that the existing Tourism Fee be removed and business license fees be adjusted to accommodate the 50% loss of Tourism fee revenue allotted for Business License staff resources and non-compliance tracking.
- As a result of the forgoing items, staff expect an overall business license revenue increase of $25,000.

Appendix 6: Cemetery

- The 2013 Cemetery Master Plan recommended annual price increases of 3% to offset cost escalation due to inflation and changing demographic and disposition trends. Thus, staff have increased cemetery fees by 3% (rounded to the nearest dollar), with the exception of the below points.
- In late 2018, Staff introduced new products such as upright marker plots and family estate plots. Prices were set at that time and these prices haven't been increased for 2020.
- Price increased $61 for Columbarium niche in order to adequately fund the care fund as per the Cremation, Internment, and Funeral Services Act (CIFSA) which states that the care fund contribution must be not less than 10% of the selling price.
- Price increased $2,321 for Mausoleum crypts in order to adequately fund the care fund as per the Cremation, Internment, and Funeral Services Act (CIFSA) which states that the care fund contribution must be not less than 10% of the selling price.

Appendix 7: Electric

- Updated applicable fees in accordance with 2019 rate review.
- Updated miscellaneous service call fees to better reflect cost of service (material and labour).

Appendix 8: Equipment Rates

- Phasing in equipment rate increases to reflect replacement cost instead of historical cost in order to ensure adequate funding in the equipment replacement reserve.
- As a result of these increases, fleet revenue is increasing by $46,935.

Appendix 10: Fitness

- Added a family rate to the fitness room to align with family rates offered in other areas, such as the pool.
- Adjusted all rates in order to reflect a rounded number (including GST) in the fitness guide and to reduce taxpayer subsidy.

Appendix 18: Parking

- Increasing off street scramble parking by $5 to align with comparable municipalities.
- Increasing off street reserved parking by $10 to align with comparable municipalities.
- Increased application fee for sidewalk closure and parking meter rental permits by $20 in order to cover staff costs of processing the application.
- Re-introducing resident only parking area fees in order to cover administrative costs, administering changes/expansion to the zones, and to cover the cost of bylaw officers patrolling areas.
- Increasing on street hourly parking rate by 25 cents to cover ongoing maintenance of parking meter heads and increased labour costs.
    - Increasing hourly parking charge from $1 to $1.25 for street parking is estimated to provide $56,000 per year of revenue.
- Increasing hourly charge by 25 cents in downtown City parking lots to cover increased labour costs
    - Increasing hourly parking charge from $1 to $1.25 in city lots is estimated to provide $12,000 per year of revenue.

Appendix 19: Parks & Sports Fields

- Added $8.61 daily rental fee for garbage and recycling cans, and reduced one-time fee for delivery/removal of garbage/recycling cans from $53.06 to $33.78, which is consistent with picnic table rental fees.
- Increased bleacher rental fees in order to better cover maintenance costs.
- Increased barricade/signs delivery/removal by up to 4.09% (varies depending on # of signs) to cover increased labour and fuel costs.
- Removed fee for delivery/removal of water stands at Gyro Park as this fee was implemented before water access was added to the pedestals.

Appendix 20: Planning

- Removed some discounts for joint applications.
- Added landscape inspection fees to cover staff time.

Appendix 21: Pool

- Adjusted rates in order to reflect a rounded number (including GST) in the fitness guide and to reduce taxpayer subsidy.

Appendix 23: RCMP

- Removed chauffer's permits as this function has been taken over by the Province (was a revenue neutral item).
- Added fingerprinting fee of $30.
- Increased most fees by $5 as most fees haven't been increased since 2013-2015.

Appendix 24: Recreation – Miscellaneous

- Reduced member card replacement fee by 4.76% as it is now cheaper to issue replacement cards with new system.
- Increased gymnasium drop-in and service fees by $0.13 to $0.93 to better cover costs of programs and to round the fee to the nearest $0.25 (after GST).

Appendix 25: Sanitary Sewer

- Updated applicable fees in accordance with 2019 rate review.
- Updated miscellaneous service fees to better reflect cost of service (material and labour).

Appendix 29: Water

- Updated applicable fees in accordance with 2019 rate review.
- Updated miscellaneous service call fees to better reflect cost of service (material and labour).
- Matched administration rates and connection fees with the electrical utility fees.

Appendix 31: Storm Water

- Annual user fee increases average 50.45% for 2020, per the rate review performed by InterGroup Consulting in 2017. While the percentage makes it appear to be a large increase, the Residential increase is between $5.60 and $16.90 per year; Farm/Recreational/Non Profit/Supportive Housing increase is $10.50 per year; and Business/Light Industry/Major Industry/Utilities is $21.40 to $48 per year.
- Storm water direct connect fees have also increased per the rate review performed by InterGroup Consulting in 2017.

The following appendices remain unchanged from the last fees & charges update:

- Appendix 12: Human Resources
- Appendix 15: Marinas
- Appendix 17: Museum
- Appendix 22: Public Works
- Appendix 26: Theatre
- Appendix 27: Transit
- Appendix 30: Nuisance

Alternate recommendations

THAT Council direct staff to make changes to the appendices.

Attachments

Attachment – Fees and Charges Amendment Bylaw No. 2019-37

Respectfully submitted,

Wes Renaud
Budget Analyst

Chief Administrative Officer	Chief Financial Officer	GM Infrastructure	Acting Director Development Services
DvD	JWN		BJ

The Corporation of the City of Penticton

Bylaw No. 2019-37

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

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

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

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

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2019-37".

2. **Amendment:**

"Fees and Charges Bylaw No. 2014-07" is amended as follows:

2.1 Delete and replace the following appendices in their entirety:

- Appendix 1 – Administrative Rates
- Appendix 2 – Dog Control – Dog Kennel, Licence and Penalty Charges
- Appendix 3 – Arena Rates (McLaren)
- Appendix 4 – Building Department Fees
- Appendix 5 – Business Licence Fee
- Appendix 6 – Cemetery
- Appendix 7 – Electric
- Appendix 8 – Equipment Rates
- Appendix 9 – Fire Department
- Appendix 10 – Fitness Room
- Appendix 11 – Garbage Rates
- Appendix 13 – Information Technology
- Appendix 14 – Liquor Licences
- Appendix 16 – Meeting Rooms/Activity Spaces
- Appendix 18 - Parking
- Appendix 19 – Parks and Sports Fields
- Appendix 20 – Planning and Development
- Appendix 21 – Pool/Aquatics
- Appendix 23 - RCMP
- Appendix 24 – Recreation – Miscellaneous
- Appendix 25 – Sewer
- Appendix 28 – Vending Fees
- Appendix 29 – Water
- Appendix 31 – Storm Water Utility

2.3 Appendices 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 18, 19, 20, 21, 23, 24, 25, 28, 29, 31 attached hereto forms part of this bylaw.

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

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Appendix 1

ADMINISTRATIVE RATES	2019	2020
Historical Information Search (per hour, I hour minimum)	$37.00	$37.00
Mortgage Roll Register (hard or electronic copy) - price per folio*	$10.00	$10.00
N.S.F. Cheques	$30.00	$30.00
Manual Tax Search - written*	$30.00	$30.00
Manual Tax Search - verbal*	$10.00	$10.00
Online Tax Search - per tax roll*	$10.00	$10.00
Online Tax Search - per utility account*	$10.00	$10.00
Monthly Billing/Postage Fee for Electric and Water Bills*	$1.00	$1.00
~~Freedom of Information requests fees shall be as prescribed by BC Reg 155 2012 as amended or replaced from time to time~~		
Interest rate on Accounts Receivable in arrears	2% per Month	2% per Month
~~Commercial Freedom of Information Request Minimum Fee (all commercial requests except Media)~~	~~$20.00~~	

Freedom of Information Protection of Privacy - Requests for Information

Non Commercial and Media Applicants	Per *Regulation B.C.*
Commercial Applicants	Actual Cost

Transferring payments

Account Transfer (first time - fee waived)	$25.00	$25.00
Refund overpayment (excludes final overpaid utility accounts)	$25.00	$25.00

Photocopying (black and white) - per page (letter and legal)*	$0.30	$0.30
Photocopying (black and white) - per page (ledger)*	$0.50	$0.50
Photocopying (colour) - per page (letter and legal)*	$1.00	$1.00
Photocopying (colour) - per page (ledger)*	$1.25	$1.25

*** GST applicable**

Appendix 2

DOG CONTROL - DOG KENNEL, LICENCE AND PENALTY CHARGES	2019	2020
Licence Fee if purchased prior to January 31st		
Unspayed or Unneutered Dog*	$62.00	$63.50
~~Dog Licence - Female Dog~~	~~*$62.00~~	
License fees for new dogs brought into the City after June 30th	50% off the licence fee	50% off the licence fee
Spayed or Neutered Dog (where proof from a veterinarian or sworn declaration is provided)	$31.00	$31.50
*If an owner provides proof of spaying or neutering, the difference in the fee will be refunded		
Foster Care Dog (where Foster Care Permit is provided)	No Charge	No Charge
Licence Fee Late Charge (purchased after January 31st)		
Unspayed or Unneutered Dog	$72.00	$73.50
Spayed or Neutered Dog (where proof from a veterinarian or sworn declaration is provided)	$41.00	$42.00
Service, Guide or RCMP Dog (where certification is provided)	No Charge	No Charge
Foster Care Dog (where Foster Care Permit is provided)	No Charge	No Charge
Replacement Tag		
Replacement for lost tag for the non-expired period of the current licence year	$10.00	$10.00
Owner holding a valid and current licence from another BC Local Government	$10.00	$10.00
Impoundment of a dog with a valid licence:		
First offence	$25.00	$25.50
Second offence	$50.00	$51.00
Third offence	$75.00	$76.50
Fourth and each subsequent offence**	$100.00	$102.00
** increasing by $200.00 for each subsequent impoundment		
Impoundment of a dog Without a valid licence:		
First offence		$75.00
Impoundment of an aggressive or dangerous dog with a valid licence:		
First offence	$250.00	$255.00
Second offence	$350.00	$357.00
Third offence	$450.00	$459.00
Fourth and each subsequent offence***	$500.00	$510.00
***increasing by $300.00 for each subsequent impoundment		
Impoundment Maintenance Fee		
Maintenance fee per day or part day of impoundment	$20.00	$30.00
Maintenance fee per day or part day for impoundment of a dangerous dog	$30.00	$50.00
Disposal Fees		
Euthenasia	$60.00	$61.50
Disposal Fees	$35.00	$35.50
Pick up dog carcass	$30.00	$30.50
Veterinarian Exam/Treatment		
Examination or treatment by a licensed veterinarian	Actual Cost	Actual Cost
Kennel Operation Permits		
Commercial Kennel Operation Permit (includes 2 licence tags)	Requires Business Licence	Requires Business Licence
Hobby Kennel Operation Permit	$25.00	$25.00
Foster Care Permit (includes 2 dog tags)	$25.00	$25.00

Appendix 3

Arena Hourly Rates (McLaren)	Effective April 1, 2019	Effective April 1, 2020
Ice in		
Non Profit/Local		
Child/Youth	$88.74	$90.51
Adult	$163.20	$166.46
Non School District 67 Schools*	$44.37	$45.26
Local Private	$165.24	$168.54
Local Commercial	$179.52	$183.11
Non Resident	$168.30	$171.67
Ice Out (Dry Floor)		
Non Profit/Local		
Child/Youth	$35.96	$36.68
Adult	$53.91	$54.99
Non School District 67 Schools*	$17.98	$18.34
Commercial Day Rate (8 hours)	$800.00	$800.00
Local Private	$53.91	$54.99
Local Commercial	$139.72	$142.51
Non Resident	$56.56	$57.69

Appendix 3		
Arena Hourly Rates (McLaren)	**Effective April 1, 2019**	**Effective April 1, 2020**
Admission Rates - Public Skating		
Single Admission		
Preschool	$1.70	$1.90
Child	$2.67	$2.86
Youth	$3.64	$3.81
Adult	$4.38	$4.52
Senior	$3.64	$3.81
Super Senior	$2.67	$2.86
Family	$11.17	$11.43
Parent & Tot -Adult	$2.67	$2.86
Parent & Tot -preschooler	$1.70	$1.90
Skate Rentals	$3.64	$3.81
Skate Rentals preschooler	$2.67	$2.86
Skate rentals - school	$2.67	$2.86

Appendix 3

Arena Hourly Rates (McLaren)	Effective April 1, 2019	Effective April 1, 2020
10 Tickets		
Preschool	$15.33	$17.14
Child	$24.05	$25.71
Youth	$32.77	$34.29
Adult	$39.38	$40.00
Senior	$32.77	$34.29
Super Senior	$24.05	$25.71
Family	$100.52	$102.86
Parent & Tot -Adult	$24.05	$25.71
Parent & Tot -preschooler	$15.33	$17.14

Community Centre/McLaren Arena Meeting Room

Non Profit/Local		
Child/Youth	$12.13	$12.38
Adult	$12.13	$12.38
Non School District 67 Schools*	$9.10	$9.28
Local Private	$15.35	$15.65
Local Commercial	$26.86	$27.39
Non-Resident	$38.37	$39.13

Non School District 67 Schools* are defined as grade schools (K-12) located

Appendix 4

BUILDING DEPARTMENT FEES	2019	2020
Building Application Fees		
A non-refundable deposit is required at time of building permit application (credited towards end of Building Permit Fee)	$175.00	$180.00
$1.00 - $25,000 (Flat Fee)	$175.00	$180.00
$25,001 - $500,000		$180.00 + $12.00 per $1,000 of Construction Value
$500,001 - $1,500,000	$175.00 + $12.00 per $1,000 of Construction Value	$5880.00 + $11.00 per $1,000 of Construction Value
over $1,500,000	$5,875 +$10.00 per $1,000 of Construction Value	$11,000.00 + $10.00 per $1,000 of Construction Value
Security Deposits		
Foundation Only Permit Security (Complex Buildings only)	$25,000.00	$25,000.00
Relocating a home, including a manufactured home	$500.00	$520.00
Temporary Building Permit Security	the greater of $500.00 or 10% of the value of the temporary building.	the greater of $500.00 or 10% of the value of the temporary building.
Partial Occupancy security	the greater of $500.00 or 10% of the original value of the building permit fee.	the greater of $500.00 or 10% of the original value of the building permit fee.
Plumbing Fees		
Minimum application (up to 10 Fixtures - including water/sanitary/storm service replacement)	$75.00	$80.00
Per Fixture thereafter	$10.00	$10.00
For Alteration to an existing system where there are no fixture count changes	$75.00	$80.00
Site Plumbing		
Single and Two family dwellings		
Water service inspection fee per unit	$35.00	$35.00
Sanitary service inspection fee per unit	$35.00	$35.00
Storm service inspection fee per unit	$35.00	$35.00
Combined water and sewer service inspection fee per unit	NA	NA
Combined water, sewer and storm service inspection fee per unit	NA	NA
Water service inspection fee, except single and two family dwellings		
First 15 m, or part thereof, plus	$35.00	$35.00
Each additional 15 m, or part thereof	$25.00	$25.00
Sanitary service inspection fee, except single and two family dwellings		
First 15 m, or part thereof, plus	$35.00	$35.00
Each additional 15 m, or part thereof	$25.00	$25.00
Storm service inspection fee, except single and two family dwellings		
First 15 m, or part thereof, plus	$35.00	$35.00
Each additional 15 m, or part thereof	$25.00	$25.00
Each storm catch basin, sump or oil/grease interceptor	$25.00	$25.00
Sprinkler Permits (Including site works)		
For first ten (10) sprinkler heads	$175.00	$180.00
For each additional sprinkler head	$2.00	$2.00
For each Siamese connection, standpipe, hose cabinet, hose outlet	$25.00	$25.00
First 15 m of underground fire lines of portion thereof, plus	$75.00	$75.00
each additional 15 m of fire lines of portion thereof.	$25.00	$25.00
Each private fire hydrant on private property	$25.00	$25.00
Mechanical Permits (Building)		
New or Replacement of Mechanical System in a Single or Two Family Dwelling	$75.00	$80.00
New installation or replacement of a spray booth or commercial cooking ventilation system	$250.00	$260.00
Demolition Fees		
Removal of Building(s) on a property	$175.00	$180.00
Security Deposit - refunded upon completion of works and confirmation of hazardous material assessment and appropriate disposal of waste	$500.00	$500.00

Appendix 4		
BUILDING DEPARTMENT FEES	**2019**	**2020**
Security Deposit - pre-utility disconnect agreement- refunded upon completion of works and confirmation of hazardous material assessment and appropriate disposal of waste	$1,000.00	$1,000.00
Locating/Relocating a Building or Structure		
Minimum Fee for relocating/placement of mobile home or accessory structure, plus	$250.00	$260.00
Minimum Fee for relocating/placement of an existing building or manufactured home, plus	$1,000.00	$1,050.00
Additional Building Permit Fee for new work on site for foundations, cribbing, etc.	Calculated as per building application fees above	Calculated as per building application fees above
Permit Reductions and Additional Charges **Reductions**		
Complex (Part 3) Building Projects - Where the City has stated in writing that it is relying on the Certification by a Professional Engineer or Architect, registered as such under Provincial Legislation, that the plans or the aspects of the plans, complied with the Building Code or other applicable enactment.	5% for Registered Coordinating Professional 5% per Registered Professional discipline up to a maximum of 15% (including RPC if used as well as RP)	5%
Simple (Part 9) Building Projects - Where the City has stated in writing that it is relying on the Certification by Professional Engineers, registered as such under Provincial Legislation, that the plans or the aspects of the plans, complied with the Building	10% for every Registered Professional Discipline up to 20% maximum	10% for every Registerd Professional Discipline up to 20% maximum.
Plumbing Permit Homeowner Surcharge	$50 or 25% (whichever is greater) surcharge for Single Family new construction and renovation projects completed by home owners	$50 or 25% (whichever is greater) surcharge for Single Family new construction and renovation projects completed by home owners
BC Energy Step Code - building permit refund for residential projects designed and certified to Step 03 at time of Occupancy.	5%	5%
Mid-construction blower door test refund for all new Simple (Part 9) residential projects, issued as of January 01, 2020.		$250 (per residential unit)
Additional Fees		
Plan Check Fee - For review of revised drawings where more than two plan checks have been submitted or substantial changes to the approved design during construction that requires additional Building Code or Zoning Reviews	$100.00	$105.00 (Plus GST)
Re-Inspection Penalty	$175.00 where more than two inspections have been called for. Fee must be paid in full prior to any additional inspections or completion certificate granted.	$180.00 where more than two inspections have been called for. Fee must be paid in full prior to any additional inspections or completion certificate granted. (Plus GST)
Alternative Building Code Solutions Review	$200.00 per alternate solution or substantial revision to approved alternate solution	$210.00 per alternate solution or substantial revision to approved alternate solution. (Plus GST)
After hours inspections or permit application review (minimum one hour)	$175.00 for first hour and $75.00 for every subsequent hour	$180.00 for first hour and $80.00 for every subsequent hour. (Plus GST)
Preliminary Application Reviews - For Stratifications and potential change of use inquiries, file searches and / or site inspections prior to permit applications.	$250.00	$260.00

Appendix 4

BUILDING DEPARTMENT FEES	2019	2020
Earthworks	$250.00	$260.00
Annual Backflow test filing fee per device	$14.45	$14.45
Blasting Permit	$250.00	$260.00
Other Miscellaneous Building Permit Fees		
Permit to install a fireplace/stove or chimney	$175.00	$180.00
Swimming Pool Permit (Private)	$175.00	$180.00
Foundation Permit - Additional Application to above grade Building Permit, plus	$175.00	$180.00
Additional Fee shall be charged based on the estimated cost of construction	Calculated as per Section 2	Calculated as per Section 3
Secondary Suite	$300.00	$400.00
Crane Permits	$175.00	$180.00
Change of Use or Occupancy when a Building Permit is not required	$175.00	$180.00
Permit Extension Fee - when existing Building Permit has expired	$100 or 10% of original permit fee(s), whichever is greater	$105 or 10% of original permit fee(s), whichever is greater
Permit Transfer Fee	$100.00	$105.00 (Plus GST)
Development Application Refunds Refunds with respect to development application are to be addressed in the following manner: **Building and Plumbing Permit Fee Refund:** Building and or Plumbing Permit application submitted, permit not issued – Upon cancellation of the Building and or Plumbing Permit application, refund Building Permit and or Plumbing Permit fees less an administrative fee of:		
For Single Family, Duplex and smaller developments	$500.00 plus $200.00 for each Alternative Solution requested	$500.00 plus $200.00 for each Alternative Solution requested
For all other larger developments	$1000.00 plus $200.00 for each Alternative Solution Requested	$1000.00 plus $200.00 for each Alternative Solution Requested
Building and or Plumbing Permit issued, no construction started as determined by the Director of Development Services – Upon cancellation of the Building and or Plumbing Permit, refund Building Permit and or Plumbing Permit fees less an administrative fee of:		
For Single Family, Duplex and smaller developments	$750.00 plus $200.00 for each Alternative Solution Requested	$750.00 plus $200.00 for each Alternative Solution Requested
For all other larger developments	$1500.00 plus $200.00 for each Alternative Solution	$1500.00 plus $200.00 for each Alternative Solution
Building and or Plumbing Permit issued, construction started as determined by the Director of Development Services – No refund.		
City infrastructure[1] requirements as part of Building Permit: Building permit and/or plumbing permit application submitted, permit not issued –		
For Single Family, Duplex and smaller developments	$470.00	$480.00
For all other larger developments	$990.00	$1,000.00
Building permit and/or plumbing permit issued, construction not started as determined		
For Single Family, Duplex Triplex and smaller developments	$470.00	$480.00
For all other larger developments	$990.00	$1,000.00
Building permit and/or plumbing permit issued, construction not started as determined by the Director of Development Services and the City infrastructure has been installed – No refund.	No Refund	No Refund

Appendix 4

BUILDING DEPARTMENT FEES	2019	2020
Building permit and/or plumbing permit issued, construction started as determined by the Director of Development Services and the City infrastructure has not been installed – The person seeking a refund must make a submission for a refund in the prescribed form to the Director of Development Services or the designate who will prepare a report for Council's consideration.	Council consideration	Council consideration
Council will consider the matter and may by resolution: a. authorize the density bonus refund subject to conditions as; or b. refuse the request for a density bonus refund; c. refer the matter to staff or a future Council meeting; or d. such other determination as Council may direct. As a requirement of any density bonus refund the development permit and building permit must be cancelled and the development Permit must be discharged from the title of the lands.		
Admin. Fee for Single Family, Duplex, Triplex and small Development	$470.00	$480.00
For all larger Developments will be held	$990.00	$1,000.00
Building permit and/or plumbing permit issued, construction started as determined by the Director of Development Services and the City infrastructure has been installed.	No Refund	No Refund
Notes: **1. City Infrastructure is defined as:** a. Any items related to the City of Penticton water, sanitary, storm system including main line pipe, appurtenances, b. Any items related to roads, sidewalks, curb, gutter, signs etc.		
Sidewalk Uses		
Type 1 Sidewalk Café- Annual Fee	$300.00	$310.00 (Plus GST)
Type 2 Sidewalk Café - Annual Fee	$300.00	$310.00 (Plus GST)
For each parking space or portion thereof occupied by a temporary sidewalk café - Annual Fee	$200.00	$210.00 (Plus GST)
Sidewalk Sales Area or sidewalk seating area - (maximum of 2 tables and 8 seats)	$100.00	$105.00 (Plus GST)
Martin Street and Westminster Avenue Revitalization Project Area - Storefront sales/seating	$100.00	$105.00 (Plus GST)
Martin Street and Westminster Avenue Revitalization Project Area - Storefront Café	$300.00	$310.00 (Plus GST)
Main Street Revitalization Project Area - Storefront Sales/Seating (100 & 200 blocks)	n/c to 2019	$105.00 (Plus GST)
Main Street Revitalization Project Area - Storefront Café (100 and 200 blocks)	n/c to 2019	$310.00 (Plus GST)
Main Street Revitalization Project Area - Storefront Sales/Seating (300 block)	n/c to 2022	n/c to 2022
Main Street Revitalization Project Area - Storefront Café (300 block)	n/c to 2022	n/c to 2022
VACANT BUILDING REGISTRATION FEES		
Fee for special safety inspection prior to registration permit	$500.00	$520.00 (Plus GST)
Fee for subsequent inspections not related to Vacant Building Registration Permit	$175.00 per inspection	$180.00 (Plus GST) per inspection
Fee for Vacant Building Registration Permit (12 months maximum) for each building or structure located on a single and two family zoned properties	$2,500.00	$2,600.00
Fee for Vacant Building Registration Permit (24 months maximum) for each building or structure located on all other zoned properties.	$5,000.00	$5,200.00
Fee for additional Vacant Building Registration (12 month maximum)	$2,500.00	$2,600.00
Attendance by City of Penticton Fire Services	Actual costs incurred by the City for related labour, materials and equipment	Actual costs incurred by the City for related labour, materials and equipment
Refund	75% of Vacant Building Permit Fee may be refunded if it is remediated or demolished within first six (6) months of registration.	75% of Vacant Building Permit Fee may be refunded if it is remediated or demolished within first six (6) months of registration.

Appendix 5		
BUSINESS LICENCE FEES	**2019 Revised**	**2020**
Application Fee: Non-refundable deposit is required at time of application (credited towards end of Business Licence Fee)		$80.00
Application Fee: Short Term Rental - Major High Occupant - Non-refundable deposit is required at time of application (credited towards end of Business Licence Fee)		$250.00
Business Licence Base Fee	$175.00	$180.00
Accomodation	Base fee plus $2.00 per room	Base fee plus $2.00 per room
Adult Only	Base fee plus Criminal Record Check	Base fee plus Criminal Record Check
Criminal Records Checks	As set out in the RCMP section of this bylaw	As set out in the RCMP section of this bylaw
Vacation Rental & Bed and Breakfast	Base Fee plus tourism fee	Base Fee plus tourism fee
Bed and Breakfast (Bylaw 2017-16)	Base Fee plus tourism fee	$180.00
Vacation Rental Application Fee (Byalw 2017-16)	$75.00	delete
Vacation Rental Application Fee (Major High Occupant)(Bylaw 2017-16)		delete
Vacation Rental (Home Stay) (Bylaw 2017-16)	No Fees	No Fees
Short Term Vacation Rental (Minor) (Bylaw 2017-16)(per year)	$100 Annual Fee plus $100 Toursim Fee	$180.00
Short Term Vacation Rental (Major) (Bylaw 2017-16) (per year)	$150 Annual Fee plus $200 Toursim Fee	$250.00
Short Term Vacation Rental (Major High Occupant) (Bylaw 2017-16) (per year)	$250 Annual Fee. $250 first year public notification fee plus $300 Tourism Fee.	$400.00
Toursim Fee - Bed & Breakfast (per year)	$200.00	NA
Seasonal - Six month maximum	$100.00	$100.00
Seasonal - Short Term 30 day - no location	$35.00	$35.00
Change of Owner Fee	$0.00	$0.00
Change of Location Fee	$75.00	$100.00
Penalty (late payment)	$50.00	$50.00
Seconday Suites and Carriage houses (per year)	$175.00	$180.00
Agricultural Business (seasonal)	$100.00	$105.00
Downtown Farmers Market	$400/per yr.	$500/per yr.
Downtown Community Market	$1000/per yr.	$1250/per yr.
Inter-Community Business Licence fee		$150.00

Appendix 6

CEMETERY	2019	2020
Grave Space		
Standard Size Plot - Flat Marker Section		
Residents (including Care Fund contribution of 25%)	$1,393	$1,435
Non-Residents (including Care Fund contribution of 25%)	$1,881	$1,937
Standard Size Plot - Up-Right Marker Section		
Residents (including Care Fund contribution of 25%)	$2,028	$2,089
Non-Residents (including Care Fund contribution of 25%)	$2,738	$2,820
Small Size Plot (includes infants less than 2 years) - Flat Marker Section		
Residents (including Care Fund contribution of 25%)	$454	$468
Non-Residents (including Care Fund contribution of 25%)	$613	$631
Small Size Plot (includes infants less than 2 years) - Up-Right Marker Section		
Residents (including Care Fund contribution of 25%)	$662	$682
Non-Residents (including Care Fund contribution of 25%)	$893	$920
Cremation Size Plot - Flat Marker Section		
Residents (including Care Fund contribution of 25%)	$447	$460
Non-Residents (including Care Fund contribution of 25%)	$603	$621
Cremation Size Plot - Up-Right Marker Section		
Residents (including Care Fund contribution of 25%)	$651	$671
Non-Residents (including Care Fund contribution of 25%)	$879	$906
Green Burial Plot		
Residents (including Care Fund contribution of 25%)	$1,393	$1,435
Non-Residents (including Care Fund contribution of 25%)	$1,881	$1,937
Family Estate Plot - Traditional In-ground		
Residents (including Care Fund contribution of 25%)	$29,000	$29,000
Non-Residents (including Care Fund contribution of 25%)	$39,150	$39,150
Family Estate Plot - Cremation		
Residents (including Care Fund contribution of 25%)	$2,300	$2,300
Non-Residents (including Care Fund contribution of 25%)	$3,105	$3,105
Any plots reserved as per The Corporation of the City of Penticton Cemetery Management Bylaw No.		
Services Internment		
Standard size - Traditional In-ground or Green Burial - First Interment per Plot	$1,428	$1,471
Standard size - Traditional In-ground or Green Burial - Second Interment	$975	$1,004
Small size	$484	$499
Infant under 2 years	$484	$499
Cremation size	$303	$312
Green Burial - Memorialization - Name and Dates etched into communal marker stone (optional)	$225	$225
Opening and Closing Grave for Exhumation		
Standard size	$1,851	$1,907
Small size	$745	$767
Infant under 2 years	$745	$767
Cremation size	$392	$404
~~Extra Deep to Permit Second Burial in Same Grave~~		
Less than 24 Hours Notice – Charge	$240	$247
Installation of Memorials (each time) - including care fund contribution of 25%	$280	$288
Reset Fee	$190	$196
Reservation of Side by Side Graves for Extended Family		
One time Administration Fee	$75	$77
Annual Reservation Fee	$28	$29
Fairview Internment		
Fairview Cemetery Fee	$377	$388

Appendix 6

CEMETERY	2019	2020
Goods		
Grave Liners – Regular	$490	$490
Grave Liners – Child	$207	$207
Concrete Slab for Lanterns	$207	$207
Columbarium		
Resident		
Level I	$3,150	$3,245
Level II	$3,045	$3,136
Level III	$2,940	$3,028
Non-Resident		
Level I	$4,253	$4,381
Level II	$4,111	$4,234
Level III	$3,969	$4,088
The rates include a one-time opening/closing rate, and initial engraving		
Care Fund Per Niche Sold		
Columbarium	$379	$440
Marker	$26	$27
Other Charges		
Additional Opening/closing (includes 2nd engraving)	$302	$312
Niche Flower Vase	$81	$81
Exhumation	$332	$342
Overtime	$424	$437
Mausoleum		
Basic Rate per unit		
Resident		
Level I	$19,110	$19,683
Level II	$18,375	$18,926
Level III	$17,640	$18,169
Non-Resident		
Level I	$25,799	$26,573
Level II	$24,806	$25,550
Level III	$23,814	$24,528
The rates include a one-time opening/closing rate, and initial engraving		
Care Fund Per Unit Sold		
Mausoleum	$379	$2,700
Marker	$26	$27
Opening and Closing for Exhumation		
Level I , II and III	$1,758	$1,811
Ossuary / Scattering Garden and Memorial		
Basic Rate per Unit:		
Ossuary - Resident	$439	$440
Ossuary - Non-resident	$593	$594
Bronze Memorial Wall Name Plaque	$325	$335

Lakeview Cemetery – Cost of Saturday burials is the same as on weekdays
Fairview Cemetery – cost of Saturday burials is subject to additional labour charges
No Sunday or Statutory Holiday Burials

Appendix 7

ELECTRIC	2019	2020
Utility Administration Rates		
Utility credit references (current or recent account)	$17.00	$17.25
Archived account	$30.00	$30.50
Utility account history	$17.00	$17.25
Interest rate on delinquent utility accounts	10% per annum	10% per annum
Special electric meter reading	$41.50	$41.50
Special electric meter inspection fee	$41.50	$41.50
AMR OPT OUT		
AMR Opt Out manual electric meter reading for an individual meter	$17.80	$17.80
AMR Opt Out manual combined electric and water meter reading for an individual for an individual meter read	$18.80	$18.80
AMR Opt Out manual electric meter reading for a meter bank installation	$17.80 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter	$17.80 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter
AMR Opt Out combined electric and water meter reading for a combined electric and water meter bank installation	$18.80 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.	$18.80 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.
AMR Opt Out electric meter use of a digital non radio frequency electric meter	$153.00	$153.00
Utility application fee – next day service	$47.50	$47.50
Utility application fee – same day service (accounts with combined electric and water)	$105.00	$105.00
Utility application fee (electric only) same day service (accounts that only have electric services)	$59.50	$59.50
Non-Payment: Electric disconnect and re-connect(during City Hall hours only)	$83.00	$83.00
Non-Payment: Site visit without a disconnect (during City Hall hours only)	$41.50	$41.50
Electrical disconnect or re-connect or site visit (cost per visit after hours with call-out)	$430.25	$430.25

Appendix 7		
ELECTRIC	**2019**	**2020**
Electrical disconnect or reconnect or site visit (cost per visit during City Hall hours)	$41.50	$41.50
Electrical disconnect or reconnect or site visit (cost per visit after hours without call-out)	$83.00	$83.00
Illegal reconnection administration charge	$280.00	$285.00
Utility fee - Leave on Authorized	$12.25	$12.50
Electrical Disconnect and reconnect from pole	$358.00	$358.00
Special Administration charge per service	$28.00	$28.50

Electric Rates

Rate Code 10 - Residential

Basic Charge	$18.72 per billing plus	$18.72 per billing plus
Energy Charge	$0.1284 per kwh for all consumption during the billing period	$0.1284 per kWh for all consumption during the billing period

Rate Code 20 - General - Secondary metered and City owned Transformation

Basic Charge	$18.72 per billing plus	$18.72 per billing plus
Energy Charge: First 10,000 kwh per billing	$0.1429per kwh	$0.1429per kWh
Next 90,000 kwh per billing	$0.1126 per kwh	$0.1126 per kWh
Additional kwh per billing	$0.0789 per kwh	$0.0789 per kWh
Demand Charge	$10.09 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum kVA billable demand in excess of 45kVA recorded during the previous 364 days to the current billable demand read	$10.09 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum kVA billable demand in excess of 45kVA recorded during the previous 364 days to the current billable demand read

Rate Code - 25, 30 and 35

Are subject to the same base rates for consumption and demand as set out in Rate Code 20 with the following discounts:

Appendix 7

ELECTRIC	2019	2020
Primary Metering	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only
Rate Code 25 - General - Primary metered and City owned Transformation		
Basic Charge	$18.72 per billing plus	$18.72 per billing plus
Energy Charge		
First 10,000 kwh per billing	$0.1408 per kwh	$0.1408 per kWh
Next 90,000 kwh per billing	$0.1109 per kwh	$0.1109 per kWh
Additional kwh per billing	$0.0777 per kwh	$0.0777 per kWh
Demand Charge	$9.93 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current bulling; or b) 75% of the maximum kVA billable demand in excess of 45kVA recorded during the previous 364 days to the current billable demand read	$9.93 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current bulling; or b) 75% of the maximum kVA billable demand in excess of 45kVA recorded during the previous 364 days to the current billable demand read
Rate Code 30 - General - Secondary metered and customer owned Transformation		
Basic Charge	$18.72 per billing plus	$18.72 per billing plus
Energy Charge		
First 10,000 kwh per billing	$0.1429 per kwh	$0.1429 per kWh
Next 90,000 kwh per billing	$0.1126 per kwh	$0.1126 per kWh
Additional kwh per billing	$0.0789 per kwh	$0.0789 per kWh
Demand Charge	$9.18 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous 364 days to the current billable demand read	$9.18 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous 364 days to the current billable demand read
Rate Code 35 - General - Primary metered and customer owned Transformation		
Basic Charge	$18.72 per billing plus	$18.72 per billing plus
Energy Charge		
First 10,000 kwh per billing	$0.1408 per kwh	$0.1408 per kWh

Appendix 7

ELECTRIC	2019	2020
Next 90,000 kwh per billing	$0.1109 per kwh	$0.1109 per kWh
Additional kwh per billing	$0.0777 per kwh	$0.0777 per kWh
Demand Charge	$9.04 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous 364 days to the current billable demand read	$9.04 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous 364 days to the current billable demand read

Rate Code 45 - General - City Accounts

Energy Charge	$0.0953 per kwh for all consumption	$0.0953 per kWh for all consumption

Rate Code 55 - Street Lighting, Traffic Lights & Other Un-metered Loads

Per fixture watt or volt ampere per billing subject to Electric Utility Services Bylaw No. 2017-44	$0.1071per fixture watt or volt ampere per billing	$0.1071per fixture kWh ~~watt~~ or kVAh ~~volt ampere~~ per billing
Per watt or volt ampere per billing based on equipment name plate data or customer information, or where data is insufficient, the City will determine by appropriate measurement and calculation what equipment kilowatt-hour or kilovolt ampere-hour loading shall be used for billing purposes.	$0.2024 per watt	$0.2024 per kWh ~~watt~~
Monthly minimum charge per fixture or service connection	$18.72 per billing plus	$18.72 per billing plus

Net Metering Rate Code (aka Micro-DR)

When paying Net Metered Customers for any excess Energy generated by the Customer, the Penticton Electric Utility shall use the applicable Rate Code under which the Customer is receiving Service from the Penticton Electric Utility. Customers will be responsible for all costs of their Distribution Generation System including, but not limited to, design, permits, installation, inspection fees, connection fees, repairs and maintenance.

Electrical Service Calls

Service Call – 1 stop (1 hr. max)	$217.25	$217.25
Service Call – 2 stops (1.5 hr. max)	$326.00	$350.00

Electrical Service Connections

Temporary Service Connection

1 Phase up to 200 amps	$217.25	$349.00
all except 1 phase up to 200 amps	Actual Cost	Actual Cost

Service Relocate

1 phase up to 200 amps	$347.00	$421.00

Service Upgrade

1 phase over 200 amps	Actual Cost	Actual Cost

Appendix 7

ELECTRIC	2019	2020
3 phase overhead and underground (all)	Actual Cost	Actual Cost

Service Connection

1 phase per unit (200 amps max -includes 1 meter) overhead and underground	$393.25	$480.00
Additional meters	Actual Cost	Actual Cost
1 phase overhead and underground over 200 amps	Actual Cost	Actual Cost
3 phase overhead and underground (all)	Actual Cost	Actual Cost
Primary Underground Cable	Actual Cost	Actual Cost
Terminate and Energize underground - Per lot	Actual Cost	Actual Cost
Installation of electrical poles, vaults, road-crossings, etc	Actual Cost	Actual Cost
Electrical Call Out Rate	$430.25	$430.25

Electrical Pole Contacts

Telus (JU Contacts, WiFi, Power Point Contact + Energy at appropriate rate code(s))	As per Contract	As per Contract
Shaw Cable (JU Contacts, WiFi, Antenna, Power Point Contact + Energy at appropriate rate code(s))	As per Contract	As per Contract
Bell Canada JU Contacts ~~Shaw WiFi~~	As per Contract	As per Contract
Recoverable Sign Installations	Actual Cost	Actual Cost

Power Factor Surcharge:

a) Every Customer must regulate their load to maintain a Power Factor of not less than ninety (90%) percent.

b) If customers have equipment or install equipment that results in poor power factor (less than 90%) a power factor surcharge may be applied and it is the Customer's responsibility to install equipment to correct or improve power factor.

c) The surcharge shall be added to the Customer's bill after the rates or minimum charges have been calculated and the surcharge will remain in effect until the Penticton Electric Utility is satisfied that the Power Factor has been corrected.

d) Electrical Service shall not be provided to any customer whose Load Power Factor is less than fifty (50%) percent.

Power Factor	Surcharge
Between 90% and 100%	Nil
Between 88% and 90%	2%
Between 85% and 88%	4%
Between 80% and 85%	9%
Between 75% and 80%	16%
Between 70% and 75%	24%
Between 65% and 70%	34%
Between 60% and 65%	44%
Between 55% and 60%	57%
Between 50% and 55%	72%
Less than 50%	90% and electrical service may be disconnected

Notes:

Appendix 7		
ELECTRIC	**2019**	**2020**

#1. Any applicable Federal or Provincial taxes are in addition to the above charges. A discount forfeit equal to 10% of the "current charges" (excluding Goods and Services Tax) will result if full payment of current charges is not received. a) on "residential-(rate codes 10), on or before the expiration of fifteen (15) days after the date of the mailingof the invoices therefore. b) on all other services not included in the definition of "residential" on or before the expiration of twenty-two (22) days after the date of the mailing of the invoices therefore, provided that when the said day falls on Saturday, Sunday, or holiday, the discount shall apply if payment is received on the next succeeding day which is not a holiday. In the event of a partial payment of the current charges on or before the discount date, a proportionate discount shall be allowed.

#2. Basic charges will be applicable to accounts that are disconnected from electric for seasonal or temporary purposes when the electric is being turned off at the account holders request but the account holder(s) is not altering.

#3. City Electrical Infrastructure is defined as: Any items related to the City of Penticton Electrical Utility distribution system including but not limited to primary duct and secondary duct, street lighting, power cables, transformers and associated appurtenances.

#4. All customers are eligible to access the "Electrical Service Payment Plan" for the installation of City Electrical Infrastructure and/or customer owned Micro-DR equipment that supplies power to their properties. The details of this program are summarized as follows:

- Payment Plan range: A customer can put a miminum amount of $2,000 up to a maximum amount of $50,000 on a Payment Plan;

- Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calcualted at the Prime Interest Rate +0.5%; and

- The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty.

Eligibility requrements:

-Must be for a new or an upgrade to an Electrical Service;

-Must be a City of Penticton Electric Utility customer;

-Must have a credit score of: 650 or greater for an individual, or less than 25 for a business;

-Must have a maximum of 19 City of Penticton Utility Credit Points;

-The customer must own both the land and building where the service is required; and

- If Micro-DR, receipts must be submitted from the contractor performing the work; and

-Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.

Appendix 8			
EQUIPMENT RATES	**2018**	**2019**	**2020**
Passenger Vehicle (<5,500 kg)	$6.00	$6.50	$6.50
Single / Tandem Dump	$36.00	$36.00	$36.00
Trailers	$5.00	$5.00	$5.00
Small Aerial	$25.00	$25.00	$30.00
1 Ton Dump	$7.50	$7.50	$7.50
1 Ton with Utility Box	$7.50	$7.50	$7.50
Litter Truck	$18.85	$18.85	$18.85
AWWTP - Crane Truck	$7.50	$7.50	$9.00
parks Tractor	$18.75	$18.75	$18.75
Electrical Line Truck	$34.00	$34.00	$40.80
Grader	$75.00	$75.00	$75.00
Back Hoe	$29.00	$29.00	$29.00
Sewer Flush Truck	$53.00	$53.00	$63.50
Street Sweeper	$50.00	$50.00	$50.00
Wheel Loader	$38.00	$38.00	$38.00
Rotary Mower - Large	$30.00	$30.00	$30.00
Rotary Mower - Small	$16.50	$16.50	$16.50
Chipper	$20.00	$20.00	$20.00
Tractor	$13.00	$13.00	$13.00
Fork Lift	$40.50	$40.50	$40.50
Beach Cleaner	See Appendix 19 for Beach Cleaning Rates	$45.00	$45.00
Air Compressor	$10.00	$10.00	$10.00
Large Sander & Blade	$37.25	$37.25	$37.25
Small Sander & Blade	$18.00	$18.00	$18.00
Ice Resurfacer	$6.50	$6.50	$6.50
Leaf Vac	$25.00	$25.00	$25.00
utility Truck (Water/Sewer)	$12.00	$12.00	$14.50
Passenger Van (15 Passenger)	$8.00	$8.00	$8.00
ATV	$6.00	$6.00	$6.00
Compost Screener - Trommel	$100.00	$100.00	$120.00
Small Equipment	$4.00	$4.00	$4.00
Valve Machine	$10.00	$10.00	$12.00
Flat Deck Crane Truck	$33.00	$33.00	$33.00

Appendix 8			
EQUIPMENT RATES	**2018**	**2019**	**2020**
Barge - Water Craft	$32.00	$32.00	$32.00
Pick-Up Utility Box	$7.50	$7.50	$7.50

Note all Electrical/Water/Sewer Vehicles or Equipment will increase by 20%

Appendix 9

Fire Department	2019	2020

The fees hereinafter specified shall be paid to the City by all applicants for any permit required by this bylaw, or under

Installation of compressed gas systems, gasoline tanks, oil tanks, diesel tanks and dispensing pumps or refueling station:

Aboveground Tank		
<2500L	$100.00	$102.00
>2500L-<5000L	$250.00	$255.00
>5000L	$350.00	$357.00
Underground Tank		
<2500L	$100.00	$102.00
>2500L-<5000L	$250.00	$255.00
>5000L	$350.00	$357.00
Each dispensing pump	$50.00	$51.00
Tank removal or decommission*	$150.00	$153.00

* all installation and remival are subject to an emvironmental assessment to accompany application

Inspection and installation of domestic and commercial oil burners:

each domestic installation	$15.75	$16.00
each commercial installation	$26.25	$26.75

Permits

Public Fireworks Display permit

Low Hazard	$50.00	$51.00
High Hazard	$250.00	$255.00
Burning Permit as allowed by bylaw	$50.00	$51.00
Permanent Outdoor Fireplace	$50.00	$51.00

Emergency Assist Calls

Charge for responding to Jaws of Life	as per Provincial Emergency Program Fee Schedule	as per Provincial Emergency Program Fee Schedule
Ambulance Assist	as per Provincial Emergency Program Fee Schedule	as per Provincial Emergency Program Fee Schedule
Public Service	Actual Cost	Actual Cost
False Alarms	1st - n/c 2nd - $200 3rd - $300 4th+ $400	1st - n/c 2nd - $200 3rd - $300 4th+ $400

Other Fees

File Search for Building Deficiencies/Incident Reports/Investigations	$165.00	$165.00
Fire Investigation (for Fire Damage greater than $5,000.00)	$500.00	$500.00
Requested on-site inspection/consultation for commercial purposes	Actual Cost	Actual Cost
Fire Extinguisher Training (per person)	$5.00	$5.00
Failure to keep fire under control and Fire Dept must attend pursuant to Fire and Life Safety Bylaw 2004-57 Section 9.04(g) as amended or superceded	Rates are based on the Office of the Fire Commissioner inter agency reimbursement rates as it changes from time to time	Rates are based on the Office of the Fire Commissioner inter agency reimbursement rates as it changes from time to time
Drive over fire hose pursuant to Fire and Life Safety Bylaw 2004-57 Section 8.01 as amended or superceded	Actual cost to repair or replace damaged hose	Actual cost to repair or replace damaged hose
Flat rate per fill for both Self Contained Breathing Apparatus (SCBA) and Self Contained Underwater Breathing Apparatus (SCUBA)	$10.00	$10.00
Fire Flow Testing	Actual Cost	Actual Cost

Appendix 9

Fire Department	2019	2020
Re-Inspection after Order	$100.00	$100.00
Fire Safety Plan Review - Initial	$100.00	$100.00
Fire Safety Plan Review - Subsequent	$50.00	$50.00

Training Centre Rental Rates

Classroom (projector/screen/TV/sound/flipcharts) / day	$118	$118
Live Fire Burn Building / day	$531	$531
Search Building / day	$118	$118
Engine / day	$236	$236
Full Facility - one day (including Engine)	$826	$826
Full Facility - two days (including Engine)	$1,652	$1,652
Instructor	$354	$354
Safety Officer	$300	$300
Technician (Rehab/Fire Control/Pump Operator)	$300	$300
Consumables (artificial smoke, generator, pallets, propane)	Actual Cost	Actual Cost
SCBA Rental per pack/per day	$25	$25
Natural Gas/Fuels	Actual Cost	Actual Cost
Student User Fee (Consumable Supplies) / day / student	$6	$6
Bunker Gear Rental (per set per day)	$25	$25
Fog Machine / per day	$50	$50

Mobile Vending Permit (Annual)**	$50	$50
Failure of Property Owner or Agent to attend Emergency Incident Scene	$300	$300
Fire Department control of life safety system until Owner or Agent takes responsibility	Actual Cost	Actual Cost
Fire Smart Burning Permit	No Charge	No Charge
Fire Smart Home Assessment	$100	$100

**Fee waived if inspected on Fire Department designated inspection dates

Appendix 10

FITNESS ROOM	Effective April 1, 2019	Effective April 1, 2020
Single Admission		
Youth	$4.50	$4.76
Adult	$6.50	$6.67
Senior	$4.50	$4.76
Super Senior	$3.50	$3.81
Family		$15.24
10 Tickets		
Youth	$40.00	$40.95
Adult	$58.00	$59.05
Senior	$40.00	$40.95
Super Senior	$31.00	$31.43
Family		$136.19
1 Month		
Youth	$40.00	$40.95
Adult	$58.00	$59.05
Senior	$40.00	$40.95
Super Senior	$31.00	$31.43
Family		$136.19
3 Months		
Youth	$108.00	$110.48
Adult	$152.00	$155.24
Senior	$108.00	$110.48
Super Senior	$86.00	$87.62
Family		$359.05
6 Months		
Youth	$185.00	$188.57
Adult	$261.00	$267.62
Senior	$185.00	$188.57
Super Senior	$152.00	$154.29
Family		$614.29
12 Month Annual Pass		
Youth	$294.00	$300.00

Appendix 10

FITNESS ROOM	Effective April 1, 2019	Effective April 1, 2020
Adult	$414.00	$422.86
Senior	$294.00	$300.00
Super Senior	$239.00	$243.81
Family		$975.24

Fitness Room/Pool Combined
Single Admission

Youth	$7.75	$7.86
Adult	$10.75	$10.95
Senior	$7.75	$7.86
Super Senior	$6.75	$6.90
Family	$25.36	$25.71

10 Tickets

Youth	$69.00	$70.48
Adult	$96.00	$98.10
Senior	$69.00	$70.48
Super Senior	$60.00	$60.95
Family	$226.50	$228.57

1 Month

Youth	$69.00	$70.48
Adult	$96.00	$98.10
Senior	$69.00	$70.48
Super Senior	$60.00	$60.95
Family	$226.50	$228.57

3 Months

Youth	$182.00	$185.71
Adult	$246.00	$250.48
Senior	$182.00	$185.71
Super Senior	$149.00	$152.38

Appendix 10		
FITNESS ROOM	**Effective April 1, 2019**	**Effective April 1, 2020**
Family	$583.00	$585.71
6 Months		
Youth	$320.00	$326.67
Adult	$427.00	$435.24
Senior	$320.00	$326.67
Super Senior	$256.00	$260.95
Family	$1,014.00	$1,018.10
12 Month Annual Pass		
Youth	$503.00	$513.33
Adult	$674.00	$687.62
Senior	$503.00	$513.33
Super Senior	$406.00	$414.29
Family	$1,599.50	$1,604.76
FITNESS ROOM / PUBLIC SWIMMING DAY PASS - Single Admission		
Youth	$11.50	$11.67
Adult	$15.50	$15.71
Senior	$11.50	$11.67
Super Senior	$9.50	$9.76
Family	$36.75	$37.14
Clinic Rates		
Weekly Fitness		
Senior	$11.00	$11.19
Adult	$16.00	$16.43
Weekly Fitness/Pool		
Senior	$19.01	$19.29
Adult	$26.50	$27.14
Monthly Fitness		

Appendix 10		
FITNESS ROOM	**Effective April 1, 2019**	**Effective April 1, 2020**
Senior	$30.00	$30.48
Adult	$43.50	$44.29
Monthly Fitness/Pool		
Senior	$51.75	$52.86
Adult	$72.00	$73.33
Fitness 10 Ticket		
Senior	$32.00	$32.62
Adult	$46.00	$46.90
Fitness/Pool 10 Ticket		
Senior	$55.00	$56.19
Adult	$77.00	$78.57

Appendix 11

GARBAGE RATES	2019	2020
The scale of charges by The Corporation of the City of Penticton for the collection, removal and disposal of solid waste and recyclable materials as provided for in the City of Penticton Garbage "Solid Waste Collection and Recyclable Materials Disposal Bylaw", shall be as follows and will be billed by the City as current taxes on the property for which the premises were served by solid waste and recycling collection.		
Annual Fee - Solid Waste Collection Includes one (1) 120L Garbage Cart and one (1) 240L Yard Waste Cart	$142.00	$144.00
Annual Fee - Recycling Collection - Bi-Weekly Includes one (1) 240L Recyclable Cart	$31.50	$32.00
Annual Fee - Multi-Family Weekly Recycling Collection (per unit, per year	$63.00	$64.00
Administration Fee for Sewer and Garbage Extension - for first unit	$15.75	$15.75
- Each Additional Unit in same complex	$5.00	$5.00
Tag a Bag - Additional Curb Side Collection bag - price per tag	$3.50	$3.50
25 Tag a Bag Coupons	$62.50	$62.50
Application for Curb Side Collection from a Multi-Family Dwelling	$80.00	$81.50
Application fee for Multi-Family Residential Weekly Recycle Collection	$80.00	$81.50

Base Cart Program

Base Cart Program includes: one (1) 120 Litre Garbage Cart, one (1) 240 Litre Recyclables Cart, and one (1) 240 Litre Yard Waste Cart		
Cart Change Administration Fee Per property visit, any quantity of carts (Commences January 1, 2017)	$30.00	$30.50
Disability Exemption Application	No charge	No charge
Garbage Cart - upgrade to two (2) 120L Carts In addition to the Annual Fee - Solid Waste Collection	$120.00	$122.00
Garbage Cart - upgrade to a 240L Cart In addition to the Annual Fee - Solid Waste Collection	$120.00	$122.00
Recyclables Cart - upgrade to a 360L Cart	No charge, part of Annual Fee	No charge, part of Annual Fee
Recyclables Cart - upgrade to two (2) 240L Carts	No charge, part of Annual Fee	No charge, part of Annual Fee
Recyclables Cart - upgrade to two (2) 360L Carts	No charge, part of Annual Fee	No charge, part of Annual Fee
Recyclables Cart - downgrade to a 120L Cart	No charge, part of Annual Fee	No charge, part of Annual Fee
Yard Waste Cart - upgrade to 360L Cart In addition to the Annual Fee - Solid Waste Collection	$34.50	$35.00
Yard Waste Cart - upgrade to two (2) 240L Carts In addition to the Annual Fee - Solid Waste Collection (max 2 carts allowed)	$69.00	$70.00
Yard Waste Cart - upgrade to two (2) 360L Carts In addition to the Annual Fee - Solid Waste Collection (max 2 carts allowed)	$69.00	$70.00
Yard Waste Cart - downgrade to 120L Cart	No charge, part of Annual Fee	No charge, part of Annual Fee
Yard Waste Cart - opt out of Yard Waste Program	No charge, part of Annual Fee	No charge, part of Annual Fee
Wildlife Resistant Cart Upgrade - 120L Garbage Cart only (one time fee)	$75.00/Cart	$75.00/Cart
Repeated or willful damage to Carts will be charged to property owner	Actual Cost of replacement and Cart Change Administration Fee	Actual Cost of replacement and Cart Change Administration Fee

Screened Compost Sales

Bulk / Wholesale - (greater than 5 tonnes)	$12.50 / tonne	$12.50 / tonne
Less than 5 tonnes	$20.00 / tonne	$20.00 / tonne
Individual Bags	$2.50 / bag	$2.50 / bag

Appendix 13

INFORMATION TECHNOLOGY	2018	2019	2020
Provision of Dark Fibre Services			
Dark Fibre - per fibre optic strand (per month)	330.00	336.60	343.25
Administration Fee	included	included	included
One Time Connection Fee	815.00	831.30	$848.00
Physical Connection Costs	As quoted	As quoted	As quoted
Co-location Services (per month)	153.00	156.06	$159.00
Provison of Telephone and Internet Services			
High-end 8861 (Gigabit, Bluetooth, Wifi)	41.00	41.82	$42.50
High-end 8851 (Gigabit, Bluetooth)	31.00	31.62	$32.25
Mid-range 8841(Gigabit)	26.00	26.52	$27.00
Low-end greyscale 8811 (Gigabit)	15.00	15.30	$15.50
Wireless portable phone Model 8821 (Bluetooth)	46.00	46.92	$48.00
Conference phone Model 8832	41.00	41.82	$42.50
D-A Convertor Allows for analog devices on City digital phone network Model ATA 190 (fee per ATA device)	10.00	10.20	$10.40
Extra DID external phone number added to existing hardware	5.00	5.10	$5.20
Internet	41.00	41.82	$42.50
Wireless Internet Services add-on (where available)	10.00	10.20	$10.40
Connection/Configuration Charge	102.00	104.04	$106.00
Electronic Data Fees			
GIS Electronic Data	share data free of charge	share data free of charge	share data free of charge

Appendix 14

LIQUOR LICENCES	2018	2019	2020
A non-refundable application review for Local Government confirmation for Receipt Application or Zoning Confirmation. (credited towards end of Liquor Licence Review Fee)	N/A	$175.00	$180.00
New Food Primary review or Occupant load reviews	N/A	$175.00	$180.00
New Liquor Primary Licence (Public Consultation)	N/A	$700.00 + public notice sign	$700.00 + public notice sign
Permanent Change including change in hours, occupant load, addition of a winery, brewery or distillery lounge or special event area.	N/A	$700.00 + public notice sign	$700.00 + public notice sign
Structural Change - with public consultation	N/A	$700.00 + public notice sign	$700.00 + public notice sign
Structural Change - no public consultation	N/A	$350.00	$360.00
Structural Change - Zoning confirmation including Picnic Area Endorsement	N/A	$175.00	$180.00
Temporary Change or Request to extend hours for a Special Event Permit	N/A	$175.00	$180.00
Appeal to Council of a Staff Decision on a Liquor Application Review	N/A	$350.00	$360.00
Public Notice Signs			
Initial Public Consultation Notice Sign	N/A	$250 (plus GST)	$250 (plus GST)
Repair of Damaged Signs	N/A	$80 (plus GST)	$80 (plus GST)
Replacement of damaged signs	N/A	$80 (plus GST)	$80 (plus GST)

Appendix 16

Meeting Rooms/Activity Spaces Hourly Rate	Effective April 1, 2019	Effective April 1, 2020
Community Centre/McLaren Arena Meeting Room		
Non Profit/Local/ Regular		
Child/Youth	$11.79	$12.00
Adult	$11.79	$12.00
Non School District 67 Schools*	$8.84	$9.00
Local Private	$14.91	$15.25
Local Commercial	$26.09	$26.75
Non-Resident	$37.27	$38.25
Community Centre Large Meeting Room		
Note: Meeting Room #4, Meeting Room #7, and Combined #2 & #3 Rate is 1.75X Meeting Room Rate		
Non Profit/Local/ Regular		
Child/Youth	$20.63	$21.00
Adult	$20.63	$21.00
Non School District 67 Schools*	$15.47	$15.75
Local Private	$26.25	$27.00
Local Commercial	$45.66	$46.75
Non-Resident	$65.22	$67.00
Community Centre Conference Room		
Note: Conference Room Rate is 75% X Meeting Room Rate		
Non Profit/Local/ Regular		
Child/Youth	$8.84	$9.00
Adult	$8.84	$9.00
Non School District 67 Schools*	$6.63	$6.75
Local Private	$11.18	$11.50
Local Commercial	$19.57	$20.00
Non-Resident	$27.95	$28.75
Library/Museum Auditorium		
~~Note - Security premium of $10.50 added to base rates. To be increased by CPI.~~		
Non Profit/Local/ Regular		
Child/Youth	$18.34	$18.75
Adult	$25.74	$26.25
Non School District 67 Schools*	$13.75	$14.00
Local Private	$29.89	$30.50
Local Commercial	$53.06	$54.25
Non-Resident	$75.81	$77.50
Activity Spaces		
Community Centre Dance Studio		
Non Profit/Local/ Regular		
Child/Youth	$20.63	$21.00
Adult	$20.63	$21.00

Appendix 16

Meeting Rooms/Activity Spaces Hourly Rate	Effective April 1, 2019	Effective April 1, 2020
Non School District 67 Schools*	$15.47	$15.75
Local Private	$26.09	$26.75
Local Commercial	$45.66	$46.75
Non-Resident	$65.22	$66.75
Community Centre Gymnasium		
Non Profit/Local/ Regular		
Child/Youth	$18.02	$18.25
Adult	$37.35	$38.25
Non School District 67 Schools*	$13.51	$13.75
Local Private	$49.80	$51.00
Local Commercial	$87.14	$89.00
Non-Resident	$124.49	$127.50
Community Centre 1/2 Gymnasium		
Note: 1/2 Gymnasium Rate 66.7% X Gymnasium Rate		
Non Profit/Local/ Regular		
Child/Youth	$12.02	$12.25
Adult	$24.91	$25.50
Non School District 67 Schools*	$9.02	$9.25
Local Private	$33.22	$34.00
Local Commercial	$58.12	$59.50
Non-Resident	$83.04	$85.00

Non School District 67 Schools* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands.
The Non School District 67 Schools rates are applicable during school hours.

NOTE: For all after hours bookings a security premium will be added to the base rate at actual cost

Appendix 18

PARKING	2019	2020
Off Street Scramble Parking permit (unassigned stall lots) per month	$45.00	$50.00
Off Street Reserved Parking Permit - monthly rate	$50.00	$60.00
Meters Bagged, No Parking or Reserved Parking - first day	$10.50	$11.00
- each day thereafter	$6.30	$11.00
Off-Street Parking Rental - first day	$50.00	$50.00
- each day thereafter	$50.00	$50.00
Sidewalk closure and parking meter rental permit	$10.50	$11.00
- administration fee per application	$5.00	$25.00

Resident Only Parking Areas

Resident Parking Only Application - non refundable deposit	$157.50	$175.00
Resident Parking Only Sign and Each Timed Parking Sign	$84.00	$90.00
Resident Parking Only Permit	$15.00	$15.00
Replacement Parking Only Permit	$15.00	$15.00

Parking Meters

For each twelve (12) minutes	$0.10	$0.25
For each 1/2 hour up to the maximum time on the meter	$0.50	Remove
For two (2) hours -up to the maximum time on the meter	$2.00	$2.50

Ticket Spitters

Martin Street Extension Lot, 200, 300, 400 and 500 Blocks of Main Street parking Lots (first one (1) hour free and for each twelve (12) minutes	$0.50	$0.25
For all other ticket spitters, for each twelve (12) minutes up to the maximum time on ticket	$0.50	$0.25

Appendix 18

PARKING	2019	2020
Boat Trailer Parking (South Main & Skaha Parking Lot)		
Half Day Permit (up to 5 hours)	$5.00	$5.00
Full Day Permit (5 or more hours)	$10.00	$10.00
Annual Permit for Residents of Penticton	$70.00	$70.00
Annual Permit for Non-Residents	$105.00	$105.00
Parking Violations		
Towing and Impound Charges (made payable to the "Contractor" as designed in the Municipal Towing Contract)	As set under: Motor Vehicle Act Regulations, or ICBC Payment Schedule	As set under: Motor Vehicle Act Regulations, or ICBC Payment Schedule
Administration Fee: collected by the "Contractor" payable to the City of Penticton	$50.00	$50.00
Storage of Materials or Impounding per 30 days	$50.00	$50.00
Permit Parking Sign Installation Fees		
Supply of Placard (each)	$2.00	$2.00
Supply of sign post (each)	$20.00	$20.00
Supply of sign post sleeve (each)	$10.00	$10.00
Supply of Residential Parking Only or Special Event Parking Only sign (each)	$10.50	$10.50
Labour to erect a sign and post (each)	$21.00	$21.00
Labour to erect and remove a sign from existing infrastructure (each)	$7.00	$7.00

Note: i) In all instances Public Works Staff will endeavor to erect permit Parking Signs on existing sign posts; ii) In instances where Special Event Permit Parking signs are being erected in areas where it is likely that multiple or re-occurring Special Events will occur there will be no charge for the sign, or post of sleeve. The only charge will be for the labor to erect and remove the sign.

Appendix 19

Parks & Sports Fields Hourly Rate per Field	Effective April 1, 2018	Effective April 1, 2019	Effective April 1, 2020
Sports Fields			
Note: Phased in rates 2010-2012			
Non Profit/Local			
Child/Youth	$3.75	$3.82	$3.90
Adult	$11.23	$11.45	$11.68
Non School District 67 Schools*	$2.81	$2.87	$2.92
Local Private	$14.97	$15.27	$15.58
Local Commercial	$26.20	$26.73	$27.26
Non-Resident	$37.42	$38.17	$38.93
Kings Park			
Non Profit/Local			
Child/Youth	$4.91	$5.01	$5.11
Adult	$12.60	$12.85	$13.11
Non School District 67 Schools*	$3.68	$3.76	$3.83
Local Private	$18.92	$19.30	$19.68
Local Commercial	$33.11	$33.77	$34.45
Non-Resident	$47.31	$48.26	$49.22
Major Event Park			
Non Profit/Local			
Child/Youth	$6.00	$6.12	$6.24
Adult	$17.97	$18.33	$18.69
Non School District 67 Schools*	$4.50	$4.59	$4.68
Local Private	$23.96	$24.44	$24.93
Local Commercial	$41.92	$42.76	$43.61
Non-Resident	$59.89	$61.09	$62.31
Major Event Park (duplicate event - non prime - Before May 1 and After Sept 30			
Non Profit/Local			
Child/Youth	$4.80	$4.89	$4.99
Adult	$14.37	$14.66	$14.95
Non School District 67 Schools*	$3.60	$3.67	$3.74
Local Private	$19.17	$19.55	$19.94
Local Commercial	$33.53	$34.20	$34.89
Non-Resident	$47.92	$48.87	$49.85
Major Event Parks: Okanagan Lake Park, Gyro Park/Bandshell, Rotary Park, Skaha			
Minor Event Park			
Non Profit/Local			
Child/Youth	$5.34	$5.44	$5.55
Adult	$16.00	$16.32	$16.65
Non School District 67 Schools*	$4.00	$4.08	$4.17
Local Private	$21.33	$21.76	$22.19
Local Commercial	$37.33	$38.08	$38.84
Non-Resident	$53.34	$54.40	$55.49
*Major event users	$22.53	$22.98	$23.44
Minor Event Park (additional/second event - non prime - Before May 1 and After Sept 30)			
Non Profit/Local			
Child/Youth	$4.27	$4.36	$4.44
Adult	$12.80	$13.06	$13.32
Non School District 67 Schools*	$3.20	$3.27	$3.33
Local Private	$17.06	$17.41	$17.75
Local Commercial	$29.87	$30.46	$31.07
Non-Resident	$42.67	$43.52	$44.39
*Major event users	$18.02	$18.38	$18.75
Minor Event Parks: Penticton Youth Park, Lakawanna, Gyro South Lawn, Rose Garden and Marina Way			

Appendix 19

Parks & Sports Fields Hourly Rate per Field	Effective April 1, 2018	Effective April 1, 2019	Effective April 1, 2020
Wedding Ceremony Rate - Minimum 4 hour booking (additional hours subject to hourly park rates)	$220.82	$225.23	$229.74
Passive Parks and Play Courts			
Passive Parks			
Non Profit/Local			
Child/Youth	$3.25	$3.31	$3.38
Adult	$9.74	$9.94	$10.14
Non School District 67 Schools*	$2.44	$2.48	$2.53
Local Private	$12.97	$13.23	$13.49
Local Commercial	$22.69	$23.14	$23.61
Non-Resident	$32.43	$33.08	$33.74
Admin Rate User	$8.86	$9.04	$9.22
Passive Parks (additional/second event - non prime - Before May 1 and After Sept 30)			
Non Profit/Local			
Child/Youth	$2.60	$2.65	$2.70
Adult	$7.79	$7.95	$8.11
Non School District 67 Schools*	$1.95	$1.99	$2.03
Local Private	$10.37	$10.58	$10.79
Local Commercial	$18.15	$18.51	$18.88
Non-Resident	$25.94	$26.46	$26.99
Admin Rate User	$7.09	$7.23	$7.38
Passive Parks: Neighbourhood parks, Parking lots, Riverside and Beaches			
Play Courts			
Non Profit/Local			
Child/Youth	$1.70	$1.73	$1.77
Adult	$5.09	$5.20	$5.30
Non School District 67 Schools*	$1.27	$1.30	$1.32
Local Private	$11.86	$12.10	$12.34
Local Commercial	$13.57	$13.84	$14.12
Non-Resident	$16.96	$17.30	$17.64
Penticton Pickleball Society seasonal court usage (per player)	$14.00	$14.25	$14.54
Play Courts (additional/second event - non prime - Before May 1 and After Sept 30)			
Non Profit/Local			
Child/Youth	$1.36	$1.39	$1.41
Adult	$4.08	$4.16	$4.24
Non School District 67 Schools*	$1.02	$1.04	$1.06
Local Private	$9.49	$9.68	$9.87
Local Commercial	$10.86	$11.08	$11.30
Non-Resident	$13.57	$13.84	$14.11
Non School District 67 Schools* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton			
Parking Space Rental (per parking space/per day)	$5.52	$5.63	$5.74
Specialty Vehicle Event Parking Permits (minimum 50 permits); per vehicle; per day	$2.00	$2.04	$2.08
Misc. Park Fees			
Garbage Removal	Actual Cost	Actual Cost	Actual Cost
Beach Cleaning Services - Regular Working Hours - Min 4 Hour Charge (incl. admin fees)	$1,000.00	$1,020.00	$1,025.00
Beach Cleaning Services - Regular Working Hours - Hourly Rate After 4 Hours (incl. admin fees)	$250.00	$255.00	$258.00

Appendix 19

Parks & Sports Fields Hourly Rate per Field	Effective April 1, 2018	Effective April 1, 2019	Effective April 1, 2020
Beach Cleaning Services - Outside Regular Working Hours - Min 4 Hour Charge (incl. admin fees)	$1,400.00	$1,428.00	$1,450.00
Beach Cleaning Services - Outside Regular Working Hours - Hourly Rate After 4 Hours (incl. admin fees)	$350.00	$357.00	$365.00
Double Cut and Tournament Preparation for Sports Fields on Weekends	Actual Cost	Actual Cost	Actual Cost
Field Mowing - Regular Time - Soccer / Field	$81.18	$82.81	$85.00
Field Mowing - Over Time - Soccer / 2 Fields - First 2 Fields	$244.63	$249.52	$255.00
Field Mowing - Over Time - Soccer / Additional Field	$122.32	$124.77	$125.00
Field Lining - Regular Time - Soccer / First Field	$202.41	$206.46	$210.00
Field Lining - Regular Time - Soccer / Additional Field	$152.63	$155.68	$160.00
Field Lining - Over Time - Soccer / First Field	$286.85	$292.59	$295.00
Field Lining - Over Time - Soccer / Additional Field	$194.84	$198.73	$200.00
Rates listed are per day			
Picnic Table (per table)	$8.28	$8.45	$8.61
Picnic Table Delivery & Return (per table)	$32.47	$33.12	$33.78
Garbage/Recycling Cans (per pair of 2)			$8.61
Non Profit/Local	$32.46	$33.11	$33.77
Local Private/ Commercial	$75.76	$77.28	$78.82
Gyro Park Connect & Disconnect	$54.11	$55.19	Removed
All other Parks Delivery, Connect, Disconnect, Return	$487.08	$496.83	$506.76
Note: Additional washroom cleaning charges are applied (when required for an event) as set by contracted			
Rates listed are per day			
Three - Five Tiered Bleacher Rental			
Non Profit/Local	$9.92	$10.12	$11.00
Local Private/ Commercial	$22.07	$22.51	$25.00
Moving and Set Up One Time Fee	$194.83	$198.72	$200.00
Rates listed are per day			
Ten Tiered Bleacher Rental			
Non Profit/Local	$22.07	$22.51	$25.00
Local Private/ Commercial	$49.67	$50.66	$55.00
Moving and Set Up One Time Fee	$411.31	$419.54	$420.00
*Moving and set up costs are in addition to rental fees. Actual Costs of labour and equipment to be added. Prior to confirmation			
Mobile Stage (Rates listed are per day)			
Non Profit/Local	$154.56	$157.66	$160.00
Local Private/ Commercial	$331.21	$337.84	$340.00
Moving and Set Up One Time Fee	$198.72	$202.70	$205.00
Mobile Stage with Awning (Rates listed are per day)			
Non Profit/Local	$176.64	$180.17	$185.00
Local Private/ Commercial	$419.54	$427.93	$430.00
Moving and Set Up One Time Fee	$1,104.07	$1,126.15	$1,130.00
**Mobile stage daily rates to be calculated annually as part of the City Fleet and approved by Council. Moving and set up costs are			
Delivery/Removal 1-10 Barricades/Signs*** (one-time fee)	$89.47	$91.26	$95.00
Delivery/Removal 11-20 Barricades/Signs*** (one-time fee)	$134.21	$136.90	$140.00
Delivery/Removal 21-40 Barricades/Signs*** (one-time fee)	$178.95	$182.53	$185.00
Delivery/Removal 40+ Barricades/Signs*** (one-time fee)	Actual Cost	Actual Cost	Actual Cost
Delivery/Removal 1-5 Water Stands (Gyro Only) (one-time fee)	$104.04	$106.12	Removed
Delivery/Removal Garbage Cans & Bags**** (one-time fee)	$52.02	$53.06	$33.78
***No charge if paying for delivery/removal of picnic table or bleachers; or no charge if			

Appendix 19

Parks & Sports Fields Hourly Rate per Field	Effective April 1, 2018	Effective April 1, 2019	Effective April 1, 2020
****No charge if paying for delivery/removal of picnic tables or bleachers			
Park Donation Program			
Park Bench Donation - New Bench - 15 year - Council Policy 1037 - December 17, 2012 as amended from time to time.	$2,570.00	$2,570.00	$2,570.00
Park Bench Donation - Refurbished Bench - 10 year renewal - Council Policy 1037 - December 17, 2012 as amended from time to time.	50% of current donation	50% of current donation	50% of current donation
Picnic Table Donation - New Table - 15 year - Council Policy 1037 - December 17, 2012 as amended from time to time.	$3,060.00	$3,060.00	$3,060.00
Picnic Table Donation - Refurbished Table - 10 year renewal - Council Policy 1037 - December 17, 2012 as amended from time to time.	50% of current donation	50% of current donation	50% of current donation
Plaque Addition or Replacement	$415.00	$415.00	$415.00
Tree Donation	$415.00	$415.00	$415.00
Bike Rack - New Rack - 15 year - Council Policy 1037 - December 17, 2012 as amended from time to time.	$1,040.00	$1,040.00	$1,040.00
Bike Rack - Refurbished Rack - 10 year renewal - Council Policy 1037 - December 17, 2012 as amended from time to time.	50% of current donation	50% of current donation	50% of current donation
Pet Stand - New Pet Stand - 5 year - Council Policy 1037 - December 17, 2012 as amended from time to time.	$315.00	$315.00	$315.00
Hanging Basket Sponsor - 1 season - location determined by City	$250.00	$250.00	$250.00
Park Stewardship - contribution towards favorite park, trail or beach	$200.00	$200.00	$200.00
Floral Display Sponsor - 1 season - Sponsor one of the City's garden displays	$2,500.00	$2,500.00	$2,500.00
Park Improvement Projects - Platinum Sponsor	$10,000.00	$10,000.00	$10,000.00
Park Improvement Projects - Gold Sponsor	$2,500.00	$2,500.00	$2,500.00
Park Improvement Projects - Silver Sponsor	$500.00	$500.00	$500.00
Electrical Fees			
Gyro Park - seasonal per 50 amp receptical	$312.12	$318.36	$324.73
Gyro Park - seasonal per 15 amp receptical	$156.06	$159.18	$162.36
Gyro Park - Saturday market only (seasonal) per receptical	$106.08	$108.20	$110.37
Nanaimo Square - Saturday market only (season) per receptical	$53.04	$54.10	$55.18

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020

Subdivision and Development Costs

Every person who obtains:

a) approval of the subdivision of a parcel of land under the "Land Registry Act" or the "Strata Titles Act" for any purpose other than the creation of three (3) or less lots to provide sites for a total of three (3) or less self-contained dwelling units; or

b) a Building Permit authorizing the construction or alteration of buildings or structures for any purpose other than the construction of three (3) or less self-contained dwelling units; or

c) a building Permit authorizing construction, alteration or extension of a building or structure, other than a building or portion of it used for residential purposes, where the value of the work exceeds Twenty-five Thousand Dollars (25,000);

Shall:
1) prior to commencement of the construction or installation of any works or services required under the Subdivision and Development Bylaw 2004-81, the owner shall pay to the City an administration fee of 3% of all works and services to be provided;

2) prior to commencement of the construction or installation of any works or services required under the Subdivision and Development Bylaw 2004-81, as amended from time, the owner shall pay to the City a Rectification and Repair Contingency fee of 2% of the estimated cost of construction. This fee shall be used to repair or replace existing City infrastructure that has been altered or damaged by activity related to the installation of the works and services for the development. The remainder of the fee will be returned to the owner upon issuance of the Total Performance Certificate.

OCP Amendments

~~a) OCP Amendments in Rural Residential, Detached Residential and Agricultural OCP designated areas~~	~~$1,600.00~~	Removed
b) OCP Amendments	$2,000.00	$2,000.00
~~c) OCP Amendments in Rural Residential, Detached Residential and Agricultural OCP designated areas (where in conjunction with a Rezoning Application)~~	~~$1,100.00~~	Removed
d) OCP Amendments (where in conjunction with a Rezoning Application)	$1,300.00	$1,300.00
~~e) OCP Text Amendments~~	~~$1,600.00~~	Removed

Rezoning

~~a) Stand alone Rezoning applications in Rural Residential, Detached Residential and Agricultural OCP designated areas~~	~~$1,250.00~~	Removed
b) All other stand alone Rezoning applications.	$1,750.00	$1,750.00
c) Zoning Bylaw Text Amendments	$1,250.00	$1,250.00
d) Comprehensive Development Zone	$5,000.00	$5,000.00

Public Notice Signs (OCP and Zoning Amendments)

a) Initial OCP or Zoning Bylaw Sign	$250.00	$250.00
b) Repair of Damaged Signs	$250.00	$250.00
c) Replacement of damaged signs	$250.00	$250.00
d) Additional Public Hearing Fee	$250.00	$250.00

Development Permit Application

a) Major Development Permit (Council Decision)	$1,200.00	$1,200.00

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020
b) Minor Development Permit (Staff issuable)	$700.00	$700.00
c) Major Amendments to Development Permits (Council Decision)	$600.00	$600.00
d) Minor Amendments to Development Permits (Staff issuable)	$350.00	$350.00
e) Appeal to Council of a Staff Decision on a Development Permit	$700.00	$700.00
~~f) Reissuance of an expired Development Permit~~	~~$450.00~~	Removed
g) Riparian / Environmental Assessment Development Permit	$600.00	$600.00

Development Variance Permit Application or Board of Variance Application

a) Major Variance (3+ Variances per development)	$1,200.00	$1,200.00
b) Major Variance (3+ Variances per development) if in conjunction with a Development Permit Application	$700.00	$700.00
c) Minor Variance (1 or 2 Variances per development)	$700.00	$700.00
d) Minor Variance (1 or 2 Variances per development) if in conjunction with a Development Permit Application	$500.00	$500.00
~~e) Reissuance of expired Development Variance Permit~~	~~$600.00~~	Removed
f) Note: No additional fee is required for a Variance where it is issued under Section 490 (1)(a) of the *Local Government Act.*		
g) Board of Variance	$500.00	$500.00

Temporary Use Permit

a) Temporary Use Permit	$800.00	$800.00
b) Temporary Use Permit Renewal	$400.00	$400.00

Canabis Retail Store

a) Application for local government support or relocation of a Cannabis Retail Store	$2,500.00	$2,500.00

Subdivision (Fee Simple & Bareland Strata)

a) Preliminary Layout Approval Review

1-2 Lots	$1,000.00	$1,000.00
3-10 Lots	$1000.00 + $300.00 per lot in excess of 2 lots	$1000.00 + $300.00 per lot in excess of 2 lots

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020
11-20 Lots	$3,000.00 + $220.00 per lot in excess of 10 lots	$3,000.00 + $220.00 per lot in excess of 10 lots
21-30 Lots	$5,000.00 + $200.00 per lot in excess of 20 lots	$5,000.00 + $200.00 per lot in excess of 20 lots
31-40 Lots	$7,000.00 + $180.00 per lot in excess of 30 lots	$7,000.00 + $180.00 per lot in excess of 30 lots
41 Lots or Greater	$8,800.00 + $110.00 per lot in excess of 40 lots	$8,800.00 + $110.00 per lot in excess of 40 lots
b) Preliminary Layout Approval (PLA) Renewal or Amendment	$220.00	$220.00
c) Early Registration Agreement (Applicable to Fee Simple Subdivisions)	$800.00	$800.00
d) Latecomer Agreement (Applicable to any excess or extended services as a result of Subdivision or Building)	$750.00	$750.00

Strata Conversion

a) First lot	$500.00	$500.00
b) Each Additional Lot	$500 + $150 per strata lot to a max. of $2,000.	$500 + $150 per strata lot to a max. of $2,000.
c) Report Inspection Fees	$250.00	$250.00
d) Third Party Review of Professional Reports submitted with an Application	Actual Cost	Actual Cost

Phased Strata

a) Phasing Approval Fee	$600.00	$600.00
c) Form P Approval	$100.00	$100.00
d) Preliminary Layout Approval (PLA) Renewal or Amendment	$450.00	$450.00

ALR

ALR Exclusion/Inclusion/Subdivision/Non Farm Use	As established by the Agricultural Land Commission	As established by the Agricultural Land Commission

Other Administrative Fees

b) Boulevard Trees	$472.50	$472.50
c) Ministry of Environment-Site Profile Referral	$100.00	$100.00
d) Address Number Change Request (owner initiated)	$150.00	$150.00
e) Road Name Change Fee (owner initiated)	$500.00	$500.00

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020
f) Land Title Search (when not provided at time of application)	$20.00	$20.00
g) File Search or comfort letter initial fee for first hour	$250.00	$250.00
h) File search hourly rate (minimum 1/2 hour charge $30)	$60.00	$60.00
i) Property File review request (new)	$25.00	$25.00
j) Developer initiated address change affecting other properties (fee charged per unit affected)		$250.00
j) Landscape inspection fees		
First inspection		No charge
2nd inspection		$75.00
Additional inspections		$150.00

Map and Bylaw Rates

a) Plotter Printing Fees for all documents over 11" X 17"/ per sq/m (A1 page = 0.5 sq/m)	$12.00	$12.00
b) Bylaws (OCP, Zoning, Subdivision and Development)/page (note: large bylaw maps shall be charges separately as above)	As outlined in Appendix 1 Administrative Rates	As outlined in Appendix 1 Administrative Rates

Land Administration Services

a) Prepare document and register with Land Titles Office	$1200 min or actual cost [1]	$1200 min or actual cost [1]
b) Prepare amended document and register with LTO	$840 min. or actual cost [1]	$840 min. or actual cost [1]
c) Prepare discharge document and register with LTO	$840 min. or actual cost [1]	$840 min. or actual cost [1]
d) Prepare document (lease, licence, sub-licence) not registered with LTO	$300.00	$300.00
e) Amend or renew document (lease, licence, sub-licence)	$150.00	$150.00
f) Location Certificate (Licenced BC Land Surveyor prepared)	Actual Cost	Actual Cost
g) Use of City Owned Lands	Market Value	Market Value
h) Appraisals	Actual Cost	Actual Cost
i) To raise title on Park or Road for the purposes of Disposition	$1200 min or actual cost [1]	$1200 min or actual cost [1]
j) Road Closure Permit (excluding GST)	$135.00	$140.00
l) City Survey Costs	Actual Cost	Actual Cost
Removal of Section 57 Notice on Title	$500.00	$500.00

[1] Any additional city legal and/or survey costs which are required in the processing of any of the applications listed in this Application Fee Schedule will be borne by the applicant including but not limited to the preparation and registration of restrictive covenants, land use Contract Amendments, Statutory Rights-of-Way, Road Closure and Disposition, etc.

Development Applications Refunds

Development Cost Charges, DCC, Refund:

Refunds for development cost charges are to be addressed as per City of Penticton Development Cost Charges Bylaw No. 2007-79 as amended or superceded.

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020
Density Bonus Refund: Density bonus paid as part of building permit issuance, construction beyond the footings not started, as determined by the Director of Development Services – Upon cancellation of the building permit or building permit application refund all density bonus paid less an administrative fee of $250. Density bonus paid as part of building permit issuance, construction beyond the footings started as determined by the Director of Development Services – The person seeking a refund must make a submission for a refund in the prescribed form to the Director of Development Services or the designate who will prepare a report for Council's consideration. Council will consider the matter and may by resolution: a. authorize the density bonus refund subject to conditions as; or b. refuse the request for a density bonus refund; c. refer the matter to staff or a future Council meeting; or d. such other determination as Council may direct.		
As a requirement of any density bonus refund the development permit and/or building permits must be cancelled and the development permit must be discharged from the title of the land – all density bonus paid shall be refunded less an administration fee of:	$250.00 and a discharge notice of fee of $250.00	$250.00 and a discharge notice of fee of $250.00
City infrastructure[1] requirements as part of Subdivision: Subdivision not approved and infrastructure not installed – Upon cancellation of the preliminary layout approval, refund infrastructure charges less an administrative fee of:		
a. For Single Family, Duplex and smaller developments	$470.00	$470.00
b. For all other larger developments	$990.00	$990.00
Subdivision not approved and infrastructure installed	No Refund	No Refund
Subdivision approved	No Refund	No Refund
City infrastructure[1] requirements as part of Zoning: Zoning Bylaw amendment not adopted and infrastructure not installed – Upon rescinding all readings of the Zoning Bylaw amendment refund infrastructure charges less an administrative fee of:		
a. For Single Family, Duplex and smaller developments	$470.00	$470.00
b. For all other larger development	$990.00	$990.00
Zoning Bylaw amendment not adopted and infrastructure installed	No Refund	No Refund
Zoning Bylaw Amendment adopted	No Refund	No Refund
Development Variance Permit Application Fee:		
a. Cancellation of a development variance permit application not reveiwed at a Technical Planning Committee meeting	$500.00	$500.00

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020
b. Cancellation of a development variance permit application, discussed at a Technical Planning Committee meeting but not scheduled for delegations and submissions at Council	$250.00	$250.00
c. Development variance permit application scheduled for Council consideration	No Refund	No Refund
Development Permit Application Fee:		
a. Cancellation of a development permit application not reveiwed at a Technical Planning Committee meeting	$500.00	$500.00
b. Cancellation of a development permit application discussed at a Technical Planning Committee meeting but not scheduled for Council consideration.	$250.00	$250.00
c. Development permit application considered by Council	No Refund	No Refund
Rezoning Application Fee:		
a. Cancellation of a rezoning application not reveiwed at a Technical Planning Committee meeting	$1000.00 + associated Public Hearing signage fees	$1000.00 + associated Public Hearing signage fees
b. Cancellation of a rezoning application discussed at a Technical Planning Committee meeting but has not considered by Council	$600.00 + associated Public Hearing signage fees	$600.00 + associated Public Hearing signage fees
c. Rezoning application considered by Council	No Refund	No Refund
Official Community Plan, (OCP) Amendment Application Fee:		
a. Cancellation of an OCP amendment application not reviewed at a Technical Planning Committee meeting	$1000.00 + associated Public Hearing signage fees	$1000.00 + associated Public Hearing signage fees
b. Cancellation of an OCP amendment application reveiwed by the Technical Planning Committee but not considered by Council	$600.00 + associated Public Hearing signage fees	$600.00 + associated Public Hearing signage fees
c. OCP amendment application considered by Council	No Refund	No Refund
Subdivision Application Fee Refund		
a. Cancellation of a subdivision application that has not been reveiwed at a Technical Planning Committee meeting	75% of original application fee	75% of original application fee
b. Cancellation of a subdivision application reveiwed by the Technical Planning Committee but has not been issued preliminary layout approval (PLA)	50% of original application fee	50% of original application fee
c. Subdivision has been issued or refused Preliminary Layout Apporval (PLA)	No Refund	No Refund
Landscaping Security Refund:		
a. In the case where a development has paid a landscape bond, but the development has not proceeded.	full refund minus a $350.00 administration fee	full refund minus a $350.00 administration fee
Agriculture Land Reserve (ALR) Application Fee:		
a. Cancellation of an ALR application that has not been forwarded to the Agricultural Land Commission (ALC)	$1,200	As per the Agricultural Land Commission
b. Cancellation of an ALR application that has been forwarded to the Agricultural Land Commission	No Refund	No Refund

Appendix 20

PLANNING AND DEVELOPMENT	2019	2020
Notes: **1. City Infrastructure is defined as:** a. Any items related to the City of Penticton water, sanitary, storm system including main line pipe, appurtenances, services etc. b. Any items related to roads, sidewalks, curb, gutter, signs etc. **Sign Permit Fees:** For the purpose of calculating the fee for a sign permit, the value of construction shall be the total contract price for the work, including all subcontractors, or the value of construction as determined by the Building Inspector on the basis of the plans, specifications and information available, whichever value shall be the greater.		
for enlargement, conversion, alteration or relocation of a sign for which a permit has been issued	$30.00	$30.00
signs with a value of $1,000 or less (per sign)	$50.00	$50.00
for each $1,000 of part thereof, by which the value exceeds the sum of $1,000 (per sign)	$10.00	$10.00
Variance to the Sign Bylaw	$700.00	$700.00
Where any sign has been erected without a permit having previously been obtained, the fee for obtaining such permit shall be double the amount of the regular permit fee	minimum $100 fine	minimum $100 fine

Appendix 21

POOL/AQUATICS	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Note: Lifeguard/Instructor wages + 5% Admin Fee to be added to rental			
1 Lane (minimum 3 lane rental required for booking unless special permission)			
Non Profit/Local			
Child/Youth	$5.33	$5.43	$5.54
Adult	$12.61	$12.86	$13.12
Local Private	$15.96	$16.28	$16.60
Local Commercial	$27.90	$28.46	$29.03
Non-Resident	$39.86	$40.66	$41.47
3 Lanes			
Non Profit/Local			
Child/Youth	$15.82	$16.14	$16.46
Adult	$37.44	$38.19	$38.96
Local Private	$47.85	$48.81	$49.79
Local Commercial	$83.71	$85.39	$87.09
Non-Resident	$119.60	$121.99	$124.43
4 Lanes to a Maximum of 13 Lanes Multiply # of			
Leisure Pool			
Note: Leisure Pool Rate is 7 Lane Rate			
Non Profit/Local			
Child/Youth	$37.29	$38.03	$38.79
Adult	$88.22	$89.98	$91.78
Local Private	$111.68	$113.91	$116.19
Local Commercial	$195.35	$199.26	$203.24
Non-Resident	$279.08	$284.66	$290.36
Full Aquatic Facility			
Note: Full Aquatic Facility Rate is 15 Lane Rate			
Non Profit/Local			
Child/Youth	$79.88	$81.47	$83.10
Adult	$189.02	$192.80	$196.66
Local Private	$239.32	$244.10	$248.98
Local Commercial	$418.59	$426.96	$435.50
Non-Resident	$598.03	$609.99	$622.19
Public Swimming			
Single Admission			

Appendix 21

POOL/AQUATICS	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Preschool	$1.19	$1.25	$1.43
Child	$4.05	$4.25	$4.52
Youth	$5.00	$5.25	$5.48
Adult	$5.95	$6.25	$6.43
Senior	$5.00	$5.25	$5.48
Super Senior	$4.05	$4.25	$4.52
Family	$15.24	$16.00	$16.19
10 Tickets			
Preschool	$10.48	$11.00	$11.43
Child	$36.19	$38.00	$39.05
Youth	$44.76	$47.00	$47.62
Adult	$53.33	$56.00	$57.14
Senior	$44.76	$47.00	$47.62
Super Senior	$36.19	$38.00	$39.05
Family	$137.14	$144.00	$146.67
1 Month			
Preschool	$10.48	$11.00	$11.43
Child	$36.19	$38.00	$39.05
Youth	$44.76	$47.00	$47.62
Adult	$53.33	$56.00	$57.14
Senior	$44.76	$47.00	$47.62
Super Senior	$36.19	$38.00	$39.05
Family	$137.14	$144.00	$146.67
3 Months			
Preschool	$25.71	$27.00	$27.62
Child	$89.52	$94.00	$95.24
Youth	$99.05	$104.00	$104.76

Appendix 21

POOL/AQUATICS	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Adult	$139.05	$146.00	$147.62
Senior	$99.05	$104.00	$104.76
Super Senior	$89.52	$94.00	$95.24
Family	$329.52	$346.00	$352.38
6 Months			
Preschool	$47.62	$50.00	$50.48
Child	$159.05	$167.00	$170.48
Youth	$179.05	$188.00	$190.48
Adult	$239.05	$251.00	$256.19
Senior	$179.05	$188.00	$190.48
Super Senior	$159.05	$167.00	$170.48
Family	$599.05	$629.00	$641.90
12 Month Annual Pass			
Preschool	$72.38	$76.00	$76.19
Child	$249.52	$262.00	$266.67
Youth	$279.05	$293.00	$299.05
Adult	$379.05	$398.00	$404.76
Senior	$279.05	$293.00	$299.05
Super Senior	$249.52	$262.00	$266.67
Family	$929.52	$976.00	$995.24
Fitness Room/Pool Combined Single Admission			
Youth	$7.38	$7.75	$7.86
Adult	$10.24	$10.75	$10.95
Senior	$7.38	$7.75	$7.86
Super Senior	$6.43	$6.75	$6.90

Appendix 21

POOL/AQUATICS	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Family	N/A	$25.36	$25.71
10 Tickets			
Youth	$65.71	$69.00	$70.48
Adult	$91.43	$96.00	$98.10
Senior	$65.71	$69.00	$70.48
Super Senior	$57.14	$60.00	$60.95
Family	N/A	$226.50	$228.57
1 Month			
Youth	$65.71	$69.00	$70.48
Adult	$91.43	$96.00	$98.10
Senior	$65.71	$69.00	$70.48
Super Senior	$57.14	$60.00	$60.95
Family	N/A	$226.50	$228.57
3 Months			
Youth	$173.33	$182.00	$185.71
Adult	$234.29	$246.00	$250.48
Senior	$173.33	$182.00	$185.71
Super Senior	$141.90	$149.00	$152.38
Family	N/A	$583.00	$585.71
6 Months			
Youth	$304.76	$320.00	$326.67
Adult	$406.67	$427.00	$435.24
Senior	$304.76	$320.00	$326.67

Appendix 21

POOL/AQUATICS	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Super Senior	$243.81	$256.00	$260.95
Family	N/A	$1,014.00	$1,018.10
12 Month Annual Pass			
Youth	$479.05	$503.00	$513.33
Adult	$641.90	$674.00	$687.62
Senior	$479.05	$503.00	$513.33
Super Senior	$386.67	$406.00	$414.29
Family	N/A	$1,599.50	$1,604.76
FITNESS ROOM / PUBLIC SWIMMING DAY PASS - Single Admission			
Youth	$10.95	$11.50	$11.67
Adult	$14.76	$15.50	$15.71
Senior	$10.95	$11.50	$11.67
Super Senior	$9.05	$9.50	$9.76
Family	N/A	$36.75	$37.14
Agency Activity Pass - Annual	$599.05	$629.00	$633.33
Access Passes	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room
CLINIC RATES Weekly Pool			
Senior	$12.38	$13.00	$13.33
Adult	$14.76	$15.50	$15.95
Weekly Fitness/Pool			
Senior	$18.10	$19.01	$19.29
Adult	$25.24	$26.50	$27.14

Appendix 21			
POOL/AQUATICS	**Effective April 1,2018**	**Effective April 1,2019**	**Effective April 1,2020**
Monthly Pool			
Senior	$33.81	$35.50	$36.19
Adult	$40.24	$42.25	$43.10
Monthly Fitness/Pool			
Senior	$49.29	$51.75	$52.86
Adult	$68.57	$72.00	$73.33
10 Ticket Pool			
Senior	$36.19	$38.00	$38.81
Adult	$42.86	$45.00	$45.95
Fitness/Pool 10 Ticket			
Senior	$52.38	$55.00	$56.19
Adult	$73.33	$77.00	$78.57

Appendix 23

RCMP	2019	2020
Criminal Record Checks (includes VISA and Liquor Control Board Applications)	$40.00	$45.00
Volunteers – require stamped self addressed envelope	n/c	n/c
Chauffer's Permits (annual renewal)	$40.00	Removed
Private Investigators Applications	$40.00	$45.00
Canadian Police Certificate (any agency including Visa applications Foreign Travel/Work Permits) Admin Fee	$25.00	$30.00
Fingerprinting Fee		$30.00
RV Overnight Parking Permit (a window permit is issued to those user groups requiring an RV on site for special event security - pending approval by the PRC Director of designate. Permit is issued through the RCMP.	$30.88	$35.00
Police Reports		
Accident reports	$40.00	$45.00
Court Ordered File copy – up to and including 60 pages	$60.00	$65.00
File copy in excess of 60 pages - per page	$0.55	$0.60
Traffic Analyst/Collision Reports	$60.00	$65.00
CD & Video tape/cd reproductions	$30.00	$35.00
False Alarms		
1st occurrence	n/c	n/c
2nd occurrence	$55.00	$60.00
3rd occurrence	$80.00	$85.00
4th occurrence and subsequent	$105.00	$110.00
False Alarms - Hold Up Alarms (Robbery in Progress)		
1st occurrence	n/c	n/c
2nd and subsequent	$160.00	$165.00
(False alarm and hold up alarms will be counted on a calendar year basis. Each January 1st all businesses and residences will start with a clean slate for the purposes of the charges noted above)		
Disclosure of Information - Ministry of Children & Families (per hour, min 1/2 hour charge)	$50.00	$55.00

Appendix 24

Recreation - Miscellaneous	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Gymnasium Drop -In			
Single Visit	$4.05	$4.25	$4.29
Family	$10.00	$10.50	$11.43
Service Fees			
Membership Card Replacement	$2.14	$2.25	$2.14
*Non-Profit Sport/Recreation Groups	$2.14	$2.25	$2.38
*Non-Profit Theatre Tickets	$2.14	$2.25	$2.38
*Commercial Theatre Tickets	$2.62	$2.75	$2.86
* Subject to applicable taxes and card service (Visa/Master/Amex) fees for credit card use.			
Agency Activity Pass - Annual	$599.05	$629.00	$629.00
Access Passes	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room
Group Discounts	10% off drop-in admission rates for groups of 10 or more. 20% off drop-in admission rates for groups of 20 or more. Non School District 67 schools*: 50% off drop-in admission rates for groups of 30 or more.	10% off drop-in admission rates for groups of 10 or more. 20% off drop-in admission rates for groups of 20 or more. Non School District 67 schools*: 50% off drop-in admission rates for groups of 30 or more.	10% off drop-in admission rates for groups of 10 or more. 20% off drop-in admission rates for groups of 20 or more. Non School District 67 schools*: 50% off drop-in admission rates for groups of 30 or more.

Recreation Program Fees

Program fees set at a level sufficient at minimum to cover all instructor, expendable and consumable materials and extraordinary costs plus an additional 20%.

Appendix 24

Recreation - Miscellaneous	Effective April 1,2018	Effective April 1,2019	Effective April 1,2020
Storage Rental (Community Centre Gym)			
4x7x10 compartment (per month)	$25.93	$26.45	$26.97
Misc. Storage Rentals/sq feet/month (minimum $10/month)	$0.62	$0.64	$0.65
Piano Rental			
The Licensee shall be responsible for and shall pay for the tuning of the Piano if required	Actual Cost	Actual Cost	Actual Cost
Grand/Upright Piano (1/3 of a day)	$12.13	$12.37	$12.37
Concert Steinway Piano			
Commercial - 1 day of First day	$187.08	$190.83	$190.83
Commercial - Subsequent Days	$93.53	$95.40	$95.40
Non-Profit 1 day or first day	$93.53	$95.40	$95.40
Non-profit - Subsequent days	$46.77	$47.70	$47.70
Specialty Items			
Community Centre Equipment Rentals	market value	market value	market value
Community Centre Retail Merchandise	mark up at Retail Price to reflect 25%-50%	mark up at Retail Price to reflect 25%-50%	mark up at Retail Price to reflect 25%-50%
RV Overnight Parking Permit (a window permit is issued to those user groups requiring an RV on site for special event security - pending approval by the PRC Director of designate. Permit is issued through the RCMP.	$30.28	$30.88	Remove: Moved to Appendix 23
McLaren Arena Advertising			
Standard Rink Boards	$399.00	$499.00	$499.00
On-site advertising/promotion per week (commercial)	$50.00	$50.00	$50.00

Non School District 67 Schools* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands. The Non School District 67 Schools rates are applicable during school hours.

Appendix 25

SEWER	2018	2019

Such charges to be effective immediately upon the expiration of 180 days (60 days in the case of a renovated building) from the date of validation of the building permit, provided however, that this amount may be pro-rated from the effective date to December 31 of the year in which the building is built or renovated.

An extension to the 180 day period will be considered providing the builder applies **in writing** to Building & Licence Division prior to the expiration of the 180 day period. Should a request come from a builder **after** the expiration of the 180 day period, an extension may still be granted upon payment of an administration fee:

Extensions are only to be granted in multiples of 30 days, ie 30, 60, 90 days.

Sanitary Sewer Charges based on Treated Water Use

Residential Use Monthly Fixed Sanitary Sewer Rates Based on Water Meter Size charged April to October

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month April to October)	$28.28	$31.96
25mm (1 inch) / month April to October	$70.71	$79.90
38 mm (1 1/2 inches) / month April to October	$141.41	$159.79
50 mm (2 inches) / month April to October	$226.26	$255.67
75 mm (3 inches) / month April to October	$494.95	$559.29
100 mm (4 inches) / month April to October	$890.91	$1,006.73

PLUS Variable Sanitary Sewer Generation Charge based on Water Use for all Meter Sizes charged November to March

Variable Consumption Charge / 2.83 cubic meters (100 cubic feet) charged monthly November to March [Minimum monthly consumption charge for 3/4" meter size customer based on 250 cubic feet]	$5.43	$6.87

Non- Residential Use Monthly Fixed Sanitary Sewer Rates Based on Water Meter Size charged January to December

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month January to December)	$14.14	$15.65
25mm (1 inch) / month January to December	$35.35	$39.13
38 mm (1 1/2 inches) / month January to December	$70.71	$78.28
50 mm (2 inches) / month January to December	$113.13	$125.24
75 mm (3 inches) / month January to December	$247.47	$273.96

Appendix 25		
SEWER	**2018**	**2019**
100 mm (4 inches) / month January to December	$445.45	$493.14

PLUS Variable Sanitary Sewer Generation Charge based on Water Use for all Meter Sizes

Variable Consumption Charge / 2.83 cubic meters (100 cubic feet) charged monthly January to December	$2.71	$3.00
Request for Reduction Submission and Review	$100.00	$100.00
Fee for falsification of information on a Request for Reduction	$500.00	$500.00

NOTES

Residential Uses includes: All single family, duplex, multi-family and mobile home parks

Non Residential Customers may apply after paying the prescribed fee to the City for a reduction in the % of water use to calculate the sanitary sewer consumption fee to account for business practices that create a large discrepancy between water use and sewage generation.

The following business practices will be eligible for consideration for a reduction:

i. Water used to produce a product for sale that is consumed or used off the site. Examples include: Concrete production, off sales beer and wine, take out coffee and soft drinks.

ii. Water used to irrigate plants that are sold. Examples include: Garden Centers.

iii. Water used in a cooling process that does not enter the sanitary sewer.

iv. Water used by contractors in water trucks for dustcontrol.

The requested reduction in water use must be substantiated either through:

i. The installation and reading of a water meter that will monitor the water used in the process for which the reduction is being sought.

ii. Financial records or audit documents prepared by an accountant or a report prepared by a professional engineer that calculates the volume of water that should be considered for reduction.

The cost of producing the substantiation is to be borne by the party requesting the reduction.

No reduction will be granted for volumes of water less than 5%.

Appendix 25

SEWER	2018	2019

A person found to have submitted false information to support their reduction request will be required to pay the Fee for falsification of information on a Request for Reduction

Sanitary sewer charges no water meter or no water service (per month)

Fee based on property zoning as follows:

For properties zoned Single Family Residential	$28.28	$31.31
For properties zoned l Multi Family Residential	$40.25	$44.56
For properties zoned Commercial	$94.64	$104.77
For properties zoned Industrial	$642.89	$711.71
For all other properties	$94.64	$104.77
Sanitary sewer charges based on a negotiated agreement	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council
Sanitary Sewer Fixture Charge	$39.36	$43.57
Minimum flat rate charge for sanitary sewer for residential properties adjacent to a sanitary sewer main but not connected	$34.27	$37.94
Minimum flat rate charge for sanitary sewer for non-residential properties adjacent to a sanitary sewer main but not connected	$277.39	$307.09
Permit to Discharge	$244.00	$248.00
Evaluation of restricted wastes of over strength matter	Actual cost	Actual cost
Over strength B.O.D. charge (over 300 mg/l)	$0.54/kg	$0.57/kg
Over strength C.O.D. surcharge (over 600 mg/l)	Fee to be developed	Fee to be developed
Over strength oil and grease surcharge (over 100 mg/l)	$0236/kg	$0.247/kg
Over strength phosphorous surcharge (over 10 mg/l)	Fee to be developed	Fee to be developed
Over strength total suspended solids surcharge (over 300 mg/l)	$0.55/kg	$0.58/kg

Septic Waste Receiving Facility Rate - Tipping Fee

Tipping Fee for receiving septic waste	$35.00 per cubic meter	$36.00 per cubic meter

Sanitary or Storm Sewer Service Connections

Appendix 25		
SEWER	**2018**	**2019**
(a) 100mm (4") sanitary or storm sewer service and connections	$3,500.00	$3,500.00
(b) Two – 100mm (4") sanitary or storm sewer service and connections installed in the same trench	$4,100.00	$4,100.00
(c) All other sanitary or storm sewer and service and connections	Actual Cost	Actual Cost
(d) When winter conditions prevail or hot mix asphalt is not available, if installation is to proceed, add $525.00 each to the estimated and flat rate costs for service provided by the city that requires excavation.	$550.00	$550.00
(e) Repair of service failure or interruption	Actual Cost	Actual Cost
(f) Winter Trench Repair maintenance	$450.00	$450.00
(g) Reconnecting to a capped sewer service - No work by City - Reconnection Fee Only	$220.00	$220.00
(h) Sanitary or Storm Sewer Service Video Inspection	$180.00	$182.00

In the event problem is determined to be caused by the City or the responsibility of the City all associated costs shall be applied to the City.

Other:

(a) Service inspection of an irrigation water service, treated water service, sanitary sewer service and storm sewer service.	$172.00	$175.00
(b) Termination of an irrigation water service, treated water service, sanitary sewer service and storm sewer service	$1,675.00	$1,675.00
(c) Service calls regarding water service, treated water service, sanitary sewer service and storm sewer service	Actual Cost	Actual Cost

Appendix 28

VENDING FEES	2019	2020
Park, Beach and Street Vending Fees		
One Year Permits (Victoria Day - Labour Day weekends)		
Price per 10'x10' spot annually (3 year terms available, rate adjusted annually by CPI)		
Beach and Park Vending Fee (annually) 10'*10' Okanagan Prime Plus	$1,581.00	$1,615.00
Beach and Park Vending Fee (annually) 10'*10' Okanangan Prime	$1,428.00	$1,460.00
Beach and Park Vending Fee (annually) 10'*10' Okanagan Secondary	$1,351.50	$1,380.00
Beach and Park Vending Fee (annually) 10'*10' Skaha Prime	$1,351.50	$1,380.00
Beach and Park Vending Fee (annually) 10'*10' Skaha Secondary	$1,326.00	$1,355.00
Sudbury Beach Shack	$1,530.00	$1,565.00
Street Vending Fees		
One Year Permit 6' x 12'	$1,351.50	$1,380.00
Motorized and Non-Motorized Mobile Vending(Victoria Day - Labour Day weekends)		
Seasonal Motorized Mobile Vending Fee	$1,917.60	$1,960.00

Appendix 29

WATER	2019	2020
Utility Administration Rates		
Utility credit references (current or recent account)	$17.00	$17.25
Archived account	$30.00	$30.50
Utility account history	$17.00	$17.25
Interest rate on delinquent utility accounts	10% per annum	10% per annum
Special water meter reading	$36.25	$41.50
Special water meter inspection fee	$36.25	$41.50
AMR OPT OUT		
AMR Opt Out manual water meter reading for an individual meter	$27.50	$17.80
AMR Opt Out manual combined electric and water meter reading for an individual for an individual meter read	$28.50	$18.80
AMR Opt Out manual water meter reading for a meter bank installation	$27.50 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter	$17.80 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter
AMR Opt Out combined electric and water meter reading for a combined electric and water meter bank installation	$29.50 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.	$18.80 for the first meter and $1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.
Applications / Connect / Disconnect / Reconnect		
City padlocks	$22.50	$22.50
City lock boxes (installed by City)	$68.00	$68.00
City lock boxes (installed by customer)	$50.00	$50.00
Utility application fee – next day service	$33.00	$33.50
Utility application fee – same day service (accounts with combined electric and water)	$105.00	$105.00
Utility application fee (water only) same day service (accounts that only have water services)	$65.00	$66.00
Water disconnect / re-connect fee (for non payment during regular City hall hours)	$65.00	$66.00
Water disconnect / re-connect fee (for non payment after hours without call-out)	$91.50	$93.00
Water disconnect or re-connect (customer / agent request during City hall hours)	$32.00	$32.50
Water disconnect or re-connect (customer / agent request after hours without call-out)	$46.00	$46.75
Water disconnect or re-connect (customer / agent request after hours with call-out)	$213.00	$217.00
Illegal reconnection administration charge	$280.00	$285.50
Utility fee - Leave on Authorized	$12.25	$12.50

Appendix 29		
WATER	**2019**	**2020**
Water Disconnection (for non-payment) requiring capping or plugging service	$230.00	$235.00
Special Administration charge per service	$28.00	$28.50

Non Treated Irrigation Water Charges

No Meter

Non-treated irrigation water per acre per year	$171.15	$178.00
Minimum charge for non-treated irrigation water / year	$171.15	$178.00
Household use from a connection to the untreated irrigation water system, unless metered, in which case metered rates then apply. (per annum per residence)	$401.68	$417.75

Monthly Fixed Non Treated Irrigation Water Meter Rates based on Meter Size

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month)	$11.13	$11.58
25mm (1 inch) / month	$23.86	$24.81
38 mm (1 1/2 inches) / month	$70.29	$73.10
50 mm (2 inches) / month	$154.77	$160.96
75 mm (3 inches) / month	$444.33	$462.10
100 mm (4 inches) / month	$977.02	$1,016.10
150 mm (6 inches) / month	$2,742.12	$2,851.80

PLUS Variable Consumption Charge for all Meter Sizes

Variable Consumption Charge / 2.83 cubic meters (100 cubic feet)	$0.27	$0.28

Reclaimed Treated Effluent for Irrigation Charges

Monthly Fixed Reclaimed Treated Effluent Meter Rates Based on Meter Size

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month)	$15.30	$15.40
25mm (1 inch) / month	$57.49	$57.49
38 mm (1 1/2 inches) / month	$69.85	$70.29
50 mm (2 inches) / month	$164.64	$165.67
75 mm (3 inches) / month	$360.70	$360.70
100 mm (4 inches) / month	$761.37	$766.15
150 mm (6 inches) / month	Potable water has no 6' fee	Potable water has no 6' fee

PLUS Variable Consumption Charge for all Meter Sizes

Variable Consumption Charge / 2.83 cubic meters (100 cubic feet)	$1.13	$1.14

Treated Water Rates

Monthly Fixed Treated Water Meter Rates Based on Meter Size

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month)	$30.60	$30.79
25mm (1 inch) / month	$114.97	$114.97
38 mm (1 1/2 inches) / month	$139.70	$140.58
50 mm (2 inches) / month	$329.27	$331.34
75 mm (3 inches) / month	$721.39	$721.39

Appendix 29		
WATER	**2019**	**2020**
100 mm (4 inches) / month	$1,522.74	$1,532.30
Individually metered Bareland Strat Properties with 19mm meters **UPON APPLICATION ONLY**		$8.31

PLUS Variable Consumption Charge for all Meter Sizes

Variable Consumption Charge / 2.83 cubic meters (100 cubic feet)	$2.26	$2.27

Notwithstanding the above basic charges, should a 150 mm (6") meter be provided in conjunction with a 150 mm (6") line for the purpose of providing the dual requirements of domestic water and fire protection, the basic charge will be based on the size of meter that would be required to service the domestic water needs of the complex as determined by the Public Works Supervisor. This charge is to commence at the time of the installation of the meter. Prior to the installation of the meter, the service is to be billed at a 25 mm (1") unmetered rate.

Monthly Fixed Non Metered Treated Water Rates Based on Service Size

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month)	$48.87	$49.18
25mm (1 inch) / month	$150.80	$151.75
38 mm (1 1/2 inches) / month	$247.04	$248.59
50 mm (2 inches) / month	$555.80	$559.29
75 mm (3 inches) / month	$1,413.52	$1,422.40
100 mm (4 inches) / month	$2,992.88	$3,011.68
Treated water charges based on a negotiated agreement	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council
Minimum charge for treated water for domestic purposes	Fee to be minimum monthly Basic Charge based on the meter size or the minimum monthly charge based on the size of service	Fee to be minimum monthly Basic Charge based on the meter size or the minimum monthly charge based on the size of service

Mimimum Flat Rate Charges for Properties located adjacent to a Treated Water Main but not Connected:

Fee based on property zoning as follows:

For properties zoned Single Family Residential	$48.87	$49.18
For properties zoned l Multi Family Residential	$150.80	$151.75
For properties zoned Commercial	$247.04	$248.59
For properties zoned Industrial	$2,992.88	$3,011.68
For all other properties	$247.04	$248.59

Sundry Charges

Sign on of new customer	$27.00	$27.50
Special Administration charge per service	$16.00	$16.50
Transfer fee per service	N/A	N/A

When a customer applies for electric and water service/transfer of service at the same time, only one application/transfer fee will apply

Any applicable Federal or Provincial taxes are in addition to the above charges

A discount forfeit equal to 10% of the "current charges" (excluding Goods & Services Tax) will result if full payment of current charges is not received as follows:

Appendix 29		
WATER	**2019**	**2020**

a) on "residential and residential/special services" (rate codes 10 and 15). On or before the expiration of fifteen (15) days afater the date of the mailing of the invoices therefore,

b) on all other services not included in the definition of "residential or residential/special services" on or before the expiration of twenty-two (22) days after the date of the mailing of the invoices thereof,

provided that when the said day falls on a Saturday, Sunday, or holiday, the discount shall apply if payment is received on the next succeeding day which is not a holiday.

In the event of a partial payment of the current charges on or before the discount date, a proportionate discount shall be allowed.

The A.R.D.A. rate referred to in this bylaw is billed on the annual property tax notice and is not subject to the 10% discount. Rather a 10% penalty is applicable if unpaid on the tax penalty date in each year.

Basic charges will be applicable to accounts that are disconnected from water for seasonal or temporary purposes when the water is being turned off at the account holders request but the account holder(s) is not altering.

Treated and Irrigation Services and Metering

AMR Opt Out treated or irrigation water meter, old style meter, use of a digital non radio frequency electric meter	$201.00 per meter	$201.00 per meter
AMR Opt Out treated or irrigation water meter, new style meter, use of a digital non radio frequency electric meter	$42.25 per meter	$42.25 per meter

(a) Treated and Irrigation water service supply and installation, not including meter or meter chamber. Fee to be as follows:

19mm (¾") water service	$2,750.00	$3,100.00
25 mm (1") water service	$3,500.00	$4,000.00
All other water services	Actual Cost	Actual Cost

(b) Treated and Irrigation water meter supply and installation, not including meter chamber. Fee to be as follows:

19mm (¾") water meter	$455.00	$500.00
25 mm (1") water meter	$640.00	$700.00
38 mm (1 ½") water meter with register and Radio Fequency	$1,120.00	$1,200.00
50 mm (2") compound water meter with register and Radio Frequency	$3,760.00	$1,650.00
(c) All other water meters with register and Radio Frequency	Actual Cost	Actual Cost
(d) Water meter chamber up to 25 mm (1") supply and installation (in conjunction with service install)	$850.00	$865.00
(e) Water meter chamber up to 25 mm (1") supply and installation (not installed with service)	$1,850.00	$2,250.00
(f) Provision of temporary water	Actual Cost	Actual Cost
(g) All other water meter chambers supply and installation	Actual Cost	Actual Cost
(h) Water meter register and Radio Frequency - Supply and install	$250.00	$255.00
(i) Water meter testing or repair if replacement is required and deemed the fault of the owner additional charges may be applied.	$93.00	$95.00

Note: if the meter is found to be accurate within 98.5% - 101.5%, the party disputing the accuracy of the meter shall bear the cost. If the meter is found not be accurate within the above limlits the City shall bear the costs.

Customer request to relocate (or alter due to construction) meter or appurtences	Actual Cost	Actual Cost

Water Connection Charges

(a) Service inspection of an irrigation water service, treated water service, sanitary sewer service and storm sewer service.	$173.00	$178.50
(b) Termination of an irrigation water service, treated water service, sanitary sewer service and storm sewer service	$1,675.00	$1,750.00

Appendix 29		
WATER	**2019**	**2020**
(c) Service calls regarding water service, treated water service, sanitary sewer service and storm sewer service	Actual Cost	Actual Cost

Fire Hydrants (both City and private hydrants)

(a) Fire hydrant supply and installation not requiring curb, gutter and asphalt work	$7,500.00	$7,500.00
(b) Fire hydrant supply and installation requiring curb, gutter and asphalt work	$9,000.00	$9,200.00
(c) Fire Hydrant rental (includes hook-up and water usage) Note: if total # of days is not known (amount to be billed)	$112.00 first day and $22.00 each day thereafter	$115.00 first day and $23.00 each day thereafter
(d) Portable water meter rental	$16.75 per day (plus cost of water used at the current metered rate)	$18 per day (plus cost of water used at the current metered rate)
(e) Fire Hydrant Implementation	$171.00	$174.50

Other:

(a) Service inspection of an irrigation water service, treated water service, sanitary sewer service and storm sewer service.	$173.00	$178.50
(b) Termination of an irrigation water service, treated water service, sanitary sewer service and storm sewer service	$1,675.00	$1,750.00
(c) Service calls regarding water service, treated water service, sanitary sewer service and storm sewer service	Actual Cost	Actual Cost

Appendix 31

STORM WATER UTILITY	Unit	2019	2020
Storm Water NO Direct Connect Fees			
Notes:			
The different categories of Storm Water Utility Rates are based on the Property Tax Classification.			
The following rates apply to properties that are NOT directly connected to the Storm Water System.			
In cases where a property has multiple Property Tax Classifications the City will determine the Property Tax Classification that best represents the property and charge for Storm Water according to that Property Tax Classification.			
Residential			
Single Family Dwellings	$/year per folio	$20.50	$31.00
Multi Family Apartment Buildings with 4 or less units	$/year per folio	$32.90	$49.80
Multi Family Apartment Buildings with more than 4 units	$/year per unit	$11.00	$16.60
Multi Family Dwellings [strata]	$/year per strata	$11.00	$16.60
Farm/Recreational/Non Profit/Supportive Housing			
No Direct Connection to the Storm Sewer	$/year per folio	$20.50	$31.00
Business/Light Industry/Major Industry/Utilities			
No direct connection, with gross assessment value:			
Below $300,000	$/year per folio	$41.60	$63.00
Between $300,001 and $800,000	$/year per folio	$62.40	$94.50
Above $800,000	$/year per folio	$93.70	$141.70
Storm Water Direct Connect Fees			
Notes:			
The different categories of Storm Water Utility Rates are based on the Property Tax Classification.			
The following rates apply to properties that ARE directly connected to the Storm Water System.			
In cases where a property has multiple Property Tax Classifications the City will determine the Property Tax Classification that best represents the property and charge for Storm Water according to that Property Tax Classification.			
Residential			
Single Family Dwellings	$/year per folio	$26.70	$40.40
Multi Family Apartment Buildings with 4 or less units	$/year per folio	$42.80	$64.70
Multi Family Apartment Buildings with more than 4 units	$/year per unit	$14.30	$21.60
Multi Family Dwellings [strata]	$/year per strata	$14.30	$21.60
Farm/Recreational/Non Profit/Supportive Housing			
Direct Connection to the Storm Sewer	$/year per folio	$26.70	$40.40
Business/Light Industry/Major Industry/Utilities			
Direct connection, with gross assessment value:			
Below $300,000	$/year per folio	$54.10	$81.90
Between $300,001 and $800,000	$/year per folio	$81.20	$112.80
Above $800,000	$/year per folio	$121.80	$184.20

Council Report

penticton.ca

Date: November 5, 2019 File No: 0550-02
To: Donny van Dyk, Chief Administrative Officer
From: Mike Richards, Captain/Fire Prevention Officer

Subject: **Fire and Life Safety Amendment Bylaw No. 2019-43**

Staff Recommendation

THAT Council give first, second and third reading to "Fire and Life Safety Amendment Bylaw No. 2019-43", a bylaw that amends the open-air burning conditions to align with the Province of British Columbia Open Burning Smoke Control Regulation.

Strategic priority objective

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

Background

The City of Penticton Fire and Life Safety Bylaw regulates open air burning and permit requirements for the City of Penticton. On Sept 15, 2019, Open Burning Smoke Control Regulation, B.C. Reg. 145/93 was repealed and replaced with a new Open Burning Smoke Control Regulation.

Open Burning Smoke Control Regulation governs the burning of vegetative material associated with a range of activities, such as land clearing, forestry operations and agriculture. It sets out the conditions under which open burning of vegetative debris can be authorized. The revised regulation mainly supports the objectives of reducing impacts on human health, enabling and encouraging compliance, and minimizing undue costs to industry.

The regulation does not generally prohibit burning but rather aims to ensure that open burning is conducted with minimal risk to air quality. While facilitating some necessary open burning practices, the new regulation also maintains air protection measures and alternatives to burning are strongly encouraged.

In recognizing the new Provincial Regulation, the City of Penticton Fire & Life Safety Bylaw needs to be amended to reflect the change.

Important Changes in the New Regulation:

- Province is divided into three smoke sensitivity zones: High, Medium and Low. Penticton is in the High Smoke Sensitivity Zone;

- Burning requirements are strictest in the “High” zone immediately around communities, while burning is made easier in the “Low” zone away from population centres;
- Increases to mandatory setbacks from residences, businesses, schools and hospitals;
- New provisions to facilitate burning required for community wildfire risk reduction;
- New provisions to facilitate burning diseased debris;
- New provisions to encourage the use of cleaner-burning technologies;
- Exemptions for backyard burning and agricultural burning are defined;
- Flexibility to various regulatory requirements through substitution orders;
- Use of custom ventilation forecasts to increase burn windows.

Financial implication

There are no financial implications with this amendment.

Analysis

Many municipal jurisdictions prohibit open burning at all times. The City of Penticton and Penticton Fire Department have supported the agricultural industry by allowing controlled open burning. The new regulation does not restrict open burning but is meant to support it with considerations to health risks from smoke. By amending the Fire & Life Safety Bylaw to include reference to the Open Burning Smoke Control Regulation that support will continue while protecting the community from the risk of smoke exposure.

Alternate recommendations

The City of Penticton could coordinate with the Agricultural Industry to provide opportunities to chip and mulch material or coordinate the use of Open Air Curtain type incinerators which are designed to reduce emissions from open burning. Assisting Industry in this way may incur capital or operational costs depending on the extent of involvement in the process from the City of Penticton.

Attachments

Attachment A – Fire and Life Safety Amendment Bylaw No. 2019-43
Attachment B – Open Burning Smoke Control Regulation
Attachment C – Fact Sheet Open Burning Smoke Control Regulation

Fire Chief	Chief Administrative Officer
	DvD

Respectfully submitted,

Mike Richards
Captain/Fire Prevention Officer

The Corporation of the City of Penticton

Bylaw No. 2019-43

A bylaw to amend the Fire and Life Safety Bylaw

WHEREAS the City of Penticton has enacted a Fire and Life Safety Bylaw pursuant to the *Fire Services Act* for the purposes of providing fire and life safety to the citizens of Penticton;

AND WHEREAS the Council of the City of Penticton wishes to amend "Fire and Life Safety Bylaw No. 2004-57" to align with the Province of British Columbia Open Burning Smoke Control Regulation that came into effect September 15, 2019;

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

1. Title

This bylaw may be cited as "Fire and Life Safety Amendment Bylaw No. 2019-43".

2. Purpose

Fire and Life Safety Bylaw No. 2004-57 is hereby amended as follows:

1. Delete the definitions "AGRICULTURAL PRUNINGS" and "OPACITY in their entirety from PART III DEFINITIONS.

2. Delete and replace the definition for "PROHIBITED BURNING MATERIALS" from PART III DEFINITIONS with the following:

   "PROHIBITED BURNING MATERIALS" as listed in the Waste Discharge Regulation, means the burning, partial burning or incineration of one or more of the following:

   (a) animal carcasses and waste from animal slaughtering;

   (b) asphalt or asphalt products;

   (c) batteries;

   (d) biomedical waste;

   (e) carpets;

   (f) construction waste other than lumber that has not been treated with wood preservatives or other chemicals and is not coated with paint, varnish, oil or other finishing material;

   (g) demolition waste;

   (h) drywall;

(i) domestic waste;

(j) electrical wire;

(k) fibreglass and other fibre-reinforced polymers;

(l) fuel and lubricant containers;

(m) furniture and appliances;

(n) hazardous waste;

(o) manure;

(p) paint and varnish;

(q) plastics;

(r) polystyrene foam;

(s) railway ties;

(t) rubber;

u) tar paper;

(v) tires;

(w) treated or painted wood products;

(x) used oil.

3. Add the following to PART III DEFINITIONS:

"VEGETATIVE DEBRIS" means disturbed or undisturbed vegetative matter targeted for disposal.

4. Delete and replace PART IX OPEN AIR BURNING AND MISCELLANEOUS 9.04 Burning Permits and (a) and (b) with the following:

9.04 Burning Permits

The Fire Chief may issue a Permit to the owner or Occupier of land for the authorized outdoor burning of Vegetative Debris less than 10 cm in diameter in conjunction with Open Burning Smoke Control Regulation and if the following conditions are met:

(a) Every reasonable alternative for reducing, reusing or recycling has been pursued to minimize the amount of Vegetative Debris to be burned;

(b) Permit holders must contact the Fire Department for permission before lighting the fire. Burning permission is granted at the discretion of the Fire Chief and is only permitted on days when the Venting Index is 55 or greater;

5. Delete and replace PART IX OPEN AIR BURNING AND MISCELLANEOUS 9.05 Special Permit Required with the following:

9.05 Special Permit Required

The Fire Chief may issue a Special Permit for open burning when the conditions are met as per:

a) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 2 - Plans For Community Wildfire Risk Reduction

b) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 3 - Diseased Vegetative Debris

c) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 4 - Dry Land Sort Areas

d) Open Burning Smoke Control Regulation – PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING - Division 5 - Air Curtain Incinerators

6. Delete PART IX OPEN AIR BURNING AND MISCELLANEOUS 9.07 Land Clearing Debris in its entirety.

7. Delete and replace PART IX OPEN AIR BURNING AND MISCELLANEOUS 9.09 Smoke Opacity Standards with the following:

9.09 Smoke Standards

A person who carries on open burning must ensure that all reasonable efforts are taken to minimize the amount of smoke emitted by the open burning, as outlined in the Open Burning Smoke Control Regulation and the City of Penticton Good Neighbour Bylaw.

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

_____
John Vassilaki, Mayor

_____
Angie Collison, Corporate Officer

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 405 *, Approved and Ordered* July 8, 2019

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 15, 2019, the Open Burning Smoke Control Regulation, B.C. Reg. 145/93, is repealed and the attached Open Burning Smoke Control Regulation is made.

Minister of Environment and Climate Change Strategy

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 21, 76, 138 and 139

Other:

R10249922

OPEN BURNING SMOKE CONTROL REGULATION

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SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

PART 1 – INTERPRETATION AND APPLICATION

Definitions

1 In this regulation:

"accelerant material" means a substance used to aid ignition or accelerate combustion of a fire;

"Act" means the *Environmental Management Act*;

"air curtain incinerator" means a device that is designed to aid combustion and reduce emissions by directing a flow of air across the

(a) open chamber in the device, or

(b) trench

in which the combustion occurs, in such a manner as to re-circulate air and smoke in the open chamber or trench;

"auxiliary forced air equipment" means equipment, other than an air curtain incinerator, that applies forced air;

"band council" means

(a) a "council of the band" as defined in the *Indian Act* (Canada), or

(b) the governing body of a legal entity that, under an Act of Canada, is established as the successor to a band as defined in the *Indian Act* (Canada), not including a treaty first nation;

"burnt surface area" means the area that is underneath or surrounding the remains of a fire and covered by charred or smoldering vegetative debris;

"campfire" means an open fire that burns wood in one pile not exceeding 0.6 m in height and 0.75 m in width;

"category 3 open fire" means an open fire that burns

(a) material concurrently in 3 or more piles each not exceeding 2 m in height and 3 m in width,

(b) material in one or more piles each exceeding 2 m in height or 3 m in width, or

(c) one or more windrows;

"community care facility" has the same meaning as in the *Community Care and Assisted Living Act*;

"custom ventilation forecast" means a forecast of the atmosphere's ability in a geographic area to disperse smoke in accordance with section 16;

"custom ventilation forecaster" means a person who

(a) is a meteorologist employed by Environment Canada and classified as a Meteorologist 3 or above,

(b) is a Weather Forecaster, a Fire Weather Forecaster, an Air Quality Meteorologist or an Air Quality Science Specialist employed by or under contract with the government, or

(c) has similar knowledge and experience as described in paragraph (a) or (b) and is approved in writing by a director to conduct custom ventilation forecasts for the purposes of this regulation;

"day" means a calendar day from midnight to midnight;

"diseased vegetative debris" means vegetative debris that is verified or confirmed under section 24 as being infested with a plant pathogen or insect;

"dry basis moisture content", with respect to a given amount of vegetative debris, means the weight of moisture contained in the vegetative debris divided by the weight of the vegetative debris if the vegetative debris was dry, with both weights measured in the same weight units, multiplied by 100 and expressed as a percentage;

"dry land sort area" means an area of land in which commercially harvested timber is collected and sorted before the timber is transferred to another location, but does not include a timber processing area at a

(a) roadside work area,

(b) statutory right of way, within the meaning of the *Land Title Act*, or

(c) facility that manufactures wood products other than whole logs for export or whole logs for further manufacturing by another facility;

"end", with regards to when open burning ends, means,

(a) if the open burning is being done using an air curtain incinerator, the point in time when the fire in the air curtain incinerator is emitting smoke from no more than 10% of the base of the air curtain incinerator, and

(b) respecting all other open burning, the point in time when each pile of vegetative debris has ceased flaming and is emitting smoke from no more than 10% of its burnt surface area;

"high smoke sensitivity zone" means

(a) land in the province that is outlined and shaded in pink, and labelled "High Smoke Sensitivity Zone" in the legend, on a map listed in Schedule 3 except all areas of that land that are designated under section 7 as being a medium smoke sensitivity zone or low smoke sensitivity zone, and

(b) all areas of land that are designated under section 7 as being a high smoke sensitivity zone;

"highway" has the same meaning as in the *Transportation Act*;

"local government" has the same meaning as in the *Local Government Act*;

"low smoke sensitivity zone" means land in the province that is not a high smoke sensitivity zone or a medium smoke sensitivity zone;

"medium smoke sensitivity zone" means

(a) land in the province that is outlined and shaded in yellow, and labelled "Medium Smoke Sensitivity Zone" in the legend, on a map listed in Schedule 3 except all areas of that land that are designated under section 7 as being a high smoke sensitivity zone or low smoke sensitivity zone, and

(b) all areas of land that are designated under section 7 as being a medium smoke sensitivity zone;

"ministry" means the ministry of the minister responsible for the Act;

"open burning" means the combustion of vegetative debris using an open fire, other than

(a) for a domestic or an agricultural purpose, if all of the vegetative debris is branches or other pieces of vegetative debris, with or without leaves, each branch or piece of which is less than 3 cm in diameter, or

(b) a campfire;

"open fire" means the combustion of material without using a stack or chimney to vent the emitted products of combustion to the atmosphere;

"parcel of land" means a lot, block or other area in which land is held or into which land is subdivided;

"pile" includes a windrow, except in the definitions of "campfire" and "category 3 open fire" and in sections 13 (2) (c), (d) and (e) and 27 (b), (e), (f) and (g);

"plan for community wildfire risk reduction" means a plan, or an addendum to a plan, developed or endorsed by the government, a local government, a band council, a treaty first nation or the Nisga'a Government that

(a) describes the risks to a community related to a fire starting outside of the community and threatening the community,

(b) identifies the measures necessary to mitigate the risks referred to in paragraph (a) of this definition,

(c) outlines a plan of action to implement the measures referred to in paragraph (b) of this definition, and

(d) identifies the geographic areas to which the plan applies;

"population centre" means a city, town, resort municipality, district municipality, mountain resort municipality, community, first nation village or recreational community as defined and listed in the most current edition of the BC Gazetteer;

"private land" means land in respect of which a person other than Her Majesty the Queen holds a fee simple or leasehold interest;

"roadside work area" has the same meaning as in section 35 (1) of the Forest Planning and Practices Regulation;

"seasoned vegetative debris" means vegetative debris that

(a) has been dried to the extent that the dry basis moisture content is 30% or less,

(b) has been put in piles for a period of at least 4 months, or

(c) has originated from standing dead timber;

"smoke" means the gases, particulate matter and other products of combustion emitted into the atmosphere from open burning;

"start", with regards to when open burning starts, means,

(a) if the open burning is being done using an air curtain incinerator, the point in time when the fire in the air curtain incinerator is first ignited, and

(b) respecting all other open burning, the point in time when the first pile of vegetative debris is ignited;

"vegetative debris" means disturbed or undisturbed vegetative matter targeted for disposal;

"ventilation forecast" means the afternoon ventilation index forecast issued by Environment Canada for a geographic area;

"work camp" means land or premises on which an employer, in connection with a logging, sawmill, mining, oil or gas operation, a construction project, a cannery, or a similar thing, owns, operates or maintains, or has established, permanent or temporary structures for use, with or without charge, by at least 100 employees as living quarters.

Prescribed activity

2 The activity of open burning is prescribed for the purposes of section 6 (3) of the Act.

Open burning requiring a permit or approval under the Act

3 A person must obtain a permit or an approval under, respectively, section 14 or 15 of the Act in order to carry on any of the following open burning:

(a) open burning at a dry land sort area in a high smoke sensitivity zone;

(b) open burning at a facility that manufactures wood products, other than whole logs for export or whole logs for further manufacturing by another facility.

Exemptions from this regulation

4 (1) If a person carries on open burning in accordance with a permit or approval as described in section 3 (a) or (b) of this regulation, the open burning is exempt from all the provisions of this regulation.

(2) If a person carries on open burning under a plan for community wildfire risk reduction in a high smoke sensitivity zone or medium smoke sensitivity zone in accordance with an approval issued under section 15 of the Act, the open burning is exempt from sections 9, 10, 11, 13, 14 and 15 and Part 3 of this regulation.

(3) If a person carries on open burning of diseased vegetative debris in a high smoke sensitivity zone or medium smoke sensitivity zone in accordance with an approval issued under section 15 of the Act, the open burning is exempt from sections 9, 10, 11, 13, 14 and 15 and Part 3 of this regulation.

(4) If a person carries on open burning using air curtain incinerators in a high smoke sensitivity zone in accordance with an approval issued under section 15 of the Act, the open burning is exempt from sections 9, 10, 11, 13, 14 and 15 and Part 3 of this regulation.

(5) If, before the date this section comes into force, a person was issued a permit or an approval under, respectively, section 14 or 15 of the Act to carry on open burning and the open burning is carried on in accordance with the permit or approval, as applicable, the open burning is exempt from all the provisions of this regulation.

Application of regulation respecting open burning for domestic or agricultural purpose

5 This regulation applies to open burning for a domestic or an agricultural purpose as follows:

(a) if all of the vegetative debris open burned is branches or other pieces of vegetative debris, with or without leaves, each branch or piece of which is less than 10 cm in diameter but of which at least some of the individual branches or pieces are 3 cm or greater, only sections 9, 12 and 30 of this regulation apply to the open burning;

(b) if all of the vegetative debris open burned is branches or other pieces of vegetative debris, with or without leaves, of which at least some of the individual branches or pieces are 10 cm or greater in diameter, this regulation applies with respect to the open burning.

Open fires not authorized by regulation

6 Nothing in this regulation authorizes an open fire that is

(a) prohibited by a ban on igniting open fires imposed by

(i) a fire department, as defined in the *Fire Services Act*,

(ii) a local government, or

(iii) an improvement district, as defined in the *Local Government Act*, or

(b) contrary to the *Wildfire Act* or any other enactment.

Director may designate an area as being a different smoke sensitivity zone

7 (1) A director may designate an area of land in a

(a) low smoke sensitivity zone as being a medium smoke sensitivity zone or high smoke sensitivity zone,

(b) medium smoke sensitivity zone as being a low smoke sensitivity zone or high smoke sensitivity zone, or

(c) high smoke sensitivity zone as being a low smoke sensitivity zone or medium smoke sensitivity zone,

for a specified period of time not exceeding 18 months if the director considers doing so is necessary or adequate to protect the public or the environment.

(2) The director may do any of the following with respect to a designation made under subsection (1):

(a) cancel the designation before the end of the specified period, if the director considers the designation is no longer necessary or adequate to protect the public or the environment;

(b) extend the designation for specified periods, each period not to exceed 18 months, if the director considers it necessary or adequate to protect the public or the environment;

(c) cancel the designation and make a different designation under subsection (1), if the director considers it necessary or adequate to protect the public or the environment.

(3) The director must give notice to the public of action taken under subsection (1) or (2)

(a) on a publicly accessible website maintained by or on behalf of the ministry for the purposes of this section, and

(b) in a newspaper published in British Columbia and circulating in the area designated under subsection (1) or, if no newspaper circulates in the area, in a newspaper that circulates near to the area and includes a newspaper that is free and that does not have subscribers.

PART 2 – GENERAL REQUIREMENTS FOR OPEN BURNING

Application of general requirements

8 All the provisions of this Part apply with respect to open burning under this regulation unless a provision of this regulation expressly indicates that

(a) one or more provisions of this Part do not apply to the open burning, or

(b) only one or more provisions of this Part apply to the open burning.

Location of open burning

9 A person must not move vegetative debris that is targeted for open burning from the location on which the vegetative debris originates except within a 5 km radius of where the vegetative debris originates.

Minimize vegetative debris to be open burned

10 A person who targets vegetative debris for open burning must, before the open burning is carried on by that person or another person, ensure that every reasonable alternative for reducing, reusing or recycling the vegetative debris is used in order to minimize the amount of the vegetative debris to be open burned.

Strategies and techniques to minimize smoke

11 A person who carries on open burning must ensure that all reasonable efforts are taken to minimize the amount of smoke emitted by the open burning including, but not limited to, using the following strategies or techniques:

(a) minimizing any soil content that may be mixed in with the vegetative debris;

(b) in the case of open burning piles of the vegetative debris, constructing each pile in a way that maximizes the air flow through the vegetative debris in the pile;

(c) maximizing the amount of vegetative debris that is seasoned vegetative debris.

Prohibited materials

12 A person who carries on open burning must ensure that the materials listed in paragraphs (a) to (x) of the definition of "burning or incineration of prohibited material" in section 2 of Schedule 1 of the Waste Discharge Regulation are not included, nor used as accelerant material, in the open burning.

Setbacks for open burning

13 (1) A person who carries on open burning must ensure that the open burning is carried on at least

(a) 500 m from all neighbouring buildings that

(i) are residences, or

(ii) contain businesses in which persons carry on the business during regular business hours, and

(b) 1000 m from the nearest property line of all schools, hospitals and community care facilities.

(2) Despite subsection (1), a person may carry on open burning at least

(a) 100 m from all neighbouring buildings that

(i) are residences, or

(ii) contain businesses in which persons carry on the business during regular business hours, and

(b) 500 m from the nearest property line of all schools, hospitals and community care facilities,

if the person ensures that the following conditions are met with respect to the open burning:

(c) the vegetative debris is put in piles before it is open burned;

(d) for each pile of the vegetative debris, the largest horizontal dimension is not greater than twice the height;

(e) a written record of the dates the vegetative debris was put into piles is available to an officer on request;

(f) the vegetative debris is not comprised of any stumps and the largest part of each separate portion of the vegetative debris has a diameter less than 50 cm;

(g) the vegetative debris is seasoned vegetative debris;

(h) no later than 24 hours in advance of starting the open burning, all reasonable efforts are made to give notification of the location of the open burning to the occupants of all residences, businesses, schools, hospitals and community care facilities within 500 m of the open burning, including by giving notification to the persons who manage the school, hospital or community care facility, as applicable;

(i) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is "good" for the day the open burning starts;

(j) the open burning starts not earlier than one hour after sunrise;

(k) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Conditions when open burning starts

14 Despite any other provision of this regulation, a person must not start open burning if the local air flow or atmospheric mixing is likely to cause the smoke emitted by the open burning to

(a) negatively impact a nearby population centre or work camp, or

(b) be a navigation hazard at nearby airports or on nearby highways by significantly reducing visibility.

Conditions after open burning starts

15 Despite any other provision of this regulation, a person who carries on open burning must, after the open burning starts, ensure that, if the local air flow or atmospheric mixing is causing or is likely to cause the smoke emitted by the open burning to

(a) negatively impact a nearby population centre or work camp, or

(b) be a navigation hazard at nearby airports or on nearby highways by significantly reducing visibility,

no more of the vegetative debris is ignited, added to ignited piles of the vegetative debris or put in an air curtain incinerator until the local air flow or atmospheric mixing is not causing and is not likely to cause the smoke emitted by the open burning to have an effect described in paragraph (a) or (b).

Custom ventilation forecasts

16 If a person obtains a custom ventilation forecast for the purpose of carrying on open burning, the person must ensure that the custom ventilation forecast is

(a) obtained from a custom ventilation forecaster, and

(b) submitted by email to the ministry, using the email address made known by the ministry for the purposes of this section, before starting the open burning.

PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING

Application of specific requirements

17 (1) If open burning is carried on under a plan for community wildfire risk reduction, the open burning must be carried on in accordance with Division 1, 2, 4 or 5.

(2) If the vegetative debris open burned is diseased vegetative debris, the open burning must be carried on in accordance with Division 1, 3, 4 or 5.

(3) If the vegetative debris open burned is generated at or transported to a dry land sort area, the open burning must be carried on in accordance with Division 4.

(4) If open burning is carried on using air curtain incinerators, the open burning must be carried on in accordance with Division 5.

(5) If subsections (1) to (4) do not apply to an open burning, the open burning must be carried on in accordance with Division 1.

Division 1 – High, Medium and Low Smoke Sensitivity Zones

Allowable periods of open burning in high smoke sensitivity zone

18 A person with possession or control of a parcel of land that is

(a) private land,

(b) smaller than 64 hectares, and

(c) within or partially within a high smoke sensitivity zone

must ensure that open burning on the parcel of land is carried on no more than

(d) 12 days or portions of days in each calendar year, and

(e) 6 days or portions of days in each calendar month.

Open burning for less than one day in high or medium smoke sensitivity zone

19 A person may carry on open burning in either a high smoke sensitivity zone or a medium smoke sensitivity zone for a period that is less than one day if the person ensures that the following conditions are met with respect to the open burning:

(a) in the case of a high smoke sensitivity zone, the vegetative debris is seasoned vegetative debris;

(b) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is "good" for the day the open burning starts;

(c) the open burning starts not earlier than one hour after sunrise;

(d) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Open burning for more than one day in high smoke sensitivity zone

20 A person may carry on open burning in a high smoke sensitivity zone for a consecutive period that is less than 2 days if the person ensures that the following conditions with respect to the open burning are met:

(a) the vegetative debris is seasoned vegetative debris;

(b) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is

(A) "good" for the day the open burning starts, and

(B) "good" or "fair" for the second day of the open burning;

(c) the open burning starts not earlier than one hour after sunrise;

(d) unlit piles of the vegetative debris are ignited, and remaining unlit vegetative debris is added to the ignited piles of the vegetative debris, only during the period that starts one hour after sunrise and ends 4 hours before sunset on the day the open burning starts;

(e) the open burning ends by 4 p.m. on the second day of the open burning.

Open burning for more than one day in medium smoke sensitivity zone

21 A person may carry on open burning in a medium smoke sensitivity zone for a consecutive period that is less than 4 days if the person ensures that the following conditions are met with respect to the open burning:

(a) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is

(A) "good" for the day the open burning starts, and

(B) "good" or "fair" for the second day of the open burning;

(b) the open burning starts not earlier than one hour after sunrise;

(c) unlit piles of the vegetative debris are ignited only during the period that starts one hour after sunrise and ends 2 hours before sunset on the day the open burning starts;

(d) remaining unlit vegetative debris is added to the ignited piles of the vegetative debris only during the period that starts one hour after sunrise and ends 2 hours before sunset

(i) on the day the open burning starts, and

(ii) on the second day of the open burning;

(e) if a ventilation forecast was obtained under paragraph (a) (i) (A) or (B), before adding any remaining unlit vegetative debris to the ignited piles of the vegetative debris on the second day of the open burning,

(i) a ventilation forecast or a custom ventilation forecast for that area is obtained, and

(ii) the forecast obtained under subparagraph (i) is "good" or "fair" for the second day of the open burning;

(f) the open burning ends by 4 p.m. on the fourth day of the open burning.

Open burning for more than one day in low smoke sensitivity zone

22 A person may carry on open burning in a low smoke sensitivity zone for a consecutive period that is less than 6 days if the person ensures that the following conditions are met with respect to the open burning:

(a) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is

(A) "good" or "fair" for the day the open burning starts, and

(B) "good" or "fair" for the second day of the open burning;

(b) the open burning ends by 4 p.m. on the sixth day of the open burning.

Division 2 – Plans for Community Wildfire Risk Reduction

Open burning under plan for community wildfire risk reduction

23 (1) Sections 11 (c) and 13 do not apply to a person carrying on open burning under a plan for community wildfire risk reduction if the person carries on the open burning in accordance with subsection (2) of this section.

(2) A person may carry on open burning under a plan for community wildfire risk reduction for a period that is less than one day if the person ensures that the following conditions are met with respect to the open burning:

(a) at least 10 days but no more than 90 days before starting the open burning,

(i) the plan for community wildfire risk reduction is submitted to a director, and

(ii) a description of the location of the open burning is provided to a director;

(b) the open burning is an action identified in the plan for community wildfire risk reduction;

(c) no later than 24 hours in advance of starting the open burning, all reasonable efforts are made to give notification of the location of the open burning to the occupants of all residences, businesses, schools, hospitals and community care facilities within 150 m of the open burning, including by giving notification to the persons who manage the school, hospital or community care facility, as applicable;

(d) the open burning is at least

(i) 50 m from all neighbouring buildings that

(A) are residences, or

(B) contain businesses in which persons carry on the business during regular business hours, and

(ii) 100 m from the nearest property line of all schools, hospitals and community care facilities;

(e) the following is met with respect to the general area in which the open burning is located:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is "good" or "fair" for the day the open burning starts;

(f) the open burning starts not earlier than one hour after sunrise;

(g) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Division 3 – Diseased Vegetative Debris

Verification or confirmation of diseased vegetative debris

24 Before carrying on open burning under section 25, a person must

(a) ensure that

(i) the vegetative debris is verified as being infested with a pathogen or insect listed in Schedule 1 by one of the following persons:

(A) a person registered as an agrologist under the *Agrologists Act*;

(B) a professional biologist as defined in the *College of Applied Biology Act*;

(C) a professional forester, or registered forest technologist, as defined in the *Foresters Act*, and

(ii) the verification referred to in subparagraph (i) is submitted to a director, or

(b) ensure that a director has confirmed in writing that

(i) a pathogen or insect not listed in Schedule 1 has infested the vegetative debris, and

(ii) the open burning of the vegetative debris is necessary to stop the spread of the pathogen or insect.

Open burning diseased vegetative debris

25 (1) Sections 11 (c) and 13 do not apply to a person carrying on open burning of diseased vegetative debris if the person carries on the open burning in accordance with section 24 and this section.

(2) A person may carry on open burning of diseased vegetative debris for a period that is less than one day if the person ensures that the following conditions are met with respect to the open burning:

(a) a director is notified in writing at least 24 hours before the earliest planned date for starting the open burning;

(b) at least 50% of the vegetative debris open burned is diseased vegetative debris;

(c) accelerant material is used if the diseased vegetative debris is not seasoned vegetative debris;

(d) no later than 24 hours in advance of starting the open burning, all reasonable efforts are made to give notification of the location of the open burning to the occupants of all residences, businesses, schools, hospitals and community care facilities within 150 m of the open burning, including by giving notification to the persons who manage the school, hospital or community care facility, as applicable;

(e) the open burning is at least

(i) 50 m from all neighbouring buildings that

(A) are residences, or

(B) contain businesses in which persons carry on the business during regular business hours, and

(ii) 100 m from the nearest property line of all schools, hospitals and community care facilities;

(f) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is "good" or "fair" for the day the open burning starts;

(g) the open burning starts not earlier than one hour after sunrise;

(h) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Division 4 – Dry Land Sort Areas

Open burning at a dry land sort area

26 (1) Sections 9, 11 (c) and 13 (2) do not apply to a person who carries on open burning of vegetative debris generated at or transported to a dry land sort area if the person carries on the open burning in accordance with this section.

(2) A person may carry on open burning of vegetative debris generated at or transported to a dry land sort area, no part of which is in a high smoke sensitivity zone, for a consecutive period that is less than 4 days if the person ensures that the following conditions are met with respect to the open burning:

(a) the open burning is carried on in the dry land sort area;

(b) the open burning is carried on using air curtain incinerators in accordance with section 28, if all of the dry land sort area is

(i) in a low smoke sensitivity zone or medium smoke sensitivity zone, and

(ii) less than 5 km from the nearest boundary of the nearest high smoke sensitivity zone;

(c) the open burning is carried on using auxiliary forced air equipment in accordance with section 27 or air curtain incinerators in accordance with section 28, if all or a part of the dry land sort area is

(i) in a low smoke sensitivity zone or medium smoke sensitivity zone, and

(ii) 5 km or more from the nearest boundary of the nearest high smoke sensitivity zone.

Auxiliary forced air equipment in dry land sort area

27 A person carrying on open burning using auxiliary forced air equipment as set out in section 26 (2) (c) must ensure that

(a) the auxiliary forced air equipment blowers operate with a minimum required air flow of 200 cubic metres per minute at all times the blowers are operating,

(b) the auxiliary forced air equipment blowers operate continuously with respect to a pile of the vegetative debris until the open burning of the pile is creating its own air convection current,

(c) the following is met with respect to the general area in which the open burning is located:

(i) that

(A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is

(A) "good" for the day the open burning starts, and

(B) "good" or "fair" for the second day of the open burning if the open burning is for more than one day,

(d) the open burning starts not earlier than one hour after sunrise,

(e) unlit piles of the vegetative debris are ignited, and remaining unlit vegetative debris is added to the ignited piles of the vegetative debris, only during the period that starts one hour after sunrise and ends 3 hours before sunset,

(f) if a ventilation forecast was obtained under paragraph (c) (i) (A) or (B), for each day the open burning is carried on after the day the open burning starts and before adding any remaining unlit vegetative debris to the ignited piles of the vegetative debris,

(i) a ventilation forecast or a custom ventilation forecast for the area of the open burning is obtained, and

(ii) the ventilation forecast obtained under subparagraph (i) is "good" or "fair" for the day it is obtained,

(g) if the ventilation forecast obtained under paragraph (f) (i) is "poor" for the day it is obtained, no more unlit piles of the vegetative debris are ignited and no more of the remaining unlit vegetative debris is added to the ignited piles of the vegetative debris, and

(h) the open burning ends by 4 p.m. on the fourth day of the open burning.

Division 5 – Air Curtain Incinerators

Open burning using air curtain incinerators

28 (1) In this section, **"opacity"** means the degree to which smoke obscures the view of an object in the background, expressed numerically from 0% (transparent) to 100% (opaque), as determined in accordance with the United States Code of Federal Regulations, Title 40, Part 60, Chapter 1, Appendix A-4, Method 9, as amended from time to time.

(2) Sections 11 (b) and (c) and 13 do not apply to a person carrying on open burning using air curtain incinerators if the person carries on the open burning in accordance with subsection (3) of this section.

(3) A person may carry on open burning using air curtain incinerators if

(a) the open burning is carried on

(i) between 100 m and 1 km from all neighbouring buildings that

(A) are residences, or

(B) contain businesses in which persons carry on the business during regular business hours, and

(ii) between 500 m and 2 km from the nearest property line of all schools, hospitals and community care facilities,

and the person complies with subsections (4) and (5), or

(b) the open burning is carried on at least

(i) 1 km from all neighbouring buildings that

(A) are residences, or

(B) contain businesses in which persons carry on the business during regular business hours, and

(ii) 2 km from the nearest property line of all schools, hospitals and community care facilities,

and the person complies with subsection (4).

(4) For the purposes of subsections (3) (a) and (b), the person carrying on the open burning must ensure the following conditions are met with respect to the open burning:

(a) opacity does not exceed 40% during the 30-minute period following the start of the open burning and does not exceed 15% for more than 5 consecutive minutes during any other 30-minute period during the open burning;

(b) the vegetative debris is not stacked above the air outlet of the air curtain incinerators;

(c) the blowers of the air curtain incinerators operate continuously until the air curtain incinerators cease combustion of the vegetative debris or until all of the vegetative debris that is being open burned in them is reduced to ash;

(d) the air curtain incinerators are operated in accordance with the manufacturer's recommendations;

(e) a copy of the manufacturer's recommendations referred to in paragraph (d) is kept on the site of the open burning for the duration of the open burning.

(5) For the purposes of subsection (3) (a), the person carrying on the open burning must ensure the following conditions are met with respect to the open burning:

(a) the open burning starts not earlier than one hour after sunrise;

(b) the vegetative debris is added to the ignited air curtain incinerators only during the period that starts one hour after sunrise and ends at sunset;

(c) the following is met with respect to the general area in which the open burning is located:

(i) that, for each day the open burning is carried on,

(A) the ventilation forecast for that area is obtained on the day, but before, the open burning is carried on, or

(B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning is carried on;

(ii) the forecast obtained under subparagraph (i) (A) or (B) is "good" or "fair" for the day the open burning is carried on;

(d) if the forecast obtained under paragraph (c) (i) (A) or (B) is "poor" for the day it is obtained, no more of the vegetative debris is ignited.

PART 4 – SUBSTITUTED REQUIREMENTS

Substituted requirements for open burning

29 (1) A director may, on his or her own initiative, substitute a different requirement for a requirement contained in this regulation if the director considers that, in the individual case,

(a) the substitution is necessary to protect the public or the environment, or

(b) the intent of the regulation will be met by the substitution.

(2) A director may make a substitution under subsection (1)

(a) for a specified period of time, and

(b) subject to the conditions the director considers appropriate.

(3) On making the decision to substitute a different requirement for a requirement contained in this regulation as set out in subsection (1), a director must

(a) serve a signed copy of his or her decision on the person to whom the substituted requirement applies by registered mail sent to the person's last known address, and

(b) publish the decision in a newspaper published in British Columbia and circulating in the area affected by the decision and includes a newspaper that is free and that does not have subscribers.

(4) A director may, on his or her own initiative, cancel or amend a decision made under subsection (1) whenever, based on new information, the director considers that

(a) the cancellation or amendment is necessary to protect the public or the environment, or

(b) the intent of the regulation will be met by the cancellation or amendment.

PART 5 – AIR PROTECTION MEASURES

Director may prohibit open burning

30 (1) A director may, by public notice or written instruction or both, and for a period of time specified by the director, prohibit open burning in an area

(a) if the director considers that the amount of particulate matter in the air in the area has reached, or will reach within 24 hours, a level that is likely to result in the air quality in the area not meeting the ambient air quality objectives as set out in Schedule 2, or

(b) if the director considers that pollution is occurring, or likely to occur, from open burning.

(2) A prohibition issued under subsection (1) may include one or more of the following requirements with respect to open burning in the area:

(a) all open burning must be extinguished;

(b) none of the vegetative debris may be ignited or added to ignited piles of the vegetative debris.

(3) A director may, by public notice or written instruction or both, repeal a prohibition issued under subsection (1), if

(a) in the case of a prohibition issued under subsection (1) (a), the director considers that the amount of particulate matter in the air in the area no longer reaches, and will not reach within 24 hours, a level that is likely to result in the air quality in the area not meeting the ambient air quality objectives as set out in Schedule 2, or

(b) in the case of a prohibition issued under subsection (1) (b), the director considers that the pollution is no longer occurring, or no longer likely to occur, from open burning.

(4) Despite Parts 2 to 4, a person must not act contrary to a prohibition issued under this section.

PART 6 – MISCELLANEOUS

Records and reporting requirements

31 (1) A person who carries on open burning using one or more category 3 open fires or one or more air curtain incinerators must ensure that a record is made containing the following information with respect to the open burning:

(a) the burn registration number, if the person has a burn registration number issued under the Wildfire Regulation;

(b) if the person does not have a burn registration number, the person's name, address and contact information and the geographic location of the area in which the open burning is taking place;

(c) any decisions respecting substituted requirements made under section 29 that apply to the open burning;

(d) any ventilation forecasts or custom ventilation forecasts obtained in respect of the open burning;

(e) the date on which the open burning starts;

(f) the number of piles or air curtain incinerators ignited.

(2) The person who carries on the open burning referred to in subsection (1) must

(a) ensure that the record made under that subsection is kept on site and available for the duration of the open burning,

(b) ensure the record is retained for a period of one year beginning on the start date of the open burning, and

(c) submit the record to an officer on request.

(3) The director may, by written notice, require a person or a class of persons described in subsection (1) to submit, in a form and manner specified by the director, by March 31 in the year following the year in which the open burning is carried on, a report that includes the following information:

(a) the dates on which open burning is carried on;

(b) the location of the open burning;

(c) whether the open burning relates to a domestic or industrial purpose and, if it relates to an industrial purpose, the name of the industry;

(d) for each day the open burning was carried on,

(i) the number of piles ignited and the approximate size of each pile, or

(ii) the approximate volume of vegetative debris open burned;

(e) the burn registration number, if the person who carried on the open burning has a burn registration number issued under the Wildfire Regulation.

Offences and penalties

32 (1) A person who contravenes section 12, 17 or 30 (4) commits an offence and is liable on conviction to a fine of not more than $200 000.

(2) A person who contravenes section 9, 10, 11, 13, 14 or 15 commits an offence and is liable on conviction to a fine of not more than $50 000.

(3) A person who contravenes section 31 commits an offence and is liable on conviction to a fine of not more than $5 000.

Accessibility of maps

33 The director must ensure that copies of the maps referred to in Schedule 3 are available

(a) on a website that is maintained by or on behalf of the ministry of the minister and is publicly and freely accessible, and

(b) during regular business hours and without charge at the following location:

Address:
Environmental Standards Branch, Environmental Protection Division
3rd Floor – 525 Superior Street
Victoria, British Columbia
V8V 0C5

Email:
envprotdiv@Victoria1.gov.bc.ca

SCHEDULE 1

PLANT PATHOGENS

Item	Column 1 **Common Name**	Column 2 **Species**
1	Anthracnose and perennial cankers	Cryptosporiopsis curvispora, Cryptosporiopsis alba, Cryptosporiopsis perennans, Neofabraea malicorticis, Neofabraea alba, Neofabraea perennans or Pezicula malicortis
2	Botryosphaeria canker	Botryosphaeria
3	Dutch elm disease	Ophiostoma ulmi, Ophiostoma novo-ulmi or Ceratocystis
4	Eastern filbert blight	Anisogramma anomala
5	European canker	Nectria galligena
6	European larch canker	Lachnellula willkommii
7	Fire blight	Erwinia amylovora
8	Godronia (fusicoccum) canker	Fusicoccum putrefaciens or Godronia cassandrae
9	Leucostoma (cytospora) canker	Leucostoma cinta, Leucostoma persoonii, Valsa cincta or Valsa leucostoma
10	Oak wilt	Ceratocystis fagacearum
11	Pear trellis rust	Gymnosporangium fuscum
12	Phomopsis canker	Phomopsis vaccinii or Diaporthe vaccinii
13	Plum pox virus or Sharka	Plum pox virus
14	Ramorum blight and canker or sudden oak death	Phytophthora ramorum
15	Thousand canker disease	Geosmithia morbida

INSECTS

Item	Column 1 **Common Name**	Column 2 **Species**
1	Ambrosia beetle	Xyleborus dispar
2	Apple clearwing moth	Synanthedon myopaeformis
3	Asian long-horned beetle	Anoplophora glabripennis
4	Banded elm bark beetle	Scolytus schevyrewi
5	Black pine bark beetle	Hylastes ater
6	Brown spruce long-horned beetle	Tetropium fuscum
7	Citrus long-horned beetle	Anoplophora chinensis
8	Common pine shoot beetle	Tomicus piniperda
9	Dogwood borer	Synanthedon scitula
10	Douglas-fir beetle or larvae	Dendroctonus pseudotsugae
11	Emerald ash borer	Agrilus planipennis

Item	Column 1 **Common Name**	Column 2 **Species**
12	European spruce long-horned beetle	Tetropium castaneum
13	Japanese cedar long-horned beetle	Callidiellum rufipenne
14	Mountain pine beetle or larvae	Dendroctonus ponderosae
15	Native and European elm bark beetle	Hylurogopinus rufipes or Scolytus multistriatus
16	Peach tree borer	Synanthedon exitiosa
17	Shot hole borer	Scolytus rugulosus
18	Spruce beetle or larvae	Dendroctonus rufipennis
19	Walnut twig beetle	Pityophthorus juglandis

SCHEDULE 2

AMBIENT AIR QUALITY OBJECTIVES FOR PARTICULATE MATTER

Column 1 **Size of Particulate Matter**	Column 2 **Air Quality Objective (based on annual 98th percentile value)**
PM 2.5	25 $\mu g/m^3$
PM 10	50 $\mu g/m^3$

SCHEDULE 3

SMOKE SENSITIVITY ZONES

Item	Column 1 **Provincial Smoke Sensitivity Map Name**	Column 2 **Map No.**	Column 3 **Map Date**
1	Penticton	82E	July 3, 2019
2	Nelson	82F	July 3, 2019
3	Fernie	82G	July 3, 2019
4	Kananaskis Lakes	82J	July 3, 2019
5	Lardeau	82K	July 3, 2019
6	Vernon	82L	July 3, 2019
7	Seymour Arm	82M	July 3, 2019
8	Golden	82N/O	July 3, 2019
9	Canoe River	83D	July 3, 2019
10	Mount Robson	83E	July 3, 2019
11	Victoria	92B	July 3, 2019
12	Cape Flattery	92C	July 3, 2019
13	Nootka Sound	92E	July 3, 2019
14	Port Alberni	92F	July 3, 2019
15	Vancouver	92G	July 3, 2019
16	Hope	92H	July 3, 2019
17	Ashcroft	92I	July 3, 2019
18	Pemberton	92J	July 3, 2019
19	Bute Inlet	92K	July 3, 2019
20	Alert Bay	92L	July 3, 2019
21	Rivers Inlet	92M	July 3, 2019
22	Mount Waddington	92N	July 3, 2019
23	Taseko Lakes	92O	July 3, 2019
24	Bonaparte Lake	92P	July 3, 2019
25	Quesnel Lake	93A	July 3, 2019
26	Quesnel	93B	July 3, 2019
27	Anahim Lake	93C	July 3, 2019
28	Bella Coola	93D	July 3, 2019
29	Whitesail Lake	93E	July 3, 2019
30	Nechako River	93F	July 3, 2019
31	Prince George	93G	July 3, 2019
32	McBride	93H	July 3, 2019
33	Monkman Pass	93I	July 3, 2019
34	McLeod Lake	93J	July 3, 2019
35	Fort Fraser	93K	July 3, 2019
36	Smithers	93L	July 3, 2019

Item	Column 1 **Provincial Smoke Sensitivity Map Name**	Column 2 **Map No.**	Column 3 **Map Date**
37	Hazelton	93M	July 3, 2019
38	Manson River	93N	July 3, 2019
39	Pine Pass	93O	July 3, 2019
40	Dawson Creek	93P	July 3, 2019
41	Charlie Lake	94A	July 3, 2019
42	Halfway River	94B	July 3, 2019
43	Mesilinka River	94C	July 3, 2019
44	Ware	94F	July 3, 2019
45	Trutch	94G	July 3, 2019
46	Beatton River	94H	July 3, 2019
47	Fort Nelson	94J	July 3, 2019
48	Tuchodi Lakes	94K	July 3, 2019
49	Rabbit River	94M	July 3, 2019
50	Toad River	94N	July 3, 2019
51	Cape Scott	102I	July 3, 2019
52	Laredo Sound	103A	July 3, 2019
53	Graham Island	103F	July 3, 2019
54	Hecate Strait	103G	July 3, 2019
55	Douglas Channel	103H	July 3, 2019
56	Terrace	103I	July 3, 2019
57	Prince Rupert	103J	July 3, 2019
58	Dixon Entrance	103K	July 3, 2019
59	Nass River	103P/O	July 3, 2019
60	Bowser Lake	104A	July 3, 2019
61	Iskut River	104B	July 3, 2019
62	Telegraph Creek	104G	July 3, 2019
63	Spatsizi River	104H	July 3, 2019
64	Cry Lake	104I	July 3, 2019
65	Dease Lake	104J	July 3, 2019
66	Skagway	104M	July 3, 2019
67	Atlin	104N	July 3, 2019
68	Jennings River	104O	July 3, 2019
69	McDame	104P	July 3, 2019
70	Tatshenshini River	114P	July 3, 2019

BRITISH COLUMBIA | Ministry of Environment and Climate Change Strategy

FACTSHEET
OPEN BURNING SMOKE CONTROL REGULATION

October 2019

Under the *Environmental Management Act*, a new **O**pen **B**urning **S**moke **C**ontrol **R**egulation (**OBSCR**) came into effect on September 15, 2019. This factsheet summarizes the main requirements for burning under the OBSCR.

Does OBSCR apply to your open burning?

- OBSCR applies to open-fire combustion of vegetative debris generated from a range of activities, such as:
  - ✓ Land clearing
  - ✓ Forestry operations
  - ✓ Agriculture and silviculture
  - ✓ Community wildfire risk reduction
  - ✓ Wildlife habit enhancement
  - ✓ Utility right of ways

- OBSCR does not apply to:
  - × Fires for training purposes under the *Fire Services Act*.
  - × Resource management open fires or fire control (S.9) under the *Wildfire Act*.
  - × Burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes or in compliance with the *Weed Control Act*.
  - × Campfires.

What other requirements apply to your open burning?

- Open burning must <u>also</u> meet any bylaw requirements set by local governments.
- Open burning may <u>also</u> require:
  - A permit from the local fire department.
  - A Burn Registration Number from the B.C. Wildfire Service: **1 888 797-1717**

- Open fires must comply with any:
  - Open burning prohibition issued by the Ministry of Environment and Climate Change Strategy.
  - Ban from a fire department, local government, or an improvement district.
- Burning is not authorized contrary to the *Wildfire Act*.

Smoke Sensitivity Zones (SSZ)

Under OBSCR, the province is divided into three categories of Smoke Sensitivity Zones.

- **High**: areas in and around communities.
- **Medium**: areas around smallest communities, rural locations, transportation corridors.
- **Low**: areas distant from communities.

Burning requirements are strictest in high SSZ and are less strict in medium and low SSZ.

To find out the zone of your location, you can view the SSZ maps **online** or contact a Ministry office.

Key Definitions for Open Burning

Start Time: when piles are first ignited.

End Time: when each pile has ceased flaming and is emitting smoke from no more than 10% of its burnt surface area.

Seasoned Vegetative Debris:

- Dry-basis moisture content within 30%, or
- piled for at least 4 months, or
- originated from standing dead timber.

Ventilation Forecasts

- Required to determine if local atmospheric conditions are favourable for dispersing smoke.
- Can be obtained as a Ventilation Forecast or as a Custom Ventilation Forecast.
- Provide a Ventilation Index as *Good*, *Fair* or *Poor*.
- Ventilation Index requirements under OBSCR vary by smoke sensitivity zones and according to certain open burning purposes.

<u>Ventilation Forecast</u>

- Afternoon forecast issued by Environment Canada.
- Obtained on the same day, but before, burning starts.
- Available **online** for 40 venting index zones.

<u>Custom Ventilation Forecast (CVF)</u>

- Specific to local conditions in a geographic area.
- Obtained the day before or on the same day, but before, burning starts.
- Issued by an approved forecaster and submitted before burning to the Ministry by email:

<u>OBSCRCVF@gov.bc.ca</u>

General Requirements for Open Burning

Before open burning

- Every reasonable alternative must be used to minimize burning amounts by reducing, reusing or recycling vegetative debris.
- All reasonable efforts must be taken to minimize smoke by following best practices for open burning, such as:
  - Minimizing soil content, maximizing seasoned vegetative debris
  - Constructing any debris piles in a way that maximizes air flow
- Vegetative debris can be moved only within 5 km from its original location.
- No prohibited materials are allowed in any open burning. Prohibited materials are listed at the end of this factsheet.

Starting or continuing an open burn

Even if all OBSCR requirements are met and the ***forecasted*** venting conditions are favourable, open burning must not be started nor continued if the ***actual*** venting conditions are unfavourably causing or will likely cause smoke to:

- negatively impact a nearby population centre or a work camp,
- be a navigation hazard for nearby airports or highways.

Setbacks for open burning

All open burning that fall under OBSCR must meet the minimum setback distances away from specified properties.

- General setbacks apply for most open burning.
- Reduced setbacks apply for *one-day* open burning that:
  - starts not earlier than one hour after sunrise,
  - ends by the later of 4 p.m. or two hours before sunset,
  - meets all the **specific conditions for reduced setbacks**.

Property Type	General Setback	Reduced Setback
Residence or business buildings	500 metres	100 metres
Nearest property line of schools, hospitals & community care facilities	1000 metres	500 metres

Specific Conditions for Reduced Setbacks

- All vegetative debris is seasoned.
- All vegetative debris is put in piles.
- For each pile, the largest horizontal dimension is not greater than twice the vertical dimension.
- No stumps are included, and diameter of the largest part of each separate debris portion is less than 50 centimetres.
- If ventilation or custom ventilation forecasts are available, the forecast is *Good* for the open burning day.
- Written record of when debris was piled is available.
- No later than 24 hours before open burning starts, reasonable efforts are made to notify all residences, businesses, schools, hospitals and community care facilities within 500 metres of the open burning location.

Open burning requirements for domestic or agricultural purposes

OBSCR applies to open burning for domestic or agricultural purposes according to the following requirements:

- All of the vegetative debris is branches or other pieces of vegetative debris, with or without leaves.
- Open-burning requirements are based on the diameter of each branch or piece.

As with any other purpose, open burning for domestic or agricultural purposes must also follow any local, regional or other bylaws.

Diameter	Requirements
Less than 3 cm	Total exemption, OBSCR does not apply.
Between 3 cm and 10 cm	Three OBSCR provisions apply: ▪ Vegetative debris must not be moved more than 5 km from its original location. ▪ Prohibited materials are not allowed. ▪ Open burning must adhere to any burn ban.
Greater than 10 cm	No exemptions, OBSCR fully applies.

Specific Requirements Based on Smoke Sensitivity Zones

Allowable number of periods for open burning

Within or partially within High Smoke Sensitivity Zone

For open burning on a **private parcel of land** that is **smaller than 64 hectares**, allowable number of burning days are:

- 12 days or portions of days in each calendar year, and
- 6 days in each calendar month.

Within Medium or Low Smoke Sensitivity Zone

There is no limit to the overall number of days for open burning.

Private Parcel of Land Under OBSCR

- *Parcel of land* means a lot, block or other area in which land is held or into which land is subdivided.
- *Private land* means land in respect of which a person other than Her Majesty the Queen holds a fee simple or leasehold interest.

Open burning for less than one day

If ventilation conditions are favourable only for one day in a High or a Medium Smoke Sensitivity Zone, open burning can be conducted within one day subject to a number of requirements.

SSZ	Vegetative Debris	Ventilation Index	Start Time	End Time
High	Seasoned	Good	One hour after sunrise or later	Later of 4 p.m. or 2 hours before sunset
Medium	NA			

Open burning for more than one day

If ventilation conditions are favourable for more than a day, burning requirements vary with Smoke Sensitivity Zones.

SSZ	Vegetative Debris	Consecutive Period	Ventilation Index	Start Time	End Time
High	Seasoned	Within 2 days	Good on 1st day Good or Fair on 2nd day	One hour after sunrise or later on 1st day	Later of 4 p.m. or 2 hours before sunset on last day
Medium	NA	Within 4 days			
Low	NA	Within 6 days	Good or Fair on 1st day Good or Fair on 2nd day		

SSZ	Igniting Unlit Piles	Adding Unlit Debris to Ignited Piles
High	On 1st day: ➢ Starting 1 hour after sunrise ➢ Ending 4 hours before sunset	
Medium	On 1st day: ➢ Starting 1 hour after sunrise ➢ Ending 2 hours before sunset	On 1st and 2nd days: ➢ Starting 1 hour after sunrise ➢ Ending 2 hours before sunset ➢ Ventilation Forecast or CVF obtained on 2nd day, *Good* or *Fair*
Low	NA	

Miscellaneous Requirements

Prohibition on open burning

If the Ministry determines that pollution is occurring, or is likely to occur, from open burning in a geographic area, the Ministry may temporarily prohibit open burning in that area. A prohibition or "burn ban" may include the following:

- All open burning must be extinguished
- No vegetative debris may be ignited or added to ignited piles

If pollution in the area is no longer occurring, the Ministry may end the prohibition on open burning.

Records and reporting

A record must be made if the open burning includes:

- One or more Category 3 open fires [1]
- One or more air curtain incinerators

A record must be kept, retained and submitted upon request as specified in the regulation. Based on that record, the Ministry may further require submission of a report with specific information. Details of record keeping and reporting requirements can be found in the regulation.

Enforcement

Violations of the Open Burning Smoke Control Regulation may result in fines of up to $200,000.
The Open Burning Smoke Control Regulation is enforced by the BC Conservation Officer Service.
Open burning violations can be reported through the Ministry's **Report All Poachers and Polluters (RAPP)** hotline:
https://forms.gov.bc.ca/environment/rapp/ **1 877-952-7277**

Looking for more information?

This factsheet contains a summary of the main requirements for open burning under OBSCR. Additional specific requirements can be found in other factsheets and guidance documents. For complete regulatory requirements, please refer to the **Open Burning Smoke Control Regulation**.

OBSCR Website:
https://www2.gov.bc.ca/gov/content/environment/air-land-water/air/air-pollution/smoke-burning/regulations/openburningregulation
Contains further information on the regulation, links to **Smoke Sensitivity Zone Maps** and **Venting Index Interactive Map**.

OBSCR Questions: **OBSCR@gov.bc.ca**

Ventilation Index online: **http://www.env.gov.bc.ca/epd/epdpa/venting/venting.html**

Fire Bans and Restrictions: **http://bcfireinfo.for.gov.bc.ca/hprScripts/WildfireNews/Bans.asp**

Ventilation Index and burning bans: **1 888-281-2992**

The following prohibited materials must not be burned

- **Animal carcasses and waste from animal slaughtering**
- **Asphalt or asphalt products**
- **Batteries**
- **Biomedical waste**
- **Carpets**
- **Construction waste***
- **Demolition waste**
- **Drywall**
- **Domestic waste**
- **Electrical wire**
- **Fibreglass and other fibre-reinforced polymers**
- **Fuel and lubricant containers**
- **Furniture and appliances**
- **Hazardous waste**
- **Manure**
- **Paint and varnish**
- **Plastics**
- **Polystyrene foam**
- **Railway ties**
- **Rubber**
- **Tar paper**
- **Tires**
- **Treated or painted wood products**
- **Used oil**

Other than lumber not treated with wood preservatives or other chemicals and not coated with paint, varnish, oil or other finishing material

[1] Open fire that burns: material concurrently in three (3) or more piles each not exceeding 2m in height and 3m in width, or material in one or more piles each exceeding 2m in height or 3m in width, or one or more windrows.

Council Report

penticton.ca

Date: November 5, 2019 File No: 2380-20
To: Donny van Dyk, Chief Administrative Officer
From: Sheri Raposo, Land Administrator

Address: 2965 South Main Street

Subject: **Penticton Seniors' Drop-In Centre Society 20 Year Lease**

Staff Recommendation

THAT Council approve the 20-year nominal lease agreement with the Penticton Seniors' Drop-In Centre Society, located at 2965 South Main Street;

AND THAT the disposition of City improvements be advertised pursuant to Section 26 of the *Community Charter*;

AND THAT the Mayor and Corporate Officer be directed to execute the lease agreement on behalf of the City.

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

In November of 1996, Council received approval of the electorate by way of referendum for the City of Penticton to lease approximately 3.5 Acres of Robinson Park property for a Seniors Drop-In Centre, including the management, maintenance, improvement, operation, control and use for a period of 5 to 20 years.

Council, on June 21, 1999, passed the following resolution:

504/99 THAT the staff memorandum dated June 18, 1999 regarding the Seniors Drop-In Centre Society be received;

AND THAT Council approve the Penticton Seniors Drop-In Centre Society proceeding with the construction of the Robinson-Johanson Seniors Drop-In Centre, based on the terms of the current licence to use agreement, and supplying all required insurance;

AND THAT Council direct staff to commence negotiations with the Penticton Seniors Drop-In Society for a twenty (20) year lease as approved by the electorate in 1996.

CARRIED UNANIMOUSLY

On June 1, 1999 the City entered into a 20 year nominal lease with the Penticton Seniors' Drop-In Centre Society, for the use of the premises and area for the operation of a not for profit senior citizen recreation center.

That 20 year lease expired on May 31, 2019. The Penticton Seniors' Drop-In Centre Society confirmed that they wished to enter into another 20 year lease.

Prior to negotiating a lease agreement with the Society, Staff obtained a legal opinion with respect to the requirement for another referendum, and was advised that a lease confined to the building footprint only would not require further approval of electors.

A new 20 year lease has been negotiated with the Society for the building footprint only and does not include the area around the building and parking lot. The City of Penticton will be responsible for the maintenance of the grounds and parking lot.

Financial implication

Under the proposed lease agreement, the Seniors' Drop-In Centre leases the building for a$1.00 nominal rate. The annual lease rate at market rate would be $108,000.00. The Society will continue to be responsible for repairs maintenance and taxes of the building. The society will continue to be able to apply for tax exemptions through the Permissive Tax Exemption program and for 2020 will receive an exemption estimated at $25,048. As the City has now assumed responsibilities for the grounds surrounding the drop in Centre, the estimated cost implications to the City for the maintenance of the grounds and parking lot is $9,000.00 per year.

Analysis

The Penticton Seniors' Drop-In Centre Society has been a society for over 25 years and is a not for profit society. The Penticton Seniors' Drop-In Centre currently has over 950 members and plays a vital role in serving the needs of those individuals aged 50 and older. It is a non-profit society that is fully self-supporting and run by volunteers, including a Board of Directors. The one paid position is a building manager who oversees the daily operations of the Centre and is responsible for booking outside groups who use the space for private functions. The Centre is open five days a week with some special events held on Saturdays and Sundays and offers a wide variety of services, activities and social events.

During the term of the last agreement, the Society has effectively maintained and kept the facility in good repair. The Society wishes to continue with a similar arrangement whereby they will continue to be responsible for the repairs and maintenance of the facility. Establishing a long-term lease provides the Society with the certainty and ability to fundraise to address the costs of maintaining and renewing the facility to an acceptable standard.

Alternate recommendations

THAT Council provide staff with alternate direction.

Attachments

Attachment A – Draft Lease Agreement

Respectfully submitted,

Sheri Raposo
Land Administrator

Chief Financial Officer	Chief Administrative Officer
JWB	DvD

L E A S E

THIS LEASE dated for reference the ____ day of _____, 2019.

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON
171 Main Street, Penticton, British Columbia V2A 5A9
(the "**Landlord**")

OF THE FIRST PART

AND:

PENTICTON SENIORS' DROP-IN CENTRE SOCIETY
2965 South Main Street, Penticton, British Columbia, V2A 5J7
(the "**Tenant**")

OF THE SECOND PART

WITNESSES that in consideration of the mutual covenants, conditions and agreements herein contained the Landlord and the Tenant covenant and agree as follows:

1. DEFINITIONS

1.1 Definitions

In this lease, unless there is something in the context inconsistent therewith, the Landlord and the Tenant agree that:

(a) "**Commencement Date"** means the 31st day of May, 2019**;**

(b) "**Environmental Laws**" means all applicable federal, provincial, municipal or local laws, statutes or ordinances, as they may be amended from time to time after the Commencement Date of the Term including without limitation, all relevant federal, provincial laws and other applicable laws relating to the environment, occupational safety and the transportation or regulation of Hazardous Substances;

(c) "**Governmental Requirement**" means any Environmental Law, regulation, order or notice;

(d) "**Hazardous Substance**" includes, but is not limited to, any waste, contaminants, pollutants, dangerous substances, industrial waste, special waste, toxic substances, hazardous waste, hazardous material or hazardous substance whether or not defined as such or pursuant to any law, regulation or order;

(e) "**Lands"** means those certain lands legally described as:

Parcel Identifier: 012-373-621
Lot 118, DL 116, SDYD, Plan 333
Except Plans B5593, 20532 and KAP45357

(f) "**Lease**" means this lease and all attached schedules;

(g) "**Premises**" means building outlined in heavy red on the plan attached hereto as Schedule "A";

(h) "**Tenant's Fixtures"** means any article of the Tenant affixed as an accessory to the Premises which does not form a part of the structure or Premises itself; and

(i) "**Term"** means the term of years commencing on the Commencement Date as set out in Section 2.2.

2. DEMISE AND TERM

2.1 Demise

The Landlord, in consideration of the rents, covenants, agreements and conditions herein to the paid, observed and performed by the Tenant, does hereby demise and lease to the Tenant the Premises for the Term.

2.2 Term

Subject to the terms and conditions of this Lease, the Tenant shall have and hold the Premises for a term of **TWENTY (20) years** from and including the Commencement Date.

3. RENT, TAXES AND OTHER CHARGES

3.1 Basic Rent

The Lessee shall pay as basic rent for the term of the Lease the sum of **ONE ($1.00) DOLLAR**, payable on the Commencement Date.

3.2 Additional Rent

Save and except for basic rent all monies from time to time may be owing by the Tenant to the Landlord pursuant to this Lease including, without limitation, monies rent or not, are hereby deemed to be additional rent. The Tenant will pay any such money to the Landlord upon demand by the Landlord unless other terms for payment are expressly stipulated in this Lease. If the Tenant fails to pay any additional rent, as and when due, the Landlord will have the same remedies for the collection thereof as it has for the recovery of basic rent in arrears. If the Tenant at any time or from time to time fails to pay to any person any sum which the Tenant is obliged to pay pursuant to this Lease,

the Landlord may pay any such sum on behalf of the Tenant and same will then be a debt owing by the Tenant to the Landlord from and including the date of payment by the Landlord.

3.3 **Interest on Amounts in Arrears**

When basic rent or additional rent, including any interest accrued thereon, payable hereunder by the Tenant to the Landlord is in arrears, the same will bear interest at a rate equal to five percent (5%) above the prime rate being charged by the Royal Bank of Canada, Main Branch, Vancouver, British Columbia, as its prime rate per annum at the time such basic rent or additional rent became due, compounded monthly, from the date of such rent became due to and including the date of payment. The Landlord will have all remedies for the collection of such interest as it has for the recovery of basic rent in arrears.

3.4 **Tenant's Taxes and Other Charges**

The Tenant will pay, as and when due, to the authority or person to which the same are owing:

(a) all taxes (including without limitation all goods and services tax), license fees, rates, duties and assessments imposed, assessed or levied by any lawful authority relating to:

i. the business carried on in and the use and occupancy of the Premises by the Tenant;

ii. rent payable by the Tenant for the Premises;

iii. personal property and business and trade fixtures and other improvements owned or installed by or on behalf of the Tenant in, on or affixed to the Premises, and

iv. real property taxes assessed against the Premises including, without limitation, local improvement charges, frontage taxes and all other special or extraordinary charges;

(b) all charges, rates, levies and assessments imposed, assessed or levied by any lawful authority in respect of gas, water, telephone, internet, garbage pickup and utilities of whatsoever nature or kind (including works and services in connection therewith) used in or supplied to the Premises; and

(c) whether any such taxes, lease fees, rates, levies, charges, duties and assessments are payable by law by the Tenant or by the Landlord and whether or not same are allocated separately in respect of the Lands and Premises.

Upon request by the Landlord, the Tenant will deliver promptly to the Landlord, for inspection, receipts for payment of all charges payable by the Tenant pursuant to this Section 3.4.

3.5 **No Set-Off**

The Tenant will pay to the Landlord duly and punctually all basic rent and additional rent required to be paid by the Tenant pursuant to this Lease without any deduction, abatement or set-off whatsoever.

3.6 **Irregular Periods**

If, for any reason, it becomes necessary to calculate basic rent or additional rent for irregular periods an appropriate pro rata adjustment will be made on a daily basis in order to compute such rent for such irregular periods, unless otherwise expressly set out in this Lease.

3.7 **Dispute as to Costs**

If the tenant disputes the amount of any monies to be paid by the Tenant to the Landlord pursuant to this Lease, the certificate of an accountant having a nationally recognized accreditation appointed by the Landlord to determine such amount will be conclusive and binding on the Landlord and Tenant. The cost of obtaining such certificate will be for the account of the Tenant if the amount of money to be paid by the Tenant, as established in the certificate, is not more than five percent (5%) less than the amount claimed by the Landlord.

4. **QUALITY AND USE OF THE PREMISES**

4.1 **Examinations of Lands and Premises**

The Tenant has inspected the Lands and Premises prior to execution of this Lease and acknowledges that it is leasing the Premise as provided herein on an “as is” basis in accordance with the provisions of this Lease. The Tenant specifically acknowledges the Landlord has made no representation, agreement or warranty with respect to the Premises or as to the fitness of the Premises for the use referred to in Section 4.2.

4.2 **Use**

The Tenant will not use the Premises and all improvements thereon other than for the operation of a senior citizen recreation center.

4.3 **Special Provision**

In the event of an emergency, the Tenant hereby agrees to provide the Landlord with access to the Premises for the purpose of a Reception Center for the City of Penticton’s Emergency Support Services (ESS). The ESS would utilize the Premises at no cost, twice in a calendar year for up to one week at a time for training purposes. In the event additional events occur and the use of the Premises is required, the ESS will pay the Tenant for the use of the Premises at their current rental rates.

4.4 No Nuisance or Waste

At no time during the Term will the Tenant carry on or permit or suffer to be carried on in the Premises or elsewhere on the Premises or anything which is noxious or offensive or which would constitute a public or private nuisance. The Tenant will not cause any waste or damage to the Lands, Premises, or adjacent properties.

4.5 Signs

The Tenant will not erect, paint, display, place, affix or maintain or permit to be erected, painted, displayed, placed, affixed or maintained any sign, decoration, picture, lettering, symbol or notice of any nature or kind whatsoever (herein called “Signs”) either on the exterior walls of the Premises or on the Lands without first obtaining the Landlord’s written consent, such consent not to be unreasonably withheld. The Tenant will cause any Signs to be maintained in a proper state of repair and will indemnify and save harmless the Landlord from all personal injuries or property damage or loss to any person caused by the existence of any such Signs.

4.6 Conditions of Lands and Premises

The Tenant will not permit the Premises or to become untidy or unsightly and will not permit waste or refuse to accumulate therein.

4.7 Not to Affect the Insurance

The Tenant will not do, omit, cancel or permit to be done or omitted to be done anything which may render void or voidable, which may conflict with the requirements of, any policy of insurance, including regulations of fire insurance under writer applicable to such policies.

4.8 Preventing Cancellation

The Landlord, by its representatives, may at any time enter upon the Lands and Premises to remove any article or remedy any condition which, in the reasonable opinion of the Landlord, would be likely to render void or voidable, lead to cancellation, or conflict with the requirements of any policy of insurance. Such entry by the Landlord will not be deemed to be a re-entry or a trespass.

5. ASSIGNING AND SUB-LETTING

5.1 Assigning and Sub-Letting by Tenant

The Tenant will not assign this lease or sub-let or part with possession of the whole or any part of the Premises for the whole or any part of the Term, without the consent of the Landlord, which consent may be arbitrarily withheld.

5.2 Landlord’s Conveyance

Should the Landlord convey or assign or otherwise divest itself of its interest in the Lands and Premises, it will be relieved of all obligations under this Lease from and after

the effective date of such conveying, assigning or divesting, save and except for the obligation to account to the Tenant for any monies due and payable to the Tenant by the Landlord pursuant to this Lease up until the date of such conveyance, assignment or divestiture to the extent that such assignee has assumed such obligations.

6. COMPLIANCE WITH LAWS, BUILDER'S LIENS

6.1 Compliance with Laws

The Tenant, at its own expense, will promptly comply with all applicable requirements of government or administrative authorities which relate, directly or indirectly to the use and occupation of the Premises including, without limitation, all those relating to environmental matters.

6.2 Notice of Non-Compliance

The Tenant will deliver promptly to the Landlord a copy of any notice, request, order, demand or claim of any person, and any documentation ancillary thereto, pertaining to any actual or alleged failure to comply with Environmental Laws or any actual or alleged presence or discharge of any Hazardous Substance on, under or affecting the Lands.

6.3 Builders' Liens

The Tenant will not suffer or permit any lien under the Builders' Lien Act or like statute to be registered against title to the Tenant's interest in the Premises or against title to the Lands by reason of labour, services or materials supplied or claimed to have been supplied to the Tenant or anyone holding any interest through or under the Tenant. If any such lien is registered, the Tenant will procure registration of its discharge forthwith after the lien has come to the notice of the Tenant. The Landlord may, but will not be obliged to, discharge any such lien at any time if, in the Landlord's judgment, the Lands and Premises or the Tenant's leasehold interest therein becomes liable to any forfeiture or sale or is otherwise in jeopardy and any amount paid by the Landlord in so doing, together with all reasonable costs and expenses of the Landlord, will be reimbursed to the Landlord by the Tenant forthwith on demand.

7. MAINTENANCE AND ALTERATIONS

7.1 Repair Responsibilities

The Landlord will not be obligated to repair, maintain, replace or alter the Premises. The Tenant hereby assumes the sole responsibility including cost for the condition, operation, maintenance, repair and replacement of the Premises.

7.2 **Repair and Maintenance of Premises**

The Tenant will, at its own cost, be responsible for the repair, maintenance and day to day upkeep and security of the building, including and without limitation:

(a) All plumbing
(b) Heating and air conditioning
(c) Electrical systems
(d) Roof
(e) Floors
(f) Foundations
(g) Bearing beams
(h) Replacing any broken windows and doors
(i) All equipment, fixtures and machinery
(j) Interior finishes
(k) Structural
(l) Graffiti removal
(m) Life safety systems
(n) Building envelope
(o) Security system/cameras/alarms
(p) Snow and Ice removal of walkways, sidewalks, parking lots and building entrances

Comparable with the condition in which a prudent owner would keep a similar type of premises, and whether such repair and maintenance is interior or exterior, structural or non-structural, ordinary or extra-ordinary, foreseen or unforeseen, excepting from such standard of repair and maintenance reasonable wear and tear to the extent only that such reasonable wear and tear does not materially affect the foundations, structure or appearance of the Premises. The terms “repair” and “maintenance” and variations thereof will be deemed to include replacements, renewals, alterations, additions, substitutions and improvements when necessary for the Tenant to comply with its obligations pursuant to Section 7.2.

7.3 **Landlord’s Maintenance**

The Landlord will be responsible for the maintenance of the Lands, including:

(a) Shrub bed maintenance
(b) Spring/fall cleanup
(c) Turf maintenance and Irrigation
(d) Tree maintenance
(e) Hydrant maintenance
(f) Asphalt maintenance
(g) Line painting
(h) Snow removal - The Landlord will pay to the Tenant, up to a maximum amount of $5,000.00 dollars for snow and ice removal per calendar year. This amount will be based on invoices paid by the Tenant, and provided to the Landlord for reimbursement.

7.4 **Inspection**

The Landlord's or the Landlord's representative may enter upon the Premises at any reasonable time, and at any time in case of emergency, to examine the condition of the Premises.

7.5 **Repairs According to Notice**

Without restricting the Tenant's obligation to repair and maintain pursuant to Section 7.2, the Tenant, promptly upon notice by the Landlord, will repair and maintain the Premises as required by Section 7.2.

7.6 **Alteration**

For the purpose of this section, "Alteration" means any change, alteration, substitution, installation, addition, partition or replacement to or on the Premises.

The Tenant will not make any alteration to the Premises, unless:

(a) the Tenant is not then in default in observing or performing its obligations under this Lease;

(b) the Tenant has submitted plans and specifications of the alteration, to the Landlord for the Landlord's approval, such approval not to be unreasonably withheld;

(c) the Tenant will obtain approval from the Landlord of all subcontractors, contractors and tradespeople doing the alteration work;

(d) the Tenant obtain all necessary building permits for the alteration; and

(e) the Tenant completes the alteration in a timely manner.

The Tenant agrees that the Landlord will be entitled to recover from the Tenant the reasonable cost of having the Landlord's architect and engineers examine the plans and specifications of the alterations.

7.7 **Repairs by Tradespeople**

The Tenant, when necessary and whether upon receipt of notice from the Landlord or not, will use subcontractors, contractors and trades people approved by the Landlord in writing, such approval not to be unreasonably withheld. In the event the maintenance and/or repairs are of a minor nature the Tenant will not be obliged to use subcontractors, contractors or trades people approved by the Landlord in writing. For certainty, any alteration work will require subcontractors, contractors and trades people approved by the Landlord. Any regulated work must be completed by a qualified professional.

8. SURRENDER OF PREMISES AND REMOVAL OF FIXTURES

8.1 Surrender

Upon the expiration or earlier termination of this Lease and the Term and any period of permitted overholding, the Tenant will surrender to the Landlord possession of the Premises and fixtures excluding the Tenant's Fixtures and improvements therein (subject to Section 8.2), all of which will become the property of the Landlord without any claim by or compensation to the Tenant, all in good order, condition and repair in accordance with the Tenant's obligation to repair and maintain, and free and clear of all encumbrances and all claims of the Tenant or of any person claiming by or through or under the Tenant and all the rights of the Tenant under this Lease will terminate save as herein expressly set out.

8.2 Removal of fixtures

If the Tenant is not then in default hereunder, the Tenant, at the expiration of the Term, may remove from the Premises all trade or Tenant's Fixtures. If the Tenant damages the Premises during such removal the Tenant will make good such damage at its expense. In no event will the Tenant remove from the Premises any fixtures of the Landlord nor any partitions, floor coverings, draperies, local wiring, including floor ducts, telephone conduits or plumbing, heating, air conditioning, electrical or ventilating plant or equipment or other building services.

9. LIABILITY AND INDEMNIFICATION

9.1 Non-Liability of Landlord

The Landlord will not be liable or responsible in any way for any personal injury that may be sustained by the Tenant or any invitee or licensee of the Tenant, or of any other person who may be upon the Premises or for any loss of or damage or injury to, property belonging to or in the possession of the Tenant or any invitee or licensee of the Tenant or any other person, unless caused by gross negligence of the Landlord or those for whom it is in law responsible.

9.2 Indemnification

The Tenant will indemnify and save harmless the Landlord its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of actions, actions, claims, suits and judgments which the Landlord may incur or suffer or be put to by reason of or in connection with or arising from:

(a) any breach, violation or non-performance by the Tenant of any obligation contained in this lease to be observed or performed by the Tenant;

(b) any damage to the property by the Tenant, or any person claiming through or under the Tenant, or damage to any other property howsoever occasioned by the condition, use, occupation, repair or maintenance of the Premises, unless caused by the gross negligence of the Landlord or those for whom it is in law responsible;

(c) any injury to any person, including death resulting at any time therefrom, occurring in or about the Premises unless caused by the gross negligence of the Landlord or those for whom it is in law responsible;

(d) any wrongful act or neglect of the Tenant, its invitees and licensees, in and about the Premises;

(e) save and except for any release of any Hazardous Substance occurring prior to June 1, 1999 any request or order made by any government authority requiring investigation or remediation of any Hazardous Substance on, under or affecting the Premises unless caused by the gross negligence of the Landlord or those for whom it is in law responsible.

Such indemnification will survive any termination or expiration of this Lease.

10. INSURANCE

10.1 Tenant's Insurance

The Tenant, at its cost, will obtain and keep in force throughout the Term:

(a) fire insurance of the Tenant's property in the Premises, including, without limitation, its improvements, furniture, equipment, fittings, fixtures and stock-in-trade, in an amount adequate to cover fully any loss that the Tenant could sustain;

(b) comprehensive general liability insurance (including, without limitation, tenant's fire, legal liability and contractual liability to cover the responsibilities assumed under Section 10.2 hereof) against claims for personal injury, death or property damage occurring upon or in or about the Premises, in an amount of not less than $5,000,000.00 or such greater amount as the Landlord may reasonably require from time to time;

(c) tenant's legal liability insurance in such amount as would a prudent tenant; and

(d) such other insurance as the Landlord might reasonably require.

10.2 Policies

The Tenant shall maintain all required insurance pursuant to Section 10.1 and provide to the Landlord a new Certificate of Liability Insurance annually upon renewal of the insurance policy.

If the Tenant fails to take out, renew and keep in force such insurance as required by Section 10.1 the Landlord may do so as the agent of the Tenant and the Tenant shall repay to the Landlord any amounts paid by the Landlord as premiums forthwith upon demand.

10.3 **Terms of Insurance**

The Tenant will cause each of the policies for the insurance referred to in Section 10.1 to contain any undertaking by the insurer(s) to notify the Landlord at least thirty (30) days prior to cancellation or any other change material to the Landlord's interests. The liability policy will include the Landlord as an additional named insured with a cross-liability clause and shall protect the Landlord in respect of claims by the Tenant as if the Landlord were separately insured. The Tenant will cause any insurance policy obtained by it pursuant to this Lease to contain a waiver of subrogation clause in favour of the Landlord. In regards to the insurance required pursuant to Section 10.1 herein such insurance shall provide that any proceeds recoverable in the event of loss shall be payable to the Landlord, provided however the Landlord agrees to make available such proceeds towards the repair or replacement of the insured property if this Lease is not terminated under any other provision hereof.

If any of the policies to be obtained by the Tenant pursuant to its obligations herein contain any co-insurance clauses, the Tenant shall maintain at all times a sufficient amount of insurance to meet the requirements of such co-insurance clause so as to prevent the Landlord or the Tenant from becoming a co-insurer under the terms of such policy or policies and to permit full recovery from the insurance in the event of loss.

10.4 **Release of Landlord from Liability for Insured Loss or Damage**

The Tenant hereby releases the Landlord, its elected and appointed officials and employees from any and all liability for loss or damage caused by any of the perils against which the Tenant shall have insured or pursuant to the terms of this Lease is obligated to insure as provided herein.

10.5 **Workers' Compensation Coverage**

At all times during the Term, the Tenant shall at its own expense procure and carry, or cause to be procured and carried and paid for, full workers' compensation coverage in respect of all workmen, employees, servants, and others engaged in or upon any work, non-payment of which would create a lien on the Lands or the Buildings.

11. **DAMAGE OR DESTRUCTION**

11.1 **Damage to Premises**

If the Premises are damaged or destroyed by any cause whatsoever the Landlord, with all reasonable diligence, will repair or rebuild the Premises unless this Lease is terminated pursuant to Section 11.1. If in the reasonable opinion of the Landlord, the Premises cannot be repaired or rebuilt within one hundred and eighty (180) days of the damage or destruction, the Landlord, at its option, may terminate this Lease by giving to the Tenant within sixty (60) days of the date of such damage or destruction, notice of termination requiring vacant possession of the Premises within sixty (60) days after delivery of such notice. The Tenant will deliver possession of the Premises to the Landlord in accordance with such notice. Notwithstanding anything herein, the Landlord’s obligation to repair or rebuild as provided in Section 11.1, is subject to the Landlord being satisfied there will be sufficient insurance proceeds to pay the entire cost

of the repairs or the rebuilding of the Premises and in the event the said insurance proceeds are insufficient the Landlord may elect not to repair or rebuild and unconditionally retain the said insurance proceeds.

12. QUIET ENJOYMENT

Subject to the Landlord's rights and the Tenant's performance of all obligations, covenants and agreements herein, the Tenant will be entitled to peaceably possess and enjoy the Premises as provided herein during the Term without any interruption or disturbance from the Landlord or any person or persons claiming by through or under the Landlord, provided however, the enforcement by the Landlord in its capacity as a body of laws, bylaws and order that vouch and concern the Premises will not be a breach of Landlords covenant set forth in Section 13.1.

13. PERFORMANCE OF TENANT'S COVENANTS, DEFAULT AND BANKRUPTCY

13.1 Landlord May Perform Covenants

If the Tenant is in default of any of its obligations under this Lease then the Landlord without limiting any other remedy which it may have, will have the right to remedy any such default and for such purpose may at any time enter upon the Lands and Premises. No entry for such purpose will be deemed to cause a forfeiture or termination of this Lease. In order to cure such default, the Landlord may do such things as are necessary to cure the default and such things as may be incidental thereto (including without limitation, the right to make repairs and to expend monies). The Tenant will reimburse the Landlord for the aggregate of all expenses incurred by the Landlord in remedying any such default. The Landlord will be under no obligation to remedy any default of the Tenant and will not incur any liability to the Tenant for any action or omission in the course of its remedying or attempting to remedy any such default unless such act amounts to intentional misconduct or gross negligence on the part of the Landlord.

13.2 Rights of Termination

If and whenever:

(a) subject to Section 4.2 herein the Premises become vacant or remain unoccupied for five days or more or are not used for the purpose herein permitted;

(b) any basic rent or additional rent remains unpaid after any of the days on which the same ought to have been paid and following five (5) days written notice of non-payment by the Landlord to the Tenant;

(c) the Tenant has on more than one occasion in any calendar year of the Term not paid basic rent or additional rent on the day on which same is due;

(d) there is a breach of any of the Tenant's obligations hereunder (other than as set out in the other clauses of this section) which is not cured within ten (10) days after delivery of written notice by the Landlord to the Tenant

specifying such breach provided that if any default of the Tenant can only be cured by the performance of work or the furnishing of materials and if such work cannot reasonably be completed or such materials reasonably obtained and utilized within said ten (10) days, then such default will not be deemed to continue if the Tenant proceeds promptly with such work as may be necessary to cure the default and continues diligently to complete such work;

(e) any goods and chattels on the Premises are at any time seized or taken in execution or attachment; or

(f) the Tenant assigns, sub-lets or parts with possession of the Premises or any part of either without the Landlord's consent as required herein.

then in any of the said cases (and notwithstanding any prior waiver of breach of covenant) the Landlord, at its option, may (and without prejudice to any other right or remedy it may then have or be entitled to) immediately or at any time thereafter and without notice or any form of legal process take possession of the Premises or any part thereof in the name of the whole and expel the Tenant and those claiming through or under it and remove its or their effects (forcibly if necessary) without being deemed guilty of any manner of trespass, any statute or law to the contrary notwithstanding.

13.3 **Bankruptcy**

If and whenever:

(a) a receiver, guardian, trustee in bankruptcy or any other similar officer is appointed to take charge of all or any substantial part of the Tenant's property by a court of competent jurisdiction;

(b) a petition is filed for the re-organization of the Tenant under any provision of the Bankruptcy Act or any law of Canada or any province thereof or of the jurisdiction in which the Tenant is incorporated relating to bankruptcy or insolvency, then in force;

(c) the Tenant becomes insolvent;

(d) the Tenant files a petition for such re-organization or for arrangements under any provision of the Bankruptcy Act or any law of Canada or any province thereof or of the jurisdiction in which the Tenant is incorporated relating to bankruptcy or insolvency then in force and providing a plan for a debtor to settle, satisfy or to extend the time for the payment of debts; or

(e) if any application or petition or certificate or order is made or granted for the winding up or dissolution of the Tenant voluntarily or otherwise;

then in any of the said cases (and notwithstanding any prior waiver of breach of covenant) the Landlord, at its option, may (and without prejudice to any other right or remedy it may then have or be entitled to) immediately or at any time thereafter and without notice or any form of legal process take possession of the Premises or any part

thereof in the name of the whole and expel the Tenant and those claiming through or under it and remove its or their effects (forcibly if necessary) without being deemed guilty of any manner of trespass, any statute or law to the contrary notwithstanding.

13.4 **Waiver with Respect to Re-Entry**

The Tenant hereby waives any present or future requirement that notice of the Landlord's intention to re-enter be served or that the Landlord commence legal proceedings in order to re-enter.

13.5 **Waiver of Benefit of Legislation and Seizure**

The Tenant irrevocably waives and renounces the benefit of any present or future law taking away or diminishing the Landlord's privilege on the property of the Tenant and right of distress and agrees with the Landlord, notwithstanding any such law, that the Landlord may seize and sell all the Tenant's goods and property, whether within the Lands and Premises or not, and apply the proceeds of such sale upon basic rent and additional rent and upon the cost of the seizure and sale in the same manner as might have been done if such law had not been passed. If the Tenant vacates the Premises leaving any basic rent or additional rent unpaid, the Landlord, in addition to any remedy otherwise provided at law or in equity, may seize and sell the goods and chattels of the Tenant at any place to which the Tenant or any other person may have removed them in the same manner as if such goods and chattels had remained on the Premises. If the Landlord, being entitled to do so, levies distress against the Tenant's goods and chattels, the Landlord may use such force as the Landlord may deem necessary for the purpose and for gaining admission to the Premises without the Landlord being liable for any loss or damage caused thereby.

13.6 **Re-Entry and Damages**

If and whenever the Landlord is entitled to re-enter the Premises, or does re-enter the Premises, the Landlord may either terminate this Lease by giving written notice of termination to the Tenant, or by posting notice of termination on the Premises, and in such event the Tenant will forthwith vacate and surrender the Premises, or alternatively, the Landlord may from time to time without terminating the Tenant's obligations under this Lease make alterations and repairs considered by the Landlord necessary to facilitate a subletting including changing the door locks (without this being deemed to be a termination of the Lease), and sublet the Premises or any part thereof as agent of the Tenant for such term or terms and at such rental or rentals and upon such other terms and conditions as the Landlord in its reasonable discretion considers advisable. Upon each subletting all rent and other monies received by the Landlord from the subletting will be applied first to the payment of costs and expenses of the subletting including brokerage fees and solicitors' fees and costs of the alterations and repairs, second to the payment of indebtedness other than basic rent due hereunder from the Tenant to the Landlord and third to the payment of basic rent due and unpaid hereunder. The residue, if any, will be held by the Landlord and applied in payment of future rent as it becomes due and payable. If the rent received from the subletting during a month is less than the rent to be paid during that month by the Tenant, the Tenant will pay the deficiency to the Landlord. The deficiency will be calculated and paid monthly. No re-entry by the Landlord will be construed as an election on its part to terminate this Lease unless a written notice of that intention is given to the Tenant. Despite a subletting

without termination, the Landlord may elect at any time to terminate this Lease for a previous breach. If the Landlord terminates this Lease for any breach and elects to claim damages for such breach, the Tenant will pay to the Landlord on demand therefor:

(a) basic rent to the date of termination;

(b) all additional charges and additional rent payable by the Tenant pursuant to the provisions hereof to the date of termination;

(c) such expenses as the Landlord may incur or have incurred in connection with reentering or terminating and reletting, collecting sums due or payable by the Tenant and realizing upon assets seized, including brokerage expense, legal fees and disbursements determined on a solicitor-client basis, keeping the Premises in good order and repairing and maintaining the same, and preparing the Premises for re-letting; and

(d) as liquidated damages for the loss of basic rent and additional rent and other income of the Landlord expected to be derived from this Lease during the period which would have constituted the unexpired portion of the Term had it not been terminated, the amount, if any, by which the rental value of the Premises for such period established by reference to the terms and provisions of this Lease, exceeds the rental value of the Premises for such period established by reference to the terms and provisions upon which the Landlord re-lets them, if such re-letting is accomplished within a reasonable time after termination of this Lease and otherwise with reference to all market and other relevant circumstances.

13.7 **Remedies of Landlord are Cumulative**

The remedies of the Landlord in this Lease are cumulative and are in addition to any remedies of the Landlord at law or in equity. No remedy will be deemed to be exclusive and the Landlord may from time to time have recourse to one or more of all the available remedies specified herein or at law or in equity.

13.8 **Payment of Landlord Expenses**

If at any time an action is brought where the Landlord is otherwise required to employ the services of a bailiff, an agent, or its solicitors because of the breach by an act or omission of any covenant herein contained on the part of the Tenant, the Tenant shall pay to the Landlord all expenses incurred by the Landlord in the enforcement of its rights and remedies hereunder, including the Landlord's administrative costs and legal fees on a solicitor and his own client basis in connection therewith, together with interest at the rate equivalent to the prime rate of the Royal Bank of Canada plus five percent (5%) per annum calculated monthly not in advance from the date of demand until paid.

14. IMPOSSIBILITY OF PERFORMANCE

14.1 Non-Performance by Landlord

Whenever the Landlord is unable to fulfill any obligation hereunder in respect of the provision of any service, utility, work or repair by reason of being unable to obtain the materials, goods, equipment, service, utility or labour required to enable it to fulfill such obligation or by reason of any law or regulation or by reason of any other cause beyond its reasonable control, the Landlord will be entitled to extend the time for fulfillment of such obligation by a time equal to the duration of the delay or restriction. The Tenant will not be entitled to any compensation for any inconvenience, nuisance or discomfort thereby occasioned or to cancel this Lease and no such interruption will be deemed to be a disturbance of the Tenant's enjoyment of the Premises. The Landlord, in the event of such interruption, will proceed to overcome same with all reasonable diligence.

15. OVERHOLDING

If the Tenant remains in possession of the Premises after the expiration of the Term and without the execution and delivery of a new lease, the Landlord may re-enter and take possession of the premises and remove the Tenant therefrom and the Landlord may use such force as it may deem necessary for that purpose without being liable in respect thereof or for any loss or damage occasioned thereby. While the Tenant remains in possession of the premises after the expiration of the Term, the tenancy, in the absence of written agreement, will be from month to month and will be subject to all terms of this lease.

16. INSPECTION SALE AND LEASE

16.1 Landlord's Sign

The Landlord from time to time may place upon the Lands or Premises a notice of reasonable dimensions and reasonably placed so as not to interfere with the business of the Tenant stating that the Lands are for sale and, during the last six months of the Term, may similarly place a sign stating that the Lands or Premises are to be let.

16.2 Inspection

The Landlord or its representatives may exhibit the Premises at reasonable times to prospective tenants during the last six months of the Lease and may also exhibit the Premises at reasonable times throughout the Term for the purpose of allowing inspection by prospective purchasers.

17. MISCELLANEOUS

17.1 Waiver

No waiver of any default will be binding unless acknowledged in writing by the Landlord.

17.2 **Condoning**

Any condoning, excusing or overlooking by the Landlord of any default by the Tenant will not operate as a waiver of the Landlord's rights hereunder in respect of any subsequent default.

17.3 **Subordination and Registration**

This Lease at the request of the Landlord will be subject, subordinated and postponed to all mortgages and other encumbrances which may now or hereafter charge or affect the Lands and Premises and to all renewals, modifications, consolidations, replacements and extensions of same, to the intent that such mortgages and other encumbrances and all renewals, modifications, consolidations, replacements and extensions thereof will have priority over this Lease notwithstanding the respective dates of execution or registration thereof. The Tenant will execute promptly any document in confirmation of such subordination, postponement and priority which the Landlord may request and if the Tenant does not so execute such document within 10 days after written demand, the Tenant does hereby constitute and irrevocably appoint the Landlord as its attorney-in-fact and in its name, place and stead so to do provided however the obligation of the Tenant pursuant this section shall be subject to the Tenant receiving a non-disturbance agreement whereby the mortgagee agrees that this Lease will be honoured notwithstanding any enforcement proceedings by the mortgagee.

The Landlord shall have no obligation to execute and deliver this Lease in registerable form, provided however that if the Tenant pays all costs, expenses, fees and taxes in connection with the registration of the Lease in the appropriate Land Title Office and the costs of any plans required for such registration, the Landlord shall execute and deliver this Lease in registerable form.

17.4 **Acknowledgment by the Tenant**

The Tenant will execute promptly, whenever requested by the Landlord, a certificate in favour of any prospective mortgagee or purchaser of the Landlord certifying the status of this lease, any modifications or breaches of this Lease within the knowledge of the Tenant, and the status of the rent account, all with the intent that any such certificate may be relied upon by any party to whom it is directed.

17.5 **Severability**

If any provision of this Lease is found to be illegal or invalid or unenforceable at law it will be deemed to be severed from this Lease and the remaining provisions will continue to have full force and effect.

17.6 **Headings**

All headings in this Lease are inserted for convenience of reference only and will not affect the construction and interpretation of this Lease.

17.7 **Representations and Entire Agreement**

The Tenant acknowledges and agrees that the Landlord has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Tenant other than those contained in this Lease that no agreement collateral hereto will be binding upon the Landlord unless made in writing and signed by the Landlord and that this Lease constitutes the entire agreement between the Landlord and Tenant.

17.8 **Notices**

Any notice required to be given hereunder by the Tenant shall be in accordance with the provisions of the Local Government Act of British Columbia and if by the Landlord to the Tenant any notice hereunder shall be deemed to have been well and sufficiently given if mailed by prepaid express mail, emailed to, or delivered:

To the Landlord:

The City of Penticton
171 Main Street
Penticton, BC V2A 5A9
Email: corpadmin@penticton.ca

To the Tenant:

Penticton Senior's Drop-In Centre Society
2965 South Main Street
Penticton, BC V2A 5J7
Email: psdics@hotmail.com

or such other address as the Tenant may from time to time direct in writing, and any such notice by the Landlord to the Tenant shall be deemed to have been received, if mailed five (5) days after the time of mailing, or if emailed seventy-two (72) hours after the time of emailing, and if delivered, upon the date of delivery. If normal mail service, or email service is interrupted by strike, slow down, force majeure or other cause, a notice sent by the impaired means of communication will not be deemed to have been received until actually received, and the Landlord may utilize any other such services which have not been so interrupted.

17.9 **Time of essence**

Time will be of the essence of this Lease.

17.10 **Governing Law**

This Lease will be construed and governed by the laws of British Columbia.

17.11 **Interpretation**

Unless the context otherwise requires, the word "Landlord" wherever it is used herein shall be construed to include and shall mean the Landlord, its successors and/or

assigns, and the word "Tenant" shall be construed to include and mean the Tenant and its successors and/or assigns; and when there are two or more Tenants or two or more persons bound by the Tenant's covenants herein contained, their obligations hereunder shall be joint and several; the words "Tenant" and the personal pronoun "it" relating thereto and used therewith shall be read and construed as Tenants and "his", "her" or "its" or "their" respectively, as the number and gender of the party or parties referred to each require and the number of the verb agreeing therewith, shall be construed and agreed with the said word pronoun so substituted.

17.12 **Triple Net Lease**

The Tenant covenants that this Lease shall be a completely carefree triple net lease for the Landlord, except as shall be otherwise provided, and that the Landlord shall be not responsible during the Term or any renewal thereof for any costs, charges, expenses and outlays of any nature whatsoever, arising from or related to the Premises or in the contents thereof, excepting only the Landlord's income tax in respect of income received from leasing the Premises. Except as otherwise provided, the Tenant shall pay, in the manner more particularly described in this Lease, and all reasonable charges, and positions and costs of every nature and kind related to the Premises whether or not referred to in the Lease and whether or not of a kind now existing or contemplated by the parties.

18. ENVIRONMENTAL MATTERS

18.1 The Tenant covenants with the Landlord that if, as a consequence of any release of a Hazardous Substance in or on the Premises or below the surfaces of the Lands resulting from the construction or the operation of the Premises or any other activity carried out, on or in the vicinity of the Premises by the Tenant or its servants, agents, or contractors or any person for whom the Tenant is in law responsible, any actions required to be taken in order to comply with any Governmental Requirement applicable to the presence or removal of any Hazardous Substance on or from the Premises (including any Governmental Requirement relating to testing for or identification of Hazardous Substances), and if the Tenant has received notice in writing of such Governmental Requirement from the relevant authority or from the Landlord, then the Tenant shall at its expense take such action as required by the Governmental Requirement (of alternatively such other action as may be acceptable to the relevant authority after discussions with the Tenant).

18.2 If the Tenant fails to take any action required to be taken by the Tenant pursuant to Section 17, the Landlord may (but shall not be obligated to) take such action after giving thirty (30) days written notice to the Tenant of its intention to do so, unless within such thirty (30) day period the Tenant has taken the required action or has commenced in and is continuing diligently to carry out such action, and the Landlord shall, for that purpose, be permitted to enter the Premises with appropriate equipment. The Tenant covenants to reimburse the Landlord for all reasonable costs incurred by the Landlord in taking such required action pursuant to Section 17 within thirty (30) days after receiving from the Landlord an invoice and reasonable supporting details relating to such costs.

18.3 The Tenant covenants with the Landlord to indemnify and save harmless the Landlord, the Landlord's elected officials and employees from and against any and all liabilities, claims, damages, costs, loss, suits, or actions of any nature whatsoever (including legal fees incurred by the Landlord in any relating proceedings on a solicitor and own client basis) arising out of any release of a Hazardous Substance in the Premises or on or below the surface of the Lands as a result of the construction or operation of the Premises or any other activity carried out, on or in the Premises by the Tenant or its servants, or contractors or any person for whom the Tenant is in law responsible.

18.4 The obligations of the Tenant under the indemnity in Section 17, shall with respect to liability arising for any matter during the Term and prior to the expiration or any termination of the Lease, survive the expiration or any termination of this Lease for a period of ten (10) years after such expiration or termination.

18.5 Notwithstanding anything herein to the contrary the Tenant shall not be responsible for any contamination that may have occurred to the Premises on or before June 1, 1999.

19. LANDLORD AND TENANT ONLY

It is understood and agreed that nothing contained in this Lease nor any acts of the parties hereto shall be deemed to create any relationship between the said parties, other than the relationship of Landlord and Tenant.

20. EARLY TERMINATION BY TENANT

Notwithstanding anything herein to the contrary and on the condition that the Tenant has secured by way of ownership or lease an alternate site, within the boundaries of the City of Penticton, for the location of its said Seniors Recreation Centre and will to continue the operation of its said Seniors Recreation Centre thereon the Tenant may upon six (6) months prior written notice to the Landlord terminate this Lease.

21. BINDING NATURE

20.1 Enuring Effect

This Lease and everything herein contained will enure to the benefit of and be binding upon the parties hereto and each of their respective heirs, executors, administrators, successors and permitted assigns as the case may be.

IN WITNESS WHEREOF the parties hereto have executed this Lease as of the day and year first above written.

THE CORPORATION OF THE CITY OF PENTICTON
by its authorized signatories:

_____
John Vassilaki, Mayor

_____
Angie Collison, Corporate Officer

PENTICTON SENIORS' DROP-IN CENTRE SOCIETY
by its authorized signatories:

_____

_____

SCHEDULE "A"

PLAN OF THE PREMISES

Council Report

penticton.ca

Date: November 5, 2019 File No: 4000
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Planning Manager and Tina Siebert, Bylaw Services Supervisor

Subject: **Sharps Response Update**

Staff Recommendation

THAT Council receive into the record the report dated November 5, 2019 titled "Sharps Response Update".

Strategic priority objective

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

Background

Council, at their July 16, 2019 Regular Meeting, directed staff to review and report back on options to regulate the distribution and collection of sharps in Penticton. This report is an interim update on progress to date. A follow up report, with options will be presented to Council in early 2020.

Since the direction from Council, staff have completed the following:

1. *Investigated the ability to adopt a bylaw to regulate the type of needles distributed in Penticton*
   Staff are in a position to draft and introduce a bylaw to Council regulating the distribution of needles in Penticton. We have received legal advice on this approach. While this type of measure may be contrary to harm reduction best practices, it is an option for Council to consider. The bylaw can only be adopted after obtaining Ministry of Health approval since it relates to the restriction or potential restriction of an individual's access to health services.

2. *Interior Health (IH) consultation*
   The City continues to look toward Interior Health as the lead agency on this matter to provide additional options for Council's consideration. Staff have met several times with harm reduction and community health representatives from IH. Council also received an in-depth briefing on IH's response to the opioid crisis at the July 2, 2019 Committee of the Whole. These discussions are ongoing and will inform further options for Council's consideration.

3. *Continue to support the work of the Community Sharps Committee*
   The Community Sharps Committee presented to Council's Committee of the Whole on August 6, 2019, on the work they have been doing to educate the population on what to do should a person come across a sharp. They also outlined the expansion of the collection system with dozens of new sharps collection boxes installed in strategic areas of the community. This work has reduced the amount of sharps discoveries in parks and other public places. The City still responds to hundreds of calls of sharps discoveries on private properties and places of worship, and assists with safe disposal when notified. Staff are continuing to support the efforts of the Community Sharps Committee, which is now an ad-hoc committee under the CAT Table (Community Action Team), and expansion of the program into areas where needle discoveries are occurring.

Financial Implications

The response to the sharps issue in our community has cost the City approximately $20,000 between the Bylaw and Solid Waste Disposal and legal budgets. These funds went towards the purchase and installation of the sharps containers and poles as well as outreach materials (maps, etc.). This estimate does not include department labour costs (Bylaw, Parks, Works, Solid Waste and Fire Department response) and contracting out of clean-ups where sharps were discovered (ie. Total Restoration was hired to clean up several encampments in cases where the city was unable or not equipped to respond – approximately $500- $2,000 per clean up).

The City administration's position remains that sharps retrieval and clean up are really the responsibility of the Province and those organizations distributing sharps, and will be looking for financial, administrative and other supports from Interior Health moving forward.

Analysis

Staff originally committed to report back to Council this fall with options for Council's consideration. However, the ongoing discussions with Interior Health and local service providers on providing a full range of options to Council is still underway. Staff intend to bring a comprehensive report to Council in early 2020 with options, including a draft bylaw.

In the interim, staff can report that while sharps continue to be a nuisance in the community, the systems put in place from the sharps strategy are reducing their presence in parks and other public areas.

Staff are not looking for Council direction at this time and are recommending that this report be received into the record for information.

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Tina Siebert,
Bylaw Services Supervisor

Concurrence

Acting Director of Development Services	Director People and Community Safety Strategy	Chief Administrative Officer
BJ	KL	DvD

Council Report

penticton.ca

Date: November 5, 2019 File No: RMS 4300-01
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 114-2436 Skaha Lake Road

Subject: **Local Government Support for Cannabis Retail Store**

Staff Recommendations

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 Green Light Cannabis located at 114 – 2436 Skaha Lake Road;

AND THAT the letter of 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.

Strategic priority objective

This process meets Council's strategic priority of Community Safety – Enhancing safety through partnerships with other agencies, in this case, working with the Liquor and Cannabis Regulations Branch and the provincial enforcement team ensuring successful integration of cannabis retail sales into Penticton.

Background

The applicants are intending to operate a cannabis retail store in unit 114 of 2436 Skaha Lake Road, a commercial strip development south of Cherry Lane Mall. An application has been made to the provincial Liquor and Cannabis Regulations Branch (LCRB) for a license and the LCRB has sent a referral to the City requesting comment. Prior to consideration of the license application, the LCRB requires local government support and have sent the City a referral requesting comment.

In December of 2018, Council adopted zoning changes allowing cannabis retail stores in certain commercial zones of the city and adopted a policy to direct how applications for local government support are to be processed. The Council policy includes provisions whereby stores cannot be located within 300m of a public or private school and establishes an overall cap of 14 stores in the community, with a maximum of 7 stores in the Downtown.

To date, Council has given approval to five cannabis retail store locations in the Downtown and six in other areas of the community, for a total number of 11 approvals. Two locations are currently operating with four others being granted approval in principal from the LCRB.

Council is now being asked to provide support to one additional location. Should Council support this location, the total number of approvals will be 12.

Public comment process

According to the adopted policy, each proposed location is required to go through a public comment period. The public comment period involves placement of a public notice sign on each property as well as letters being sent to neighbouring owners and residents within a specified distance from each location.
One letter had been received from a neighbouring residential owner, expressing some concern about the use of cannabis products around the store. Five letters of support have been submitted, referencing both the location and the strong reputation of the proponent team.

Financial implication

Support for these applications is not anticipated to have an impact on City finances. Cannabis retail stores will pay a similar licensing fee to other retail stores. Ensuring conformance to the provincial rules is done by an inspector with the 'Policing and Security Branch' of the *Ministry of Public Safety and Solicitor General*. The inspector responsible for our area has been in frequent contact with our bylaw enforcement and licensing staff.

Analysis

The subject location is appropriately zoned (C4 – General Commercial) for cannabis retail sales. The location is also in an established strip commercial plaza with good access and dedicated parking. The storefront design and branding meet the intent of the Council policy.

The response to the public comment period was positive, with only one letter questioning the location. The letter was not expressly against the storefront in this location, but did outline a hope that the operators and City would ensure that product was not consumed in the lane between the commercial business and the residential units behind. The Council policy does give direction for staff to recommend denial of an application based on significant public opposition. Staff do not consider that to be the case here.

For the reasons listed above, staff consider this application to be in line with the zoning and Council policy and recommend Council support for the application.

Attachments

Attachment A – Subject property location map
Attachment B– Application overview

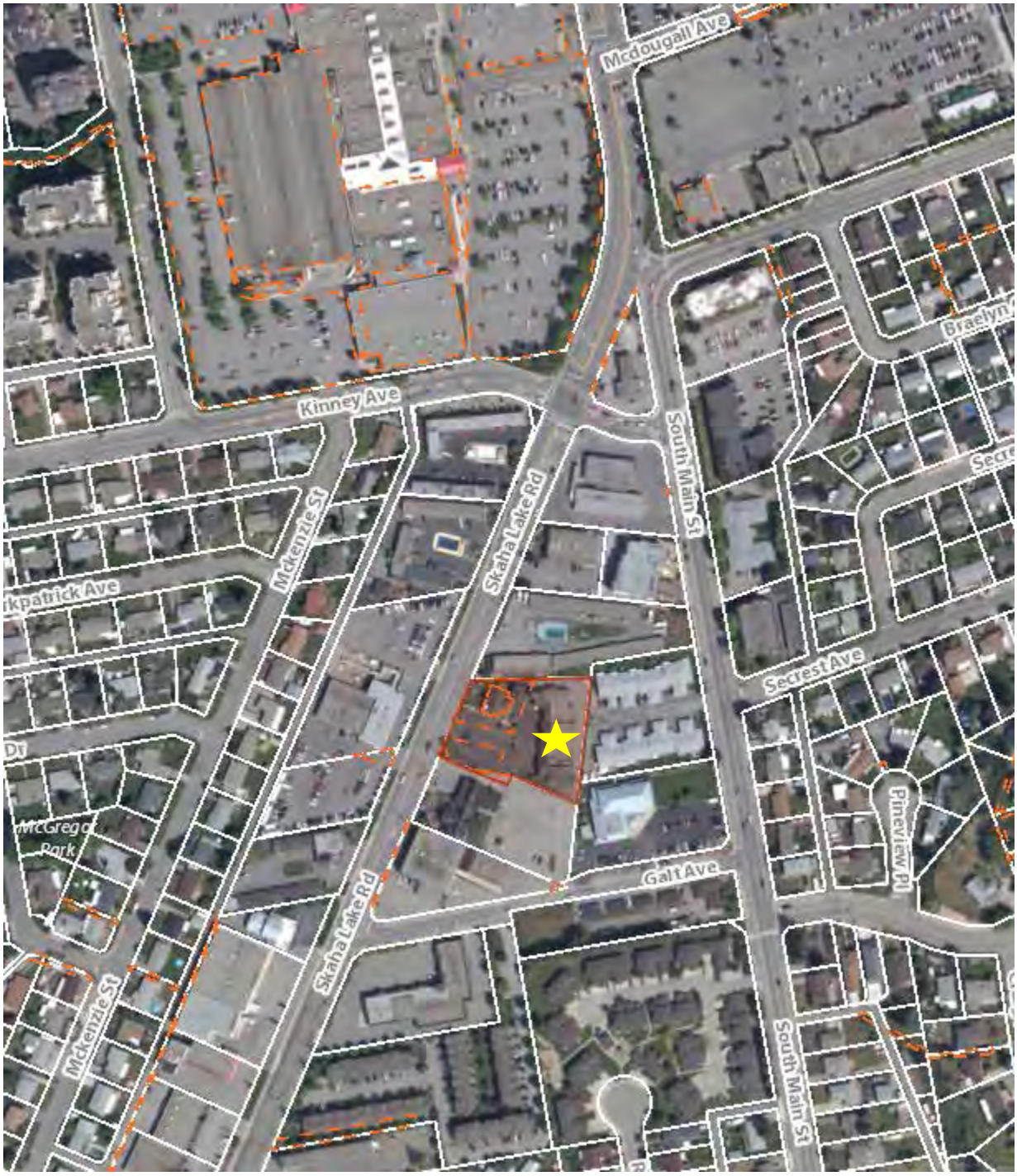
Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Concurrence:

Acting DS Director	Chief Administrative Officer
BJ	DvD

Attachment A
Subject Property Location Map



Attachment B
Application Overview

Green Light Cannabis Inc.
114-2436 Skaha Lake Road
Penticton, BC
V2A 6E9

To Whom It May Concern:

Green Light Cannabis Inc. is a new, emerging company with deep roots in Penticton. We have allowed for flexibility in our business plan so that we are able to work with the City of Penticton to put forth a Retail Cannabis Store that brings a positive image to the city as a whole. It is our mission to create a safe and judgement-free space for both new and seasoned consumers to visit for their retail cannabis needs.

After our previous application was declined due to the location, we took into account all comments made my council members to find a new one. Our new location is at 114-2436 Skaha Lake Road in the M&M Meat Shop plaza. This location is not within any school buffers or near any youth or sensitive use gathering areas. The plaza has its own dedicated parking and is not near any residences. If approved, we would be the first Retail Cannabis Store on the right side when coming into Penticton from the south. Having Green Light Cannabis on the right hand allows those travelling in from the south safely turn into the plaza instead of crossing a double yellow line to access the cannabis stores on the left side of Skaha Lake Road.

To comply with council policy, our company branding is designed around being unappealing to young children. We have a modern, chic and simplistic brand, geared towards young professionals and the middle-aged to elderly population. We come with an incredible foundation of knowledge and desire to be experts in the retail cannabis field.

The leaders of Green Light Cannabis Inc. are professionals within the community and their reputations precede them. Esha Randhawa-Grewal is a Pharmacy Manager, Zarina Randhawa co-owns a bottling line in the Wine Industry, and Bira Randhawa is a Businesswoman and Court Interpreter. Thus, the City of Penticton can be confident with the quality of business and the commitment Green Light Cannabis Inc. has to being a positive and legitimate beacon of what retail cannabis in Penticton could potentially look like.

We, at Green Light Cannabis Inc., appreciate the time you have taken for our application and thank you for your consideration. Please do not hesitate to contact us should you have any questions or concerns. We look forward to hearing from you.

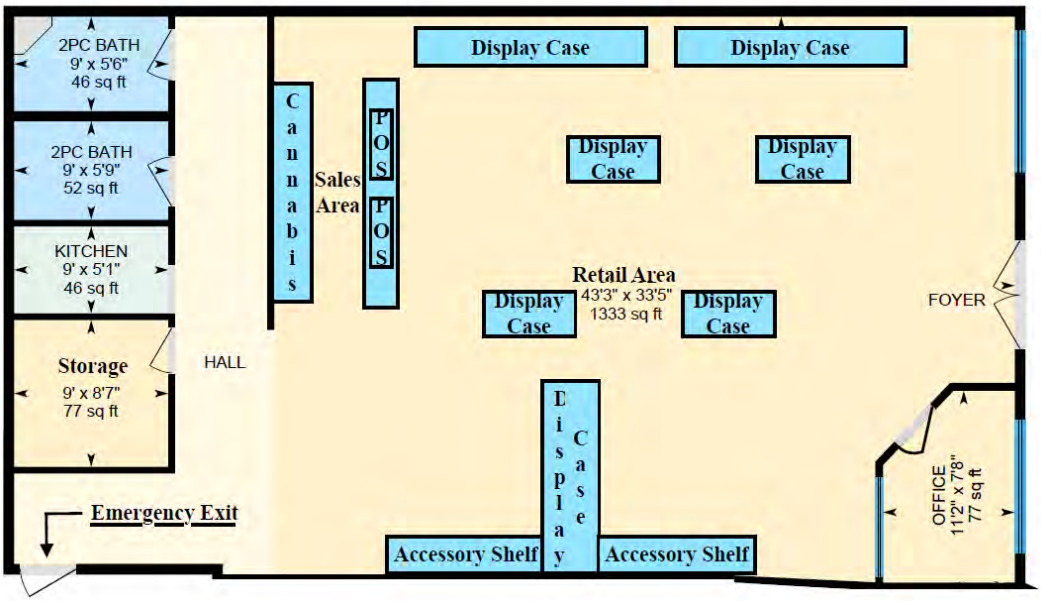
Sincerely,
Esha Randhawa-Grewal
CEO
Green Light Cannabis Inc.

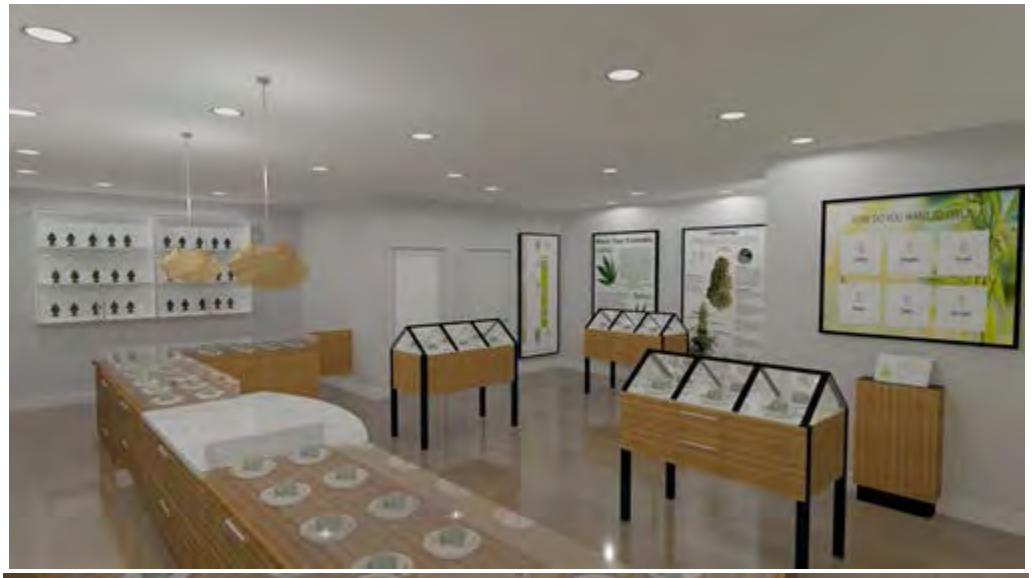
GREEN LIGHT
CANNABIS

114-2436 Skaha Lake Rd, Penticton, BC

Main Floor

Total Interior Area **1854** sq ft





GREEN LIGHT

Council Report

penticton.ca

Date: November 5, 2019 File No: 1610 – Finance General - AAMP
To: Donny van Dyk, Chief Administrative Officer
From: Jim Bauer, Chief Financial Officer

Subject: **Asset and Amenity Management Project Charter**

Staff Recommendation

THAT Council approve the Asset and Amenity Project Charter and approve the proposed budget of $378,000 in 2020 and $205,000 in 2021, which will be incorporated into the 2020-2024 Five Year Financial Plan.

Strategic priority objective

This supports the Council priority of **Asset & Amenity Management:** The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

The City owns over $1.25 billion in assets and spends between $10-15 million annually to maintain, renew and replace this asset base. In June of 2019 the City completed the Asset management Investment Plan V2 which identified: That 9% of our assets had passes their expected life; that on average our assets have 56% life remaining; and that the Average Annual Life Cycle Investment should be $22.6 million. This indicates that we are underspending on our assets and that they will continue to deteriorate unless we take steps to address the problem. Since then, the City concentrated on addressing the funding requirements of its utilities and now has a plan to ensure the continuity of these essential services.

As the City turns to its general operations it should not simply raise taxes to maintain its numerous natural and built assets through which various services are provided to residents and visitors of Penticton. As a result, a more fundamental approach is required to determine what services the city should provide, what level of service is sustainable; and, to understand where best to invest in the renewal of city assets on a proactive basis to create a financially sustainable approach that is affordable to citizens.

In late spring of 2019, building off the Official Community Plan (OCP 2019), the City of Penticton undertook a strategic planning process resulting in Council adopting the following Vision, Mission and Priorities for the 2019-2021 period:

Vision: *A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportun*ity

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

Priorities:

1. ***Asset & Amenity Management -*** The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.
2. Community Safety
3. Community Design

In September 2019 Council approved the development of a Project Charter to create a proposed budget and work plan for this Council priority.

The review is to consider the following:

- The relevance (attendance, use, value) of existing Amenities to the community – now and into the future
- How best to engage the community to both educate and solicit their understanding of the fiscal realities and options going forward
- New and innovative ways to leverage Amenities (i.e. re-purpose, combine with other Amenities, partnerships)
- Amenities are being used not just by residents and visitors to Penticton, but also by residents of other neighboring jurisdictions. This provides both challenges and opportunities for potentially different funding and management models
- Recommendations for each Amenity could include, status quo, enhancement, re-purposing or decommissioning
- Potential impact of changing federal and provincial funding programs supporting certain amenities

The purpose of the Asset and Amenity Management Project (AAMP) is to define a clear approach and actionable plan to manage and fund Amenities that are relevant and of value to the community in a fiscally responsible manner

Financial implication

To advance this initiative the project requires a budget of $378,000 in 2020 reducing to $205,000 in 2021. These figures are included in the 2020-2024 financial plan that will be brought forward to Council in early December. The table below breaks down the proposed budget.

Item	2020	2021
Project Leader*	120,000	60,000
Financial Analyst**	88,000	55,000
Public Engagement	30,000	15,000
Subject Matter Expert Consultancies	140,000	75,000
Total	$378,000	$205,000

*will be a term position for 18 months

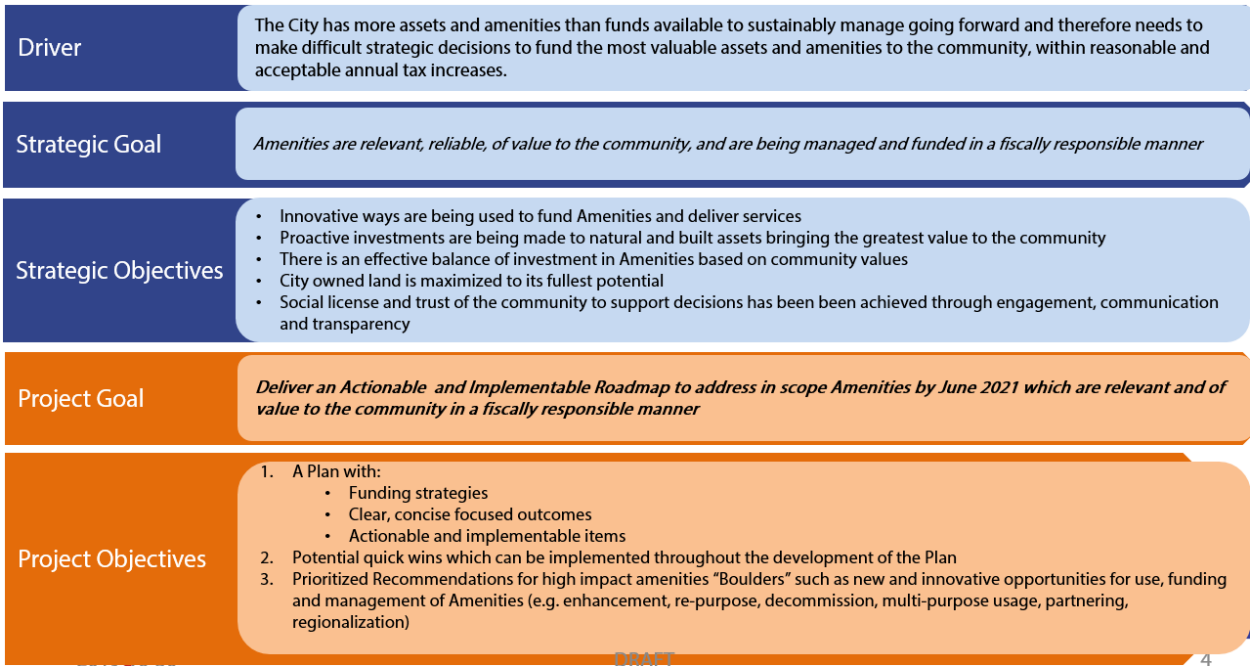
**will be a permanent position with 80% of their time dedicated to the project in 2020 and 50% in 2021

Analysis

This project and requested budget precedes the proposed budget as there is urgency to retain resources so the project can commence in early 2020 to meet the timelines of completing the overall plan in 2021.

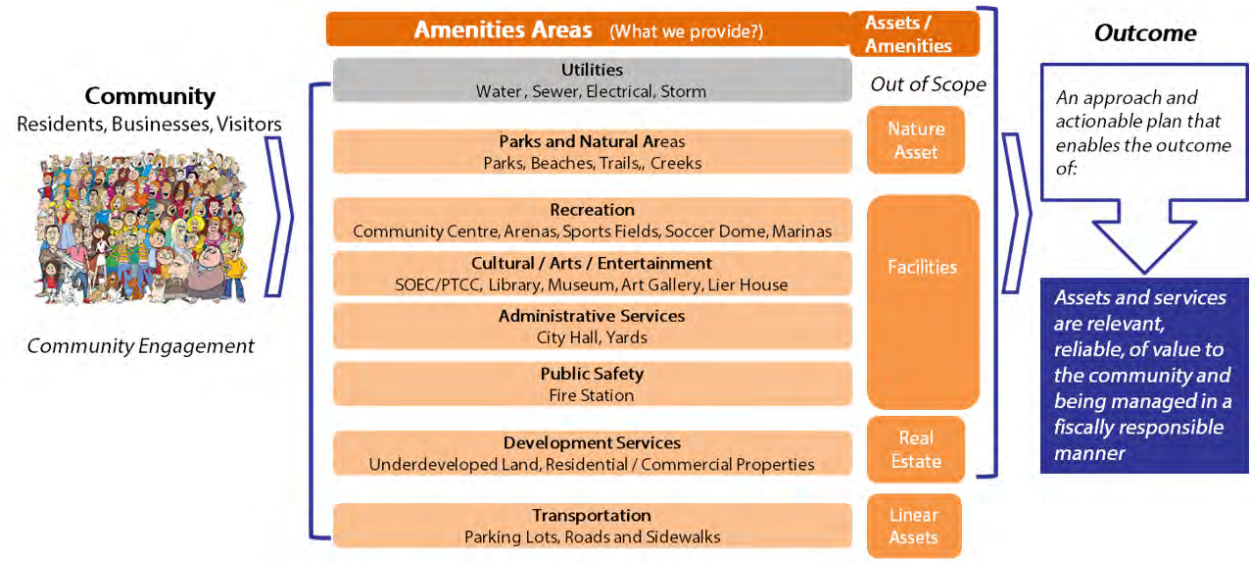
The project charter provides a roadmap to move forward to address this Council priority.

The charter establishes the strategic goals and objective defines the scope and approach, timelines and necessary resources. The chart below highlights what is to be achieved and why.



Scope

The initial scope of the project is to focus on the following amenity areas, however after the initial information gathering, areas of immediate focus will be established.



In addition to the utilities being deemed out of scope other out of scope areas include:

- RCMP Detachment Building
- Any new services within Physical Assets identified as being in scope
- Detailed services review
- Human Assets
- Fleet Services

Approach & Timelines

The overall approach and timeline will be to commence with information gathering in Quarter 1 of 2020.

Information gathering will include completing an inventory of in-scope amenities with information such as: costs, revenues, usage, and participation. It will also include developing assessment criteria to be used to determine which amenities have low impact (Pebbles) and which have a high impact (Boulders) to be further analyzed. Through this initial information gathering phase an opportunity will exist to quickly establish immediate areas of focus where potential quick wins can be achieved. These quick wins will be explored and where possible exploited.

The analysis phase to be completed in Quarter 2 of 2020 will more fully assess the information gathered and complete a list of major areas (boulders) and minor areas (pebbles).

Analysis will be taken of these major and minor amenity areas of impact which will explore options for consideration of high impact amenities. Analysis will be undertaken from Quarter 3 2020 with a target completion in early 2021.

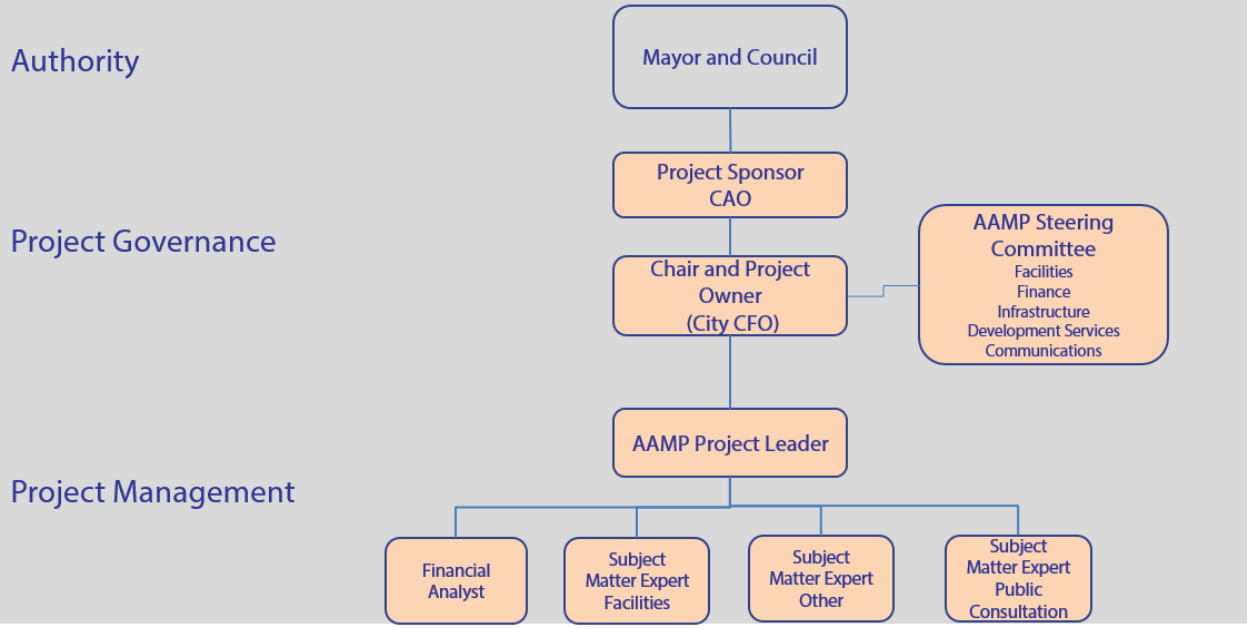
Prioritization of the major impact amenities will be undertaken with a goal to complete by Quarter 2 in 2021. Development of funding strategies to advance the major impact amenities will also be undertaken during this phase.

Implementation will be set to commence by summer of 2021.

During each of the stages, as quick wins are identified these will be actioned and implemented where possible.

Governance

To ensure the project remains on track and achieves its desired objectives and outcomes a formalized governance structure has been established with clearly defined roles and responsibilities. The table below represents the key parties in the project.



Project updates along with key decisions will be brought back to Council on a quarterly basis or more frequently when critical issues or time sensitive decisions arise.

Stakeholders and Public Engagement

A critical element to this project is engagement of stakeholders that may be impacted by this project. An initial list of stakeholder groups have been identified, but more specific stakeholder engagement strategies will be established to garner input and involvement as the project proceeds.

It is recognized the public (residents, businesses, user groups) are critical and need to be fully engaged throughout the project.

CAO Endorsement Statement

Since the City has more assets and amenities than funds available going forward, a planned approach needs to be taken to ensure our investment in our assets meets the needs of our Citizens. While this project budget is sizeable, it is a small investment to ensure the $10-15 million annually spent to maintain and renew the City's $1.25 billion assets, maximizes the value to our citizens. Staff are bringing this report forward in advance of the budget, given it is a one of Council's three priorities and staff need to secure necessary resources to meet the project timelines. Should Council prefer to approve the project as part of the 2020-2024 financial plan process, staff will adjust the overall project timelines.

Alternate recommendations

That Council provide alternate direction to Staff.

Attachments

Attachment A – Asset and Amenity Management Draft Project Charter

Respectfully submitted,

Jim Bauer
Chief Financial Officer

Concurrence

Director Recreation & Facilities	General Manager Infrastructure	A/ Director Development Services	Chief Administrative Officer
BK		BJ	DvD

ASSET AND AMENITY MANAGEMENT PROJECT (AAMP)

DRAFT PROJECT CHARTER

The **purpose of this Charter** is to provide a blueprint for initiating and managing the Asset and Amenity Project (AAMP) to realize the desired outcomes.

November 5 2019

Project Charter Sign Off

Project Name:	Asset and Amenity Management Project (AAMP)
Date:	October 30, 2019

Project Representatives	Approval
Donny van Dyk, CAO and Project Sponsor	Approved
Jim Bauer, CFO and Project Owner	Approved
Bregje Kozak, Director Recreation and Facilities and Steering Committee Member	Approved
Mitch Moroziuk, GM Infrastructure and Steering Committee Member	Approved
Ken Kunka, Manager Building and Licensing and Steering Committee Member	Approved
JoAnne Kleb, Public Engagement Specialist and Steering Committee Member	Approved

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18. Project Management Key Activities
19. Other Relevant City Initiatives
20. Budget
21. Assumptions
22. Constraints

1. Assets and Amenities Project Map

Driver

The City has more assets and amenities than funds available to sustainably manage going forward and therefore needs to make difficult strategic decisions to fund the most valuable assets and amenities to the community, within reasonable and acceptable annual tax increases.

Strategic Goal

Amenities are relevant, reliable, of value to the community, and are being managed and funded in a fiscally responsible manner

Strategic Objectives

- Innovative ways are being used to fund Amenities and deliver services
- Proactive investments are being made to natural and built assets bringing the greatest value to the community
- There is an effective balance of investment in Amenities based on community values
- City owned land is maximized to its fullest potential
- Social license and trust of the community to support decisions has been been achieved through engagement, communication and transparency

Project Goal

Deliver an Actionable and Implementable Roadmap to address in scope Amenities by June 2021 which are relevant and of value to the community in a fiscally responsible manner

Project Objectives

1. A Plan with:
   - Funding strategies
   - Clear, concise focused outcomes
   - Actionable and implementable items
2. Potential quick wins which can be implemented throughout the development of the Plan
3. Prioritized Recommendations for high impact amenities "Boulders" such as new and innovative opportunities for use, funding and management of Amenities (e.g. enhancement, re-purpose, decommission, multi-purpose usage, partnering, regionalization)

2. Driver

The **primary drivers** for this project are:

- The City has more assets and amenities than funds available to sustainably manage going forward.
- The City needs to make difficult strategic decisions to appropriately fund the most valuable assets and amenities to the community, within reasonable and acceptable annual tax increases.

3. Background

The City owns over $1.25 billion in assets and spends between $10-15 million annually to maintain, renew and replace this asset base. In June of 2019 the City completed the Asset management Investment Plan V2 which identified: That 9% of our assets had passes their expected life; That on average our assets have 56% life remaining; and That the Average Annual Life Cycle Investment should be $22.6 million. This indicates that we are underspending on our assets and that they will continue to deteriorate unless we take steps to address the problem. Since then, the City concentrated on addressing the funding requirements of its utilities and now has a plan to ensure the continuity of these essential services.

As the City turns to its general operations it should not simply raise taxes to maintain its numerous natural and built assets through which various services are provided to residents and visitors of Penticton. As a result, a more fundamental approach is required to determine what services the city should provide, what level of service is sustainable; and, to understand where best to invest in the renewal of city assets on a proactive basis to create a financially sustainable approach that is affordable to citizens.

In late spring of 2019, building off the Official Community Plan (OCP 2019), the City of Penticton undertook a strategic planning process resulting in Council adopting the following Vision, Mission and Priorities for the 2019-2021 period:

Vision: *A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity*

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

Priorities:

1. ***Asset & Amenity Management*** - The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.
2. Community Safety
3. Community Design

3. Background (continued)

In September 2019 Council approved the development of a Project Charter to create a proposed budget and work plan to define a clear approach and actionable plan to manage and fund Amenities (Services and Assets) that are relevant and of value to the community in a fiscally responsible manner.

The review is to consider the following:

- The relevance (attendance, use, value) of existing Amenities to the community – now and into the future
- How best to engage the community to both educate and solicit their understanding of the fiscal realities and options going forward
- New and innovative ways to leverage Amenities (i.e. re-purpose, combine with other Amenities, partnerships)
- Amenities are being used not just by residents and visitors to Penticton, but also by residents of other neighboring jurisdictions. This provides both challenges and opportunities for potentially different funding and management models
- Recommendations for each Amenity could include, status quo, enhancement, re-purposing or decommissioning
- Potential impact of changing federal and provincial funding programs supporting certain amenities

4. Purpose

The purpose of the Asset and Amenity Management Project (AAMP) is to define a clear approach and actionable plan to manage and fund Amenities that are relevant and of value to the community in a fiscally responsible manner

Note: Amenities refer to in-scope assets and associated services from those assets

5. Strategic Goals & Objectives

Strategic Goal:

Amenities are relevant, reliable, of value to the community, and are being managed in a fiscally responsible manner

Strategic Objectives:

- Innovative ways are being used to fund Amenities and deliver services (i.e. regional approach, partnerships, developer cost charges, user fees)
- Proactive investments are being made to natural and built assets bringing the greatest value to the community
- There is an effective balance of investment in Amenities based on community values
- City owned land is maximized to its fullest potential
- Social license and trust of the community to support decisions on Amenities has been been achieved through engagement, communication and transparency

6. Project Goals & Objectives

Project Goal:

*Deliver an **Actionable Plan** to address in scope Amenities by **June 2021** within a budget of **$378k (fiscal year 2020) $205k (fiscal year 2021)***

The Actionable Plan:

1. Includes high-level milestones (timeline)
2. Includes a high-level funding strategy
3. Is clear, concise and outcome focused
4. Is both useable and easily updateable as external factors impact the City
5. Identifies the current, and where feasible, trending of usage and participation levels of each Amenity
6. Identifies the current funding (including any subsidies) for each Amenity
7. Provides a blueprint of actionable items over the next 5 year period - 2022 – 2026 within the context of the Official Community Plan (OCP 2019) for major investment decisions

6. Project Goals & Objectives (continued)

The Actionable Plan: (continued)

7. Identifies opportunities for quick wins which then implemented
8. Recommends how to modernize the DCC Bylaw to reflect current growth and appropriate distribution of infrastructure costs
9. Identifies, where feasible, new and innovative opportunities for use, funding and management of Amenities (e.g. multi-purpose usage, partnering, regionalization)
10. Recommends for each Amenity, whether it should be maintained, enhanced, re-purposed or decommissioned/disposed
11. Prioritizes the recommendations put forward for each class of Amenity
12. Recommends how the overall set of individual Amenity recommendations will be funded over the near term (1-3 years), medium term (3-5 years) and longer term (5-20 years)

7. Scope Diagram

Community
Residents, Businesses, Visitors

Community Engagement

Amenities Areas (What we provide?)	Assets / Amenities
Utilities Water, Sewer, Electrical, Storm	*Out of Scope*
Parks and Natural Areas Parks, Beaches, Trails, Creeks	Nature Asset
Recreation Community Centre, Arenas, Sports Fields, Soccer Dome, Marinas	Facilities
Cultural / Arts / Entertainment SOEC/PTCC, Library, Museum, Art Gallery, Lier House	
Administrative Services City Hall, Yards	
Public Safety Fire Station	
Development Services Underdeveloped Land, Residential / Commercial Properties	Real Estate
Transportation Parking Lots, Roads and Sidewalks	Linear Assets

Outcome

An approach and actionable plan that enables the outcome of:

Assets and services are relevant, reliable, of value to the community and being managed in a fiscally responsible manner

CITY OF Penticton

DRAFT

8. In Scope

The following is an overview of the in-scope items for this project:

- ***Physical Assets***:
  - Transportation – (for example: Roads and Sidewalks)
  - Parks and Natural Areas – (for example: Parks, Beaches, Trails, Creeks)
  - Recreation – (for example: Community Centre, Arenas, Sports Fields, Soccer Dome, Marinas, Concessions and Public Washrooms)
  - Public Safety – (for example: Fire Stations, Community Policing Facility (Jubilee Building), Search and Rescue Office, Bylaw Office)
  - Cultural / Arts / Entertainment – (for example: SOEC/PTCC, Library, Museum, Art Gallery, Leir House)
  - Administrative Assets – (for example: City Hall, Yards)
  - Real Estate Assets – (for example: Parking, Residential and Commercial properties, City Owned Raw Land)
- ***Services***: All services derived from in scope assets
  - Define services to Level 2 defined as service: name, description, value/outcomes, recipient, usage, participation, high level costs

9. Out of Scope

The following are out of scope for this project:

- Utilities – Water, Sewer, Electrical, and Storm
- RCMP Detachment Building
- Any new services within Physical Assets identified as being in scope
- Detailed services review
- Human Assets
- Fleet Services

10. Success Criteria

The following is list of factors that will be critical to the project being successful

- Council fully supports and approves necessary funding of the project
- Council fully supports the project and makes difficult strategic decisions
- There is committed leadership through the Steering Committee, to support the engagement and decision-making process
- There is a project team in place focused on the outcomes of the project
- Stakeholders actively engage in the analysis and refinement of recommended Amenity options and share ownership in the successful development of the Implementation Plan
- Effective communication is constant and open with all members of the project and stakeholders to maximize the support of the recommended strategies and implementation plan
- Meaningful data is being collected and used to make evidence-based recommendations
- Quick Wins are identified and implemented throughout the development of the Plan
- The Plan is clear, defines the key priorities and is actionable
- The Plan has longevity– there is a guide and approach on how we manage and fund our assets beyond three years
- Effort is focused on big impact Amenities providing Council with clear options and recommendations to support decision making

11. Stakeholders and Public Engagement

Key Stakeholders are those groups of people who: are impacted by the project, have influence on the outcomes of the project, or whose cooperation is required to help the project be successful.

It will be critical at key points of the project to engage the public and key stakeholders. A variety of methods and tools will be used. Once the project is underway, comprehensive stakeholder and public engagement planning will occur. The stakeholder and engagement plan will provide details on the "who, what, when, how, and where" for stakeholder and public consultation.

The following internal and external stakeholders are identified for the project. This list will be further refined during the stakeholder and engagement planning process.

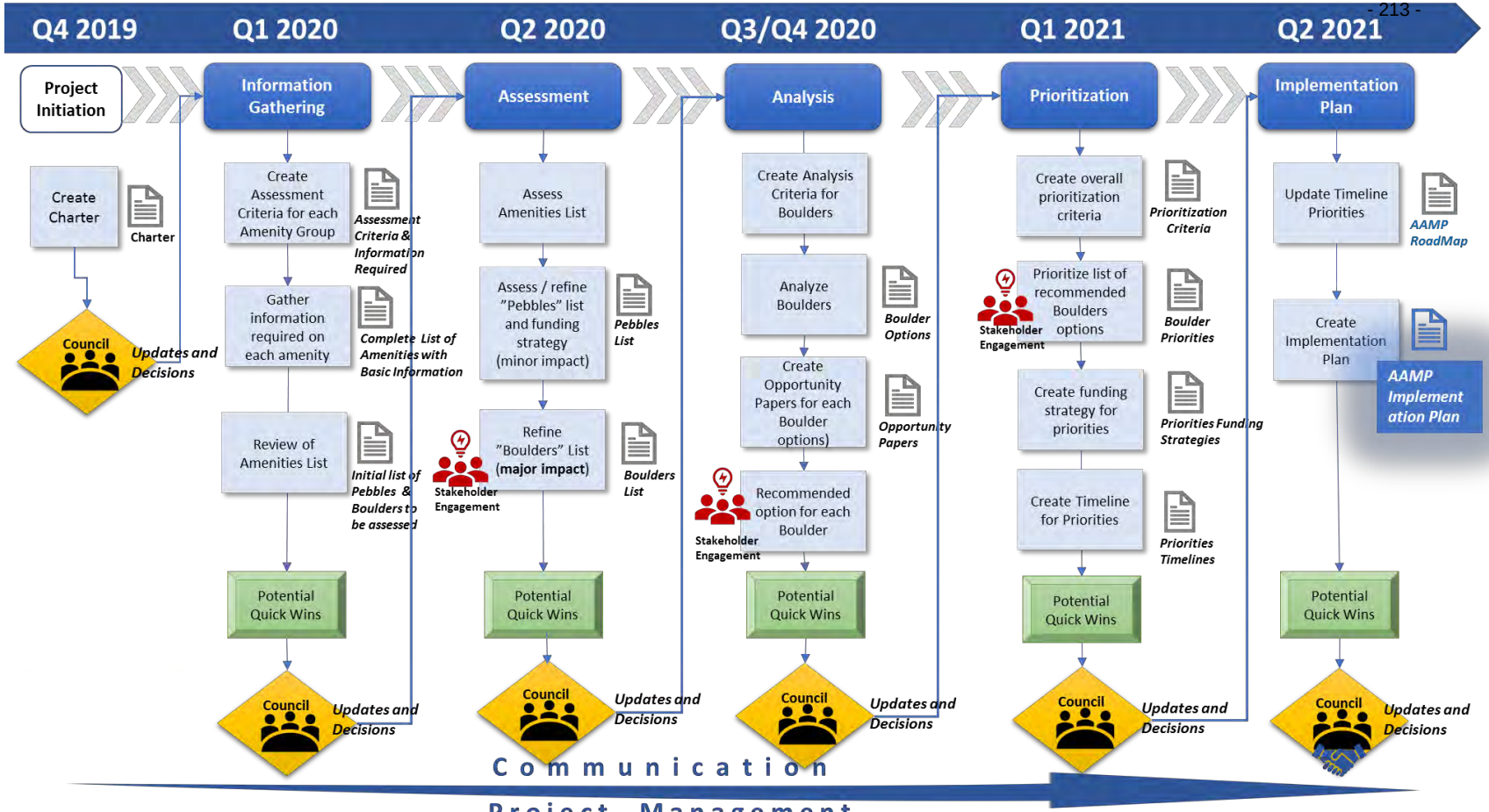
Internal:

- City Council
- Senior Leadership Team and Penticton Leadership Team
- Unions
- City Staff

External:

- Public (i.e. residents, businesses, user groups, established council committees)
- User Groups
- Local Area Governments (i.e. RDOS, other municipalities, Penticton Indian Band)
- Tenants and Operators (i.e. Art Gallery, Spectra, One Sky, Travel Penticton)
- Advisory Groups / Community Groups (i.e. Rotary, Chamber of Commerce)

12. Approach


Q4 2019
Q1 2020
Q2 2020
Q3/Q4 2020
Q1 2021
Q2 2021
Project Initiation
Information Gathering
Assessment
Analysis
Prioritization
Implementation Plan
Create Charter
Charter
Council
Updates and Decisions
Create Assessment Criteria for each Amenity Group
Assessment Criteria & Information Required
Gather information required on each amenity
Complete List of Amenities with Basic Information
Review of Amenities List
Initial list of Pebbles & Boulders to be assessed
Potential Quick Wins
Council
Updates and Decisions
Assess Amenities List
Assess / refine "Pebbles" list and funding strategy (minor impact)
Pebbles List
Refine "Boulders" List (major impact)
Boulders List
Stakeholder Engagement
Potential Quick Wins
Council
Updates and Decisions
Create Analysis Criteria for Boulders
Analyze Boulders
Boulder Options
Create Opportunity Papers for each Boulder options)
Opportunity Papers
Recommended option for each Boulder
Stakeholder Engagement
Potential Quick Wins
Council
Updates and Decisions
Create overall prioritization criteria
Prioritization Criteria
Prioritize list of recommended Boulders options
Stakeholder Engagement
Boulder Priorities
Create funding strategy for priorities
Priorities Funding Strategies
Create Timeline for Priorities
Priorities Timelines
Potential Quick Wins
Council
Updates and Decisions
Update Timeline Priorities
AAMP RoadMap
Create Implementation Plan
AAMP Implementation Plan
Potential Quick Wins
Council
Updates and Decisions
Communication
Project Management

13. High Level Workplan & Timeline

City of Penticton
Asset and Amenity Project (AAMP)
Work Plan Draft Version 3.0

Legend

: presentations to Council

: task timeline

: stage timeline

Task #	Stage/Task	Q4-2019	Q1-2020	Q2-2020	Q3-2020	Q4-2020	Q1-2021	Q2-2021
1.00	Project Initiation and Startup							
2.00	Project Kickoff							
3.00	Information Gathering							
4.00	Assessment							
5.00	Analysis (Boulders only)							
6.00	Prioritization							
7.00	Implementation Plan							
8.00	Stakeholder Planning and Engagement							
9.00	Project Management and Administration							

14. Milestones and Deliverables

The following table provides an overview of the key milestones and deliverables for the AAMP Project that will be brought to Council for discussion and decisions:

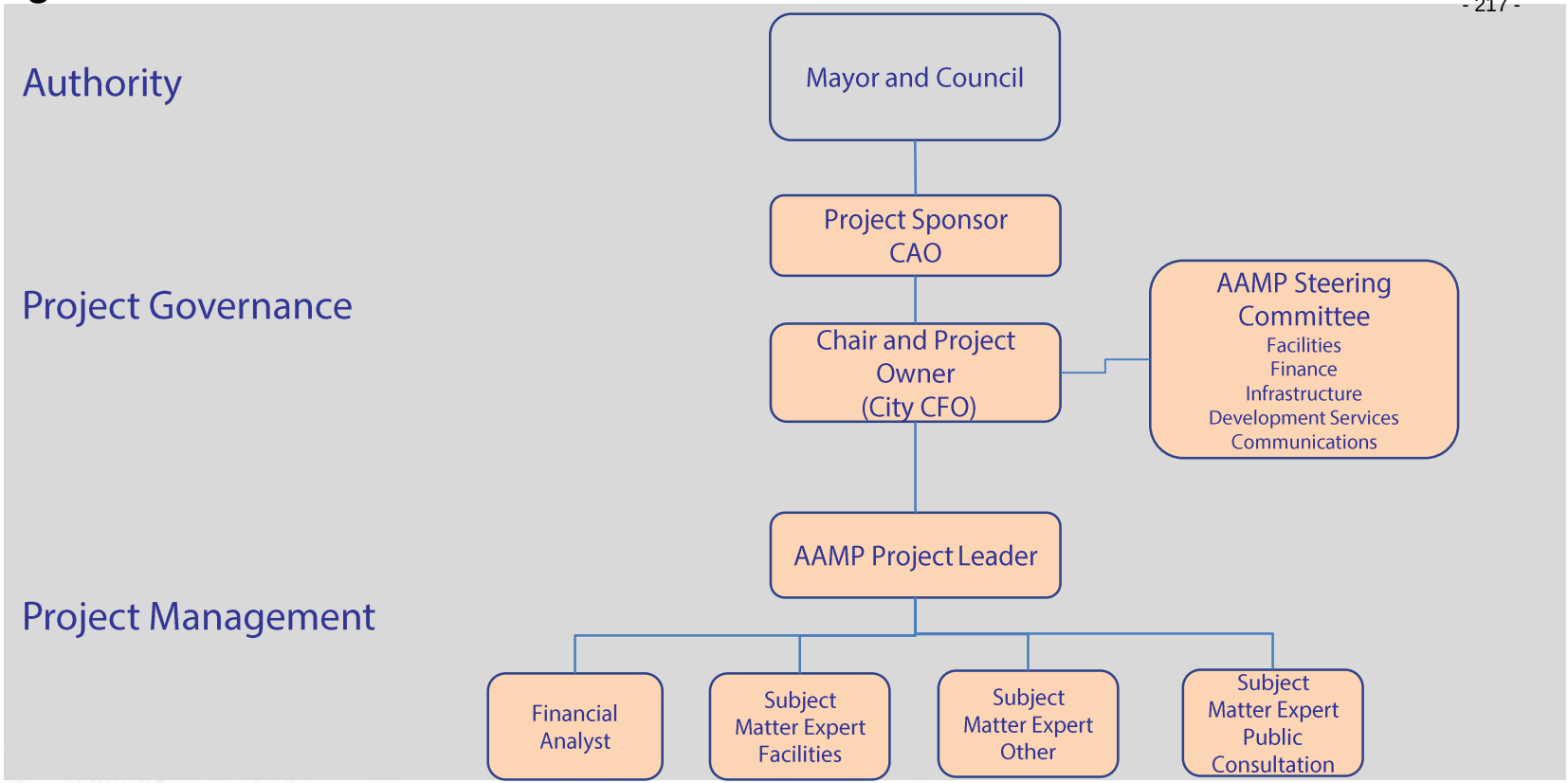
Milestones	Deliverable	Due Date
Project Initiation	• Final Project Charter inclusive of a High Level Work Plan and Budget	November, 2019
Information Gathering	• Complete inventory of In-Scope Amenities with information such as: costs, revenues, usage, participation • Assessment criteria to be used to determine which amenities have *low impact* (**Pebbles**) and which have a *high impact* (**Boulders**) to be further analyzed • Potential Quick Wins	April , 2020
Assessment	• List of high impact Amenities (**Boulders**) – warranting further analysis and options to be developed • List of low impact Amenities not warranting further Analysis (**Pebbles**) inclusive of a funding strategy • Potential Quick Wins	July, 2020
Analysis Update	• Opportunity Papers showing options considered for each high impact Amenity (**Boulders**) • Analysis Criteria to determined best option • Potential Quick Wins	October, 2020
Analysis Completion	• Recommended Option for each high impact Amenity (**Boulders**) • Potential Quick Wins	January, 2021
Prioritization	• Prioritization Criteria • Prioritized List of Recommended Option for each Amenity (**Boulders**) • Timeline for implementing recommended options • Funding Strategy • Potential Quick Wins	April, 2021
Implementation Plan	• Implementation Plan • Potential Quick Wins	June, 2021

15. Risks and Mitigation Strategies

The following table identifies the top risks for this project along with mitigation strategies to counteract the known risk:

- Lack of skilled project resources
  - Hire external consultants
  - Second internal resources and backfill with temporary workers
- Scope creep
  - Tightly manage the project with a capable Project Leader
  - Regular checkpoints with Steering Committee and Council
- Changing Priorities
  - Strong consistent Project Sponsorship and Steering Committee engagement
  - Assess impact on the project and make necessary changes to the plan
- Stakeholders not available within the desired timeline
  - Pre-plan to provide stakeholders with as much lead time as possible
- Expectations become misaligned
  - Regular and consistent communication with all stakeholders
- Insufficient information to make decisions (i.e. sidewalk conditions)
  - If determined critical during analysis, additional funding may be required

16. Organization and Governance



17. Roles and Responsibilities

The table below outlines all the key responsibilities for the AAMP project:

Role	Responsibilities
City Council	• Review presentations made by the Project Sponsor and Project Owner on behalf of the project • Make decisions based on requests brought forward by the Project Owner • Overall support and direction to the project as required to enable it to be successful
Project Sponsor	• Accountable for the success of the project • Leadership and vision of the project • Approves any scope changes • Supports resolution of any key issues
Project Owner	• Responsible for the success of the project • Leadership of the project • Escalates any scope changes • Supports resolution of any key issues • Chairs the decision process for the AAMP Steering Committee
Steering Committee	• Comprised of senior management of city departments most impacted by the project • Works closely with the Project Owner and are a decision body for the project • Ensure the project stays within scope and budget • Assist with the review and feedback on key project deliverables • Supports in the resolution of any key issues or risks for the project

17. Roles and Responsibilities (continued)

The table below outlines all the key responsibilities for the AAMP project:

Role	Responsibilities
Project Leader	• Responsible for successfully achieving the outcomes of the AAMP • Works closely with the Project Owner and responsible for ensuring project deliverables and timelines are on track and of quality • Supports and assists the project team in their efforts to achieve the goals of the project • Assists in coordinating planning, interviews, meetings, information sessions, and reporting to the Steering Committee on the progress of the project • Coordinates SMEs and ensures there is effective use of their time • Assists in identifying and managing project risks • Assists in clearing obstacles that impact the project • Ensures there is consistency in the delivery of the project approach • Responsible for escalating issues to the Project Owner that cannot be handled within the team • Responsible for coordinating effective communication within and external to the team
Project Team	• Reports directly to the Project Leader and is responsible for facilitating, developing, and assisting with the creation of all project deliverables
Stakeholders	• Responsibilities identified through the Stakeholder Plan - provide input and feedback where applicable and are engaged at the discretion of the Project Owner and Steering Committee

18. Project Lead Key Activities

- **Status Meetings and Status Reporting**

  Status meetings are used to capture current project status information, deliverable progress, and address any issues that may arise during the project. This information is then used to report the project status to the Project Sponsor, Project Owner and Steering Committee. Status reports are the communication mechanism to keep the governance structure up-to-date with regards to project progress. They also serve as a means to communicate what issues have arisen, are outstanding, and are resolved

- **Issues Management**

  Issues arising from project activities will be identified, tracked and escalated for resolution to the Project Owner

- **Scope, Timeline and Budget Management**

  Scope management is the management of project objectives and expectations within established project parameters (i.e. project scope, timelines, and budget). Any changes to these parameters require an appropriate scope revision process be followed. Within the scope revision process, the revision will be assessed to determine the overall impact on the project and whether or not the change should be incorporated into the existing project. If the revision is deemed necessary, the Project Owner and Steering Committee will be asked to approve the revision, and then potentially to the Project Sponsor. When the request has been approved, the appropriate adjustments will then be made to the project scope, schedule, and budget. At the discretion of the Project Sponsor, changes to scope may be communicated to Council

18. Project Management Key Activities (continued)

- **Project Quality Management**

  Quality management is integral to all of the project work, with each member of the project team understanding and focused on their role in achieving quality goals. Throughout the course of the project, the AAMP Team will work with the Project Owner and Steering Committee to ensure: expectations are being met from a quality perspective; there is perceived value and if not, why not; any area where improvements can be made to increase the quality of information and deliverables are identified

- **Communications**

  Project related communications will be the responsibility of the Project Leader who will work closely with Communications and continuously keep the Project Owner and Steering Committee, and any other designated stakeholders informed on the progress of the project

- **Risk Management**

  A risk register will be created and maintained by the AAMP team. Risks will be identified for recording, tracking, and identification of mitigation strategies. The Project Owner and Steering Committee will facilitate those risks that have high risk high impact situations. Risks are tracked and included in the status reports.

- **Project Completion Report**

  The Project Owner and Steering Committee will provide feedback into a final close-out report at the completion of the project once the transition into implementation has been started.

19. Other Relevant City Initiatives

The following table provides a list of City initiatives and projects that may impact, constrain or have an integration with the AAMP Project

Initiative	Integration, Impact, Constraint
Asset Management Software	Asset Management Software will be used to assist with the transportation and parks elements of the project.
GIS Use	GIS will assist in presenting challenges and opportunities in a geographic form.
DCC Bylaw Updating	Updating of the bylaw in late 2019 (for inflation) and in 2021 for overall rates will create a funding source for capital needs.
Land Management Strategy	This Strategy will be advanced in the information gathering/assessment stage as this could be a quick win early in the project.
Transportation Masterplan (2021)	The Transportation Masterplan will be used to assist with the transportation elements of the project.
Official Community Plan (OCP 2019) – a plan to 2045 deals with land use	The OCP will used to guide land disposition.
Penticton and Ellis Creek Master Plan	Information from these plans will be used to inform decision making related to creek repairs.

20. Budget

The following table provides and estimated budget for external resources required to support the project

Project Team Resources	Time Required	Estimated Cost 2020	2021
Project Leader	100% throughout Project	$120,000	$60,000
Financial Analyst	80% in 2020 and 50% in 2021	$88,000	$55,000
Public Engagement	As needed basis	$30,000	$15,000
SME – Land Management	As needed basis	$15,000	$30,000
SME – Others as needed	As needed basis	$25,000	
SME – Facilities	As needed basis	$80,000	$30,000
Contingency / unallocated	As needed basis	$20,000	$15,000
Estimated Project Budget		**$378,000**	**$205,000**

21. Assumptions

The project timeline and budget are dependent on the following assumptions:

- Only those Amenities having a significant financial impact as determined thru the Assessment stage of the project will be further analyzed and prioritized
- All project resources are fully engaged throughout the project
- Subject Matter Experts (SME's) are available throughout the project
- Issues are resolved in an effective and timely manner by the Project Owner and Steering Committee
- Council provides actionable feedback on recommendations brought forward

22. Constraints

The following items cannot be mitigated and as such the project is constrained by them:

- Finite budget
- Finite timeline
- Limited internal human resources

Project Charter Version Control

Project Name:	Asset and Amenity Management Project (AAMP)

Version	Date	Author	Change Description
7.1	October 30	Jim Bauer	Final changes for sign off

The Corporation of the City of Penticton

Bylaw No. 2019-38

A Bylaw to Amend Zoning Bylaw 2017-08

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-38".

2. **Amendment:**

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

Rezone Lots 1,2,3 and 4 of District Lots 197 and 587, Similkameen Division Yale District Plan 27190, located at 3790, 3700, 3650 and 3600 South Main Street, from CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	1	day of	October, 2019
A PUBLIC HEARING was held this	5	day of	November, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 25 day of October, 2019 and the 30 day of October, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

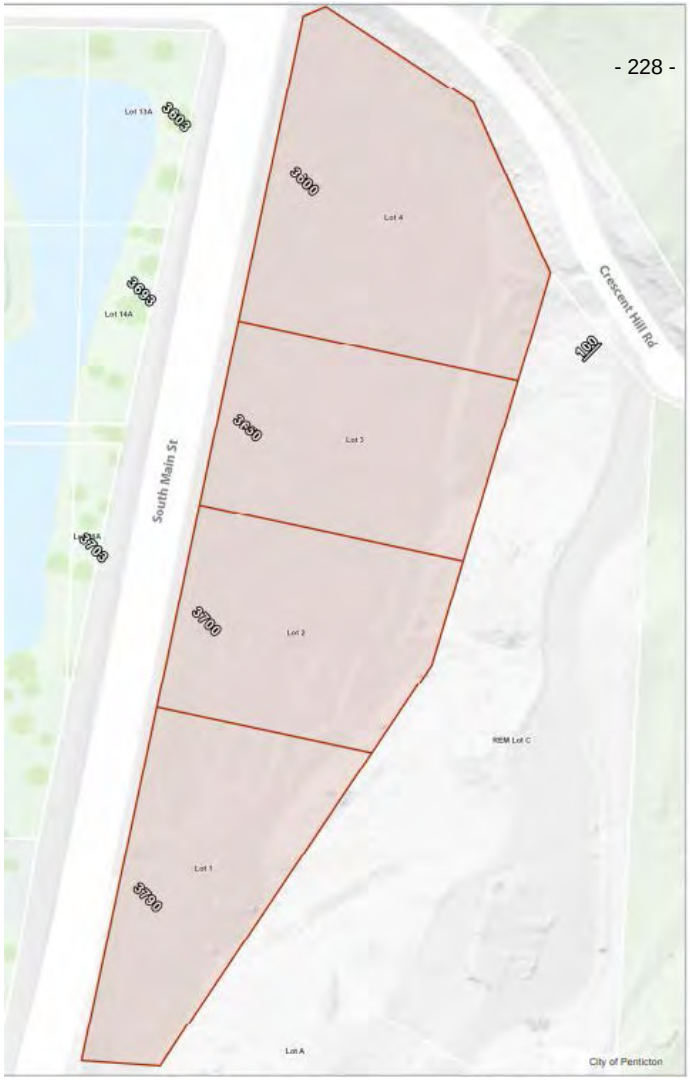
John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone 3790, 3700, 3650 and 3600 South Main St.

From CT2 (Campground Commercial)

To RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-38

Date: _____ **Corporate Officer:** _____

The Corporation of the City of Penticton

Bylaw No. 2019-39

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. 2019-39".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following to Chapter 14 – Comprehensive Development:

14.6 CD6 – Comprehensive Development (962 Churchill Avenue)

14.6.1 PURPOSE

This ***zone*** provides for the comprehensive development of a residential site for *Lot 1, DL 3, SDYD (Formerly Yale Lytton), Plan 24763*, located at 962 Churchill Avenue.

14.6.2 PERMITTED USES

The ***permitted uses*** in this ***zone*** are:

.1 ***accessory use, building*** or ***structure***
.2 ***apartment***
.3 ***minor home occupation*** (subject to specific use regulation 7.3)
.4 ***vacation rental*** (subject to specific use regulation 7.6)

14.6.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width:***	21.0 m
.2	Minimum ***lot area:***	700 m^2
.3	Maximum ***lot coverage:***	55%
.4	Maximum ***density:***	1.9 ***FAR***
.5	Maximum ***height:***	
	i. ***principal building***	19.0 m
	ii. ***accessory building*** or ***structure***	4.5 m
.6	Minimum ***front yard:***	3.0 m

.7 Minimum ***interior side yard:***

i. ***principal building*** 2.5 m

ii. ***accessory building*** or ***structure*** 1.5 m

.8 Minimum ***rear yard:***

iii. ***principal building*** 6.0 m

iv. ***accessory building*** or ***structure*** 1.5 m

14.6.4 *AMENITY SPACE*

.1 ***Amenity space*** shall be provided at the rate of 20.0 m^2 for each ***dwelling unit***.

14.6.5 *SUBDIVISION AND DEVELOPMENT REGULATIONS*

.1 In addition to the projections permitted in Section 4.9.1 (Table 4.1), the maximum projection into a required side yard for a deck is 0.2m.

14.6.6 *SUBDIVISION AND DEVELOPMENT REGULATIONS*

.1 The minimum width of a landscape buffer abutting a residential zone shall be 2.0m.

2.2 Update Schedule 'A' Zoning Bylaw Text Table of Contents and Schedule 'B' Zoning Bylaw Map to include CD6 – Comprehensive Development (962 Churchill Avenue).

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

Rezone Lot 1 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 24763, located at 962 Churchill Avenue from R2 (Small Lot Residential) to CD6 Comprehensive Development (962 Churchill Avenue) as shown on Schedule 'A'.

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

READ A FIRST time this	1	day of	October, 2019
A PUBLIC HEARING was held this	5	day of	November, 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 25 day of October, 2019 and the 30 day of October, 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 _____ day of _____, 2019

_____
for Minister of Transportation & Infrastructure

_____
John Vassilaki, Mayor

_____
Angie Collison, Corporate Officer

Add Section 14.6 CD6 (Comprehensive Development Zone) to Zoning Bylaw 2017-08

Rezone 962 Churchill Ave
From R2 (Small Lot Residential)
To CD6 (Comprehensive Development Zone)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-39

Date: _____ **Corporate Officer:** _____

Council Report

penticton.ca

Date: November 5, 2019 **File No:** Civic
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 101-215 Winnipeg Street

Subject: **Black Antler Restaurant Patron Participation Entertainment Endorsement and Change of Hours**

Staff Recommendation

THAT Council recommend to the Liquor & Cannabis Regulation Branch (LCRB) that it supports the application from Black Antler located at 101-215 Winnipeg Street for:

- Patron Participation Entertainment Endorsement
- Extension of hours on Fridays and Saturdays from Midnight to 2:00 am (Interior Only)

Strategic priority objective

Vision: A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Background & Proposal

The City has received a Change of Hours and Patron Participation Entertainment Endorsement application from Dan Prokosh, co-owner of Black Antler at 101-215 Winnipeg Street (Attachment A). The intention is to:

- Provide patron participation activities (dancing, live music) during hours of operation
- Change existing hours from Midnight to 2:00 am on Fridays and Saturdays (interior only)

History

On June 26, 2019 occupancy was granted for Black Antler Restaurant to open their doors to the public. They are currently operating under a Food Primary Liquor Licence with existing:

- Interior/exterior operating hours from 9:00 am to 12:00 am Monday to Sundays;
- Total occupant load of 148 persons:
  - Interior = 66
  - Exterior patio = 82

Previously, the owners of this establishment had two restaurants located in Vancouver, where they took part in a Good Neighbour Agreement with the Vancouver Police Department and the City of Vancouver. Since

opening the Black Antler in Penticton, there have been no bylaw complaint case files recorded for noise or parking related issues from the neighbouring residents.

Proposal Intent

The owners would now seeking approval to provide additional entertainment for their patrons. The live music will end at 10:00 pm to minimize noise and disruption to residents in the area. Security will also be provided during events to ensure public safety and liquor rules are being followed and capacity levels are maintained. In the event of a line-up to enter the establishment, security will ensure that the sidewalks and exterior of the building are free for people to walk by and to stop people from entering when occupancy capacity is met. They would also like to extend their business hours to 2:00 am.

The applicant has provided an Operational Letter to outline their request (Attachment C).

There is no proposed change to current interior occupant load maximum as it is related to the number of washrooms provided for patrons as regulated under the BC Building Code.

Site Context

The current property is zoned C5 – Urban Centre Commercial and the use meets zoning regulations (Map – Attachment A). There are no restrictions on the hours of operation under the Zoning Bylaw. The property is located in a mixed residential and commercial area. There are no outstanding Building or Fire Code issues in relation to their current operations. An approved occupant load floor plan has been attached (Attachment B)

Current uses near the property include:

- East – car rental establishment and movie theatre
- North – parking lot and mixed commercial
- South – parking lot and Government Office Building
- West – mixed commercial and residential (downtown core).

Liquor & Cannabis Regulation Branch (LCRB) Legislation, Policy and Bylaw Review

Food primary licenses are for establishments where the primary focus is the service of food such as restaurants, bistros, and cafes. .

Patron Participation Entertainment terms and conditions permit the active involvement of patrons or results in patrons leaving their seats including but not limited to dancing, sing-alongs or karaoke.

The terms and conditions of the Patron Participation requires local government input and may delay the application by 90 days.

The Liquor Control and Licensing Regulation requests that the City review and provide resolution related to the following criteria:

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

Financial implication

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

Analysis

Technical Review

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

Location of establishment, person capacity and hours of service

- Westminster Ave W & Winnipeg Street are classified as Commercial Urban Collector route.
- Interior occupant loads are limited to available washrooms with maximum 66 persons. Exterior patio area will not be used past 10:00 pm. Doors and windows will kept closed during late hour operations.
- There are no planned renovations as part of this application to expand occupant loads
- Proposed hours of extended hours are for Friday and Saturday only and they are not intended be standard hours of operation throughout the year (they are special-event orientated)
- There is no parking on site but multiple on-street and parking lot locations are within 100m of the property.
- There is a mix of commercial, restaurant, office, single and multi-family residential (to north) within the general downtown core area.
- Slackwater Brewing is the only Liquor establishment within near vicinity of the property with late hour service (interior) until 2:00 am and exterior patios until 10:00 pm. There are no noise complaints for Slackwater Brewing on file since their opening on July of 2019.

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

The impact of noise on nearby residents:

In review of the past concerns related to downtown noise (the Mule nightclub), staff identified that noise issues stemmed from the patrons moving from the Lakeside Resort's Barking Parrot (which has a 2:00 am closure) to the Mule (which had a 3:00 am closure). Issues also arose from patrons waiting in line outside the Mule, exiting to the laneway, and late hour use of the upper patio. Staff and the LLTRC do not foresee these same noise concerns under the proposed operations, occupant load and hours of operation for Black Antler.

The existing patio will be used for entertainment (amplified) but not past 10:00 pm as outlined in the applicant's Impact Statement. Typically other licensed patios and lounges (winery/brewery/distillery) have been restricted to no amplified music on the exterior patio areas, however staff do not foresee a substantial negative affect to the surrounding neighbourhood with this proposal.

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

The impact on the community if the application is approved:

The proposed changes will add to the vitality of the downtown core urban winery/brewery/distilleries atmosphere, which is becoming a distinct local and tourist destination. Black Antler promotes local beverage companies and has enhanced the vibrancy of our downtown core.

There are five social and recreation facilities in the local area including:

- Landmark Cinemas (across the road);
- Slackwater Brewing (one block to the East)
- Bad Tattoo Brewery (one block to the North)
- The Neighbourhood Brewery (Under construction to the North)
- Luso Canadian Multicultural Center (one block to the North)

Staff and the LLTRC do not foresee the proposed changes having any negative impacts to the surrounding community.

Public Consultation

As this application is an amendment to an existing licence, public notification was undertaken as part of staff and the LLTRC review. Input from local residents allows staff to engage with the applicant to address any concerns and provide mitigation measures prior to final recommendation to Council for endorsement. A notice of application and request for comment was mailed out to the business owners and residents within 100m of the subject property on October 1st (Attachment D). Additional notification was also sent to Lakeshore Towers KAS2716 strata. Public Notice signage placed along Winnipeg Street and notices were placed in the local newspapers.

Seven letters were received at the time this report was prepared (included as Attachment E). The responses are three letters in support and four letters against the changes. The letters in opposition cited the kind of impacts associated with the operation of the former Mule Nightclub establishment. Due to the different orientation and hours of operation of the Black Antler, staff do not anticipate impacts like those associated with The Mule.

Citizens are also provided the opportunity to comment on the application the day of the Council meeting held November 5, 2019.

LLTRC Recommendation:

Based upon the comments received by the Liquor Licensing Technical Review Committee and consultation with staff and public, it is recommended that the proposed application be supported with a maximum exterior patio use of 10:00 pm.

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

Alternate recommendations

THAT Council refer the Entertainment Endorsement and Change of Hours for Black Antler back to staff for further review.

Attachments

Attachment A – Site and Zoning Map
Attachment B – Floor Plan layout
Attachment C – Owner impact statement (Operational Letter)
Attachment D – Public Consultation Map
Attachment E – Public Consultation comments

Respectfully submitted,

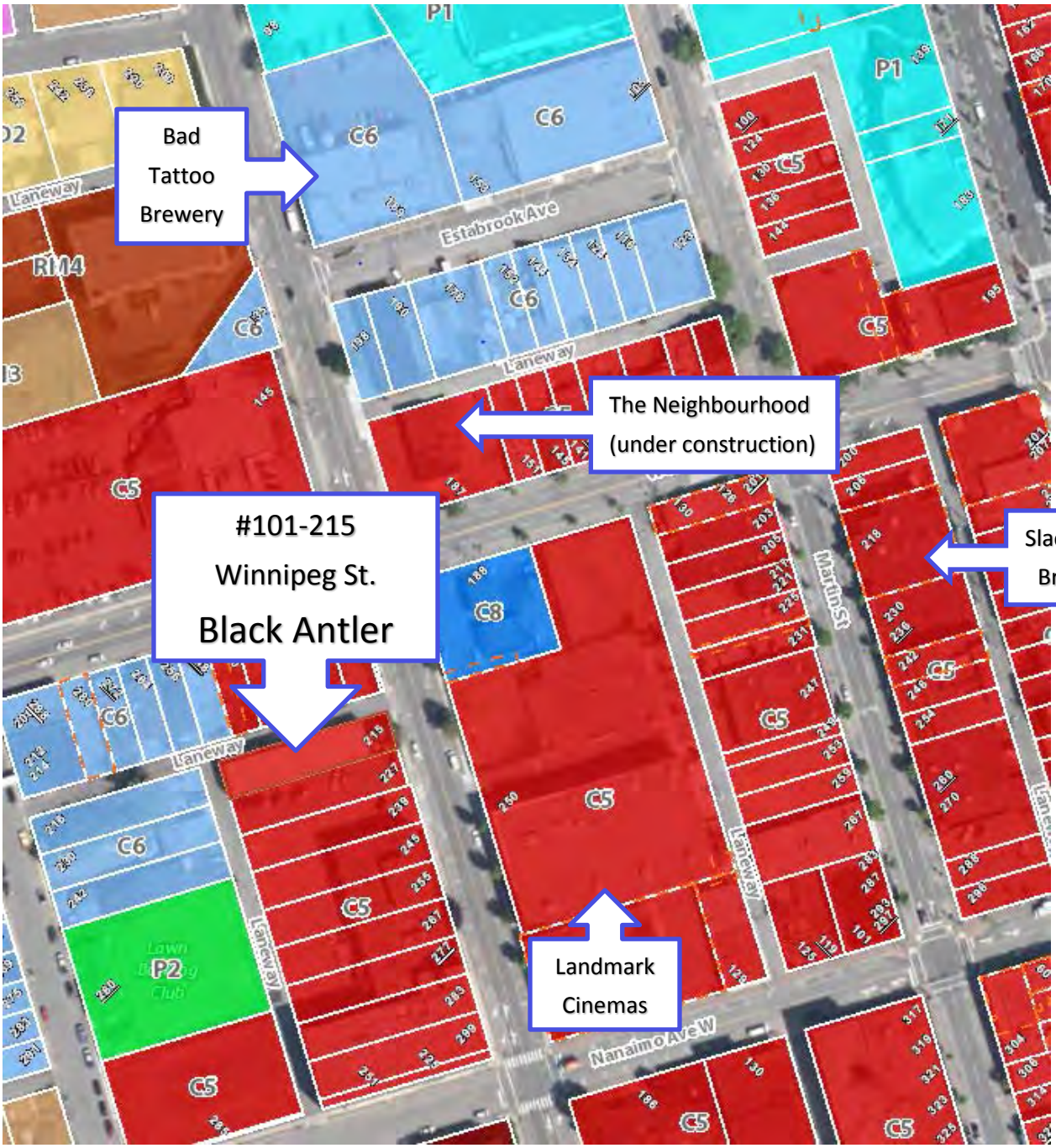
Ken Kunka AScT, RBO
Building and Permitting Manager
LLTRC Chairperson

Approvals

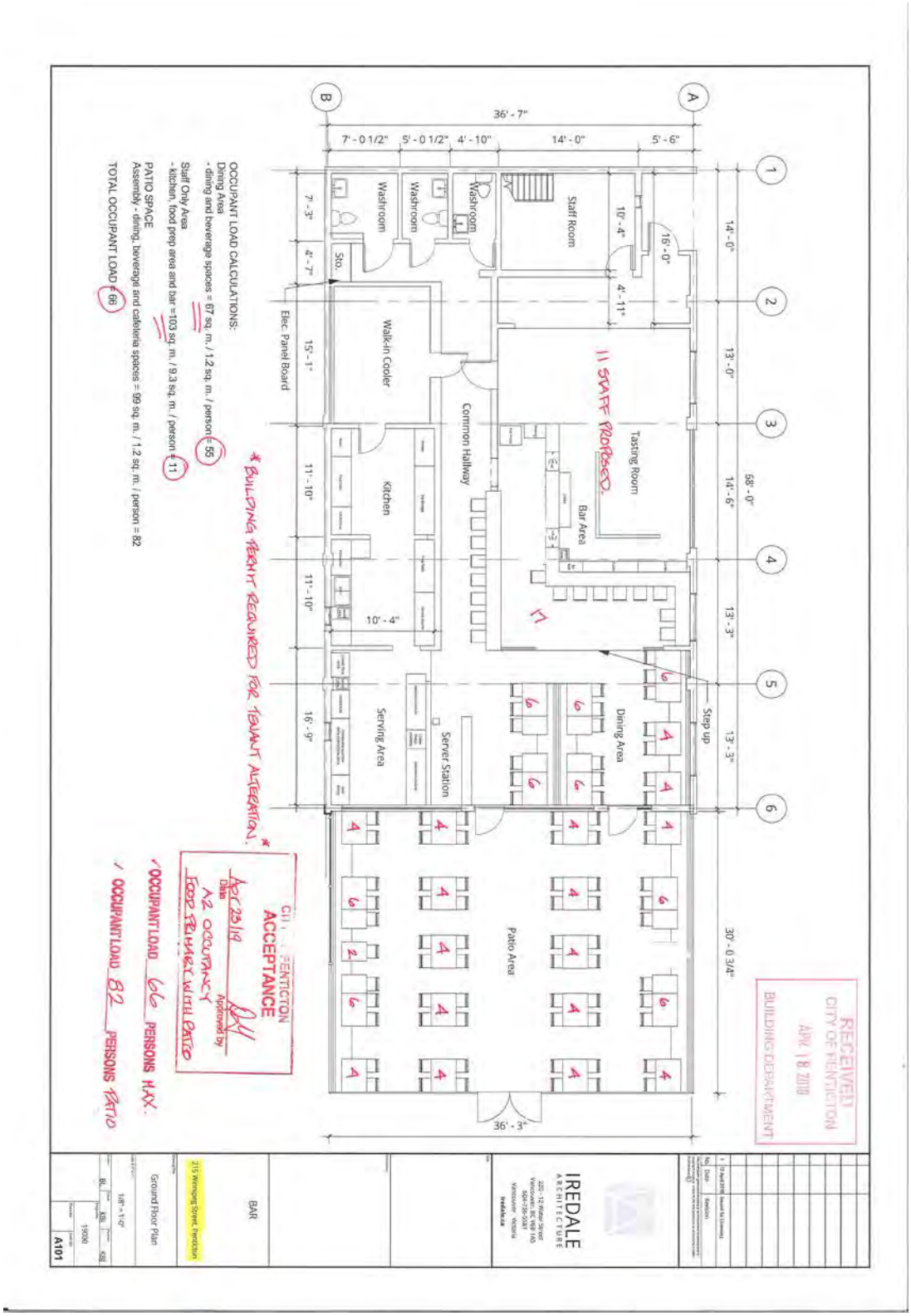
Acting Director of Development Services	CAO
BJ	DvD

Attachment A
Site and Zoning Map

C5 – Zoning



Attachment B
Floor Plan Layout



Attachment C
Owner Impact Statement (Operational Letter)

Operational Letter for
215 Winnipeg St
The Black Antler

Description:

The Black Antler is a full service kitchen and beverage establishment. We are focused on the locals in the area to give them a place to enjoy close to home along with catering to to some large parties. We are located at 215 Winnipeg St.

Hours:

M-TH 11am-11 pm. Fri 11am-1am Sat 10am -1am Sun 10am-10pm
Lunch, dinner and brunch service

Operators:

Dan Prokosh
Lynn Pepin
1058 Syer Rd
Penticton BC
V2A9G4

Relaxation:

None needed as there is parking on the street and surrounding parking lots

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Staff:

We have a staff of 15-20 people which are all local and live downtown

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Staff accreditation:

All staff carry their serving it right and food safe while on premise and working. We have logs and procedure manuals for all duties to be performed

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Noise:

We have taken part in the good neighbour exercise with the VPD and City of Vancouver for our other two restaurants and are using those practices for our Black Antler location as well.

We will stop the live music around 10 as this will give us time to bring people inside and tear down the musicians before 11 to eliminate possibilities of further noise and disruption to residents in the area.

We all have decibel readers on our phones to ensure we follow sound bylaws etc…

When we have bands, DJ or other events taking place we will have security as well to ensure public safety and liquor rules are being followed and crowds will be limited to our capacity levels as per fire department.

If we are planning to exceed our time frames or limitations we would most definitely have the permits and special licensing required to do so at that specific time.

We have over 26 years in the business and have suffered ZERO infractions to this day. We take our business seriously and our neighbours into consideration every time as they are our future of sustainability.

Garbage & Recycling:

We have a recycling program in place where our bottles and cans are picked up weekly. Organics and garbage are separated and disposed of in the designated garbage area in fines we rent. We also have our equipment serviced regularly and take pride in the cleanliness of our area

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Line-ups:

We hire security staff for events that may cause line-ups or capacity issues to ensure that the sidewalks and exterior of the building are free for people to walk by and to stop people from entering until its safe or when capacity has dropped.

Deliveries:

All deliveries are done via our side door. This is usually completed before 11am weekdays to elevate disruptions on the streets and of businesses.

Attachment D
Public Consultation Map

Public Notice Sign

Attachment E
Public Consultation Comments

From: Louise Krekic
To: Deanna Greer
Subject: 215 Winipeg St
Date: October-04-19 8:06:30 PM

Hi Deanna

I am very happy that they want to open longer hours. It is too quiet downtown with no bars, and there is a danger of break ins. It is much better when people are milling about till about 2 am, that is the time when burglars usually operate. We had an attempted break in after the Mule closed. It was dead quiet in town late at night.

So I am 100% in support of their longer hours.

Regards

Louise Krekic from Louise's Bridal Fashions at 145 Westminster Ave. W.

From: Diana Low
To: Deanna Greer
Subject: Agree to business proposal
Date: October-02-19 9:58:33 AM

I am a condo owner in lakeshore towers and would agree to black antler extended hours including live music and dancing. Until 2:00 am
Diana Low

Sent from my iPhone

From: Joseph Rogers
To: Deanna Greer
Subject: Black Antler - Application PL005890
Date: October-04-19 9:38:16 AM

As a local resident of the Lakeshore Towers I am in support of the application.

Joe Rogers
75 Martin St, Apt 401

Sent from Mail for Windows 10

From: FITNESS CALGARY
To: Deanna Greer
Subject: Black Antler Proposed Change of Opening Hours
Date: October-02-19 9:00:40 PM

City Council
I am against having later opening hours. I think the result is longer consumption of alcohol and more noise for neighbourhood which ultimately infringe on the rights of the individuals who are in the near vicinity of the establishment. I think it means more police work for a later shutdown of business serving alcohol which means there is a greater chance of more drunken and disorderly behaviour because alcohol is served over a longer period of time. Clearly the existing law was put in place for a reason as it served the businesses and the community in a balanced way. Let the business advertise to get people to come earlier.
Will the establishment be paying an extra fee if this is allowed to go through as there will be an increased police cost later at night? Will they be held accountable for the patrons coming out being drunk and disorderly?
Bad idea.
Please vote against it.
Thanks
Glenn

Sent from my iPad

From: Holger Godidek
To: Deanna Greer
Subject: Black Antler extended hours
Date: October-17-19 10:05:20 AM

To the council of Penticton:

As an owner and resident of 160 Lakeshore Towers, I would like to express my concerns over the proposal for extension of hours and also the "live music and dancing" request for this establishment.

The former nightclub, "The Mule", which was situated where the Slackwater Brewing Co. is now, was very disturbing with the pulsing beat heard over the neighbourhood each and every time the door was opened. Then there was the yelling and hooting of patrons leaving at 3 a.m. and dispersing into the neighbourhood. As the distance from my residence is the same as the Black Antler, I don't see how the situation here will be any different.

I certainly hope that this application for the Black Antler establishment, to have live music and dancing until 2 a.m., is turned down as it has been very peaceful without the Mule nightclub presence in the neighbourhood. I feel that one should have the right to enjoy one's own home and not be constantly annoyed by disruption of sleep and bombarded by noise until all hours.

Yours sincerely,

Holger and Mickey Godidek
#1004 160 Lakeshore Towers.

From: Ron Ryde
To: Deanna Greer
Subject: Re: [Lake Shore Towers Owners] FW: Public Notice Re: 101 - 215 Winnipeg St - The Black Antler
Date: October-03-19 8:12:56 PM

Thank you for including us regarding this amendment application.
I understand a technical review may support this request, but we are neighbours to this establishment. Our (home) condo faces directly south toward this new establishment and during the warmer weather we, like most people, enjoy having our bedroom windows open. Being awakened at midnight and listening to party goers outside is disturbing enough but having additional noise until 2 AM is not acceptable.
Within one to two blocks of us there is the Barking Parrot, Slackwater Brew Pub, Bad Tattoo, a new pub (Neighbourhood Brewing) coming on the corner of Winnipeg and Westminster Ave . and at times the Portuguese Centre has noisy parties. To have another drinking establishment in the area is far too much. When the Black Antler established their business model they were well aware of the existing business hours.

I am definitely opposed to any amendment to the existing current licenced hours of operation.

Thank you for addressing my concerns,
Ronald Ryde
1503 - 160 Lakeshore Dr. W.
Penticton, B.C.
Sent from my iPad

From: alanais
To: Deanna Greer
Subject: subject 215 Winnipeg Street
Date: October-05-19 12:30:10 PM

To Deanna Greer and Council, October 5 2019

I am very opposed to 215 Winnipeg street the Black Antler extending their hours until 2am plus adding Live music to their establishment.

I live 1 block from this place and as so far have enjoyed relatively peace and quiet late at night.

We just got rid of one nightclub on Martin st that was nothing but a nuisance that drew a a rowdy crowd .

We don't need a repeat.

There are a lot of high rises in this area and noise travels up.

Vehemently opposed to this!

Alana Schierling 133 Winnipeg street

Council Report

penticton.ca

Date: November 5, 2019 File No: PRJ19-121
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1675 Fairview Road

Subject: **Development Variance Permit PL2019-8571**
Development Permit PL2019-8570

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2019-8571", for Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189, located at 1675 Fairview Road, a permit to reduce the front yard from 4.5m to 0.3m for the construction of a car wash building;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8571".

Development Permit

THAT Council, approve "Development Permit PL2019-8570" for 1675 Fairview Road, a permit to allow for the construction of a car wash building subject to approval of "Development Variance Permit PL2019-8571".

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 subject property (Attachment A) is zoned C8 (Vehicle Service Station) and is designated within the City's Official Community Plan as 'Commercial'. The subject property is approximately 2,987m^2 (0.738 Acres) in area and contains a gas station. The applicant is proposing to build a new car wash building on the property.

As indicated on the Zoning Map, the surrounding neighbourhood currently contains similarly-zoned service commercial properties. The subject property is located on Fairview Road, which is an appropriate location for commercial development to occur.

The property is within the Commercial/Mixed-Use Development Permit Area, which is intended to create areas that are attractive, comfortable and safe for pedestrians and vehicle traffic, and to encourage development of high quality buildings, site planning and landscaping.

In addition to the proposed construction of the car wash, the property owner is also reorienting access to the property. The new design will replace the existing Fairview Road driveway access point to the Shell site and the adjacent Tim Horton's site with a new access/egress shared by both properties. The new building location will results in one new combined entrance/exit that is further setback from the Channel Parkway and the Industrial Avenue intersection therefore enhancing vehicle safety.

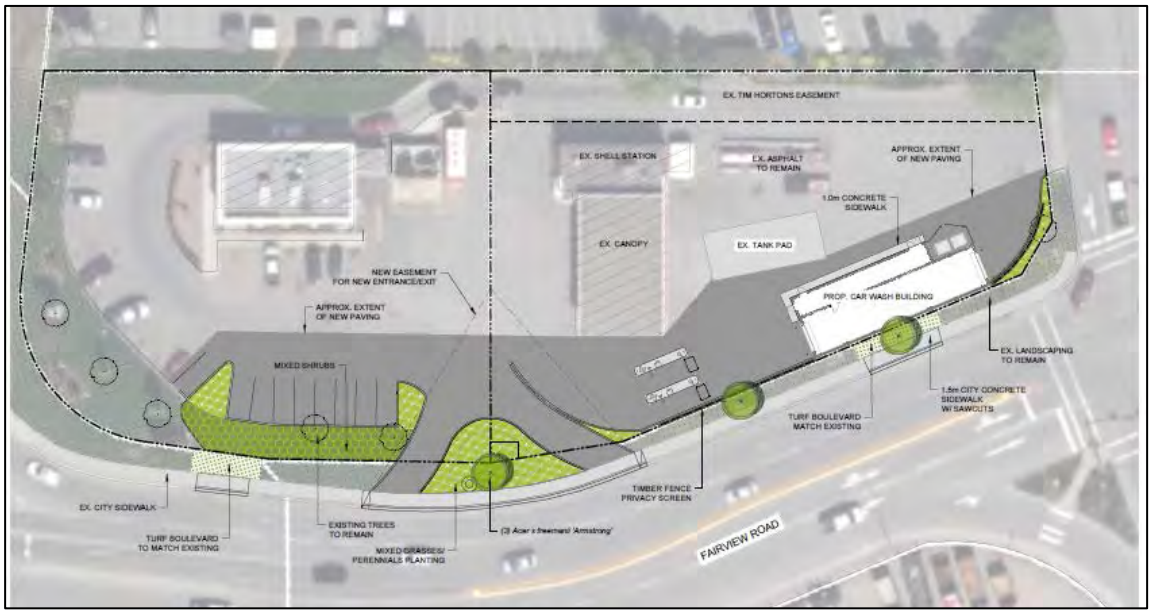


Figure 1: Landscape Plan

Proposal

The applicant(s) are proposing to construct a car wash with a building footprint of 210m^2. The applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section10.8.2.5: to reduce the front yard setback from 4.5m o 0.3m

Subject to the Development Variance Permit being supported, the applicant are also seeking approval for a Development Permit to allow for the construction of the new building.

Financial implication

This application does not pose any financial implications to the City. All development costs are the responsibility of the applicant.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Servicing and building code requirements have been identified to the applicant(s) and will be addressed as part of the building permit process. It is the property owner(s) responsibility to provide services and/or upgrade existing services as required.

Analysis

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variance and staff's analysis is as follows:

- Section 10.8.2.5: to decrease the front yard setback from 4.5m to 0.3m

The minimum required setback from Fairview Road is 4.5m. The applicant is proposing to reduce this to 0.3m. The request for the reduction is to accommodate the service station on-site vehicle movements and the required setback from the underground fuel tanks. The setback to the property line needs to be reduced to allow proper separation between the building and the fuel tanks. The developer is proposing additional landscaping along the 2.5m wide boulevard to improve the appearance on Fairview Road (Figure 1). The enhanced landscaping will extend to the full length of the frontage of the property as well as into the new on-site traffic island. Decorative fencing to screen the vehicles waiting in line is also proposed and provides a decorative feature along the street frontage.

Given the above, staff consider the requested variance is reasonable and meets the intent of OCP policy and guidelines. The fuel tanks on the property limit the available development space which provides a rational to support of the variance. Additional landscaping and fencing are also proposed. Staff recommend that Council support the variance application and direct staff to issue the Development Variance Permit.

Deny Development Variance Permit

Council may consider that the car wash building should be designed to fit within the regulations in the Zoning Bylaw. If this is the case, Council should deny the variance or refer the permit back to staff to work with the applicant as directed by Council.

Development Permit

Support Development Permit

The City's Official Community Plan (OCP) designation (Attachment 'B') for the subject property is 'commercial', which supports commercial uses including office, retail, goods and services. The existing land use is supported through this OCP designation. The subject property is considered within the Commercial/Mixed-Use Development Permit Area, which requires a Development Permit be obtained prior to the proposed works occurring. The objective of the Commercial/Mixed-Use Development Permit Area is to:

1. Produce streetscapes defined by attractive buildings and landscaping,
2. Transition extensive areas of surface parking to more pedestrian friendly and amenity-rich neighbourhood commercial,
3. Provide an attractive, comfortable, safe environment for pedestrians as well as vehicular traffic,
4. Establish building forms, site planning principles and landscape standards appropriate to quality urban spaces thus avoiding the appearance that characterizes some 'strip plaza' type development, and
5. Reflect multi-family residential design guidelines for mixed-use residential development.

Staff have reviewed how the proposed development meets the Commercial/Mixed Use Guidelines. A development permit analysis is included in Attachment "E" for Council's reference.

In summary, the building and landscaping meets the intent of the development permit for the following reasons:

- The proposed building screens the existing large paved access and parking areas for the current service station.
- The building features large windows along the street frontage and provides interest.
- Enhanced landscaping along Fairview Road includes mixed shrubs on the neighboring property (Tim Horton's site), grasses and perennials in the new traffic island and boulevard tree along the frontage of the Shell stations.

With the above guidelines in mind, staff consider that the intent of the Commercial/Mixed-Use Development Permit Area guidelines of the OCP are being adhered to and recommend approval and issuance of the permit.

Deny/Refer Development Permit

Council may consider that the applicant(s) can change the design to more accurately reflect the development permit area guidelines. If this is the case, Council should refer the permit back to staff to work with the applicant(s) as directed by Council.

Alternate recommendations

THAT Council deny "Development Variance Permit PL2019-8571" and "Development Permit PL2019-8570".

Attachments

Attachment A – Location Map
Attachment B – Official Community Plan Map of Subject Property
Attachment C– Zoning Map of Subject Property
Attachment D – Images of Subject Property
Attachment E – Development Permit Analysis
Attachment F – Proposed Site Plan
Attachment G – Letter of Intent
Attachment H – Draft Development Variance Permit (DVP)
Attachment I – Draft Development Permit (DP)

Respectfully submitted,

Audrey Tanguay
Senior Planner

Concurrence

Acting DS Director	Chief Administrative Officer
BJ	DvD

Attachment A – Location Map

Figure 2: Location Map

Attachment B – Official Community Plan

Figure 3: OCP Map

Attachment C– Zoning Map of Subject Property

Figure 4: Zoning Map

Attachment D – Images of Subject Property

Figure 5: View Looking North on Fairview Road

Figure 6: View looking towards the Channel parkway

Attachment E – Development Permit Analysis

The following analysis demonstrates in general how the proposal is aligned with this development permit area:

Guideline CM1	*Retail building frontage shall meet the sidewalk at grade and are encouraged to be built to the property line so continues street frontage is maintained.* **The building is two storey construction and is proposed to be closer to the street frontage.**
Guideline CM9	*Clearly signed and generously sized entries to indicate pedestrian access.* **Placing the building closer to the sidewalk allow the exiting parking to be screened.**
Guideline CM10	*Visual connection to the store interior maintained through at least 75% glazing along the primary store frontage.* **The building feature large windows along the street frontage.**
Guideline CM17	*Notwithstanding the City of Penticton's Sign Regulations Bylaw, the following are preferred or acceptable types of commercial signage:* - *Projecting two-dimensional or blade signs suspended from canopies and awnings, maintaining minimum clearances from sidewalks and driveways for safety and to reduce vandalism,* - *Flush-mounted fascia signs,* - *Externally lit signs,* - *Small vertical banners and projecting signs,* - *Cut-out or silhouette letter signs mounted on storefronts.* **The proposal includes signage, which will be externally-lit, and face towards the street, as well as internally towards the parking areas of the property. The signage proposed will comply with all regulations of the Sign Regulations Bylaw.**
Guideline G35	Tree planting, the planting of additional trees is strongly encouraged. **New boulevard trees are proposed along the frontage.**
Guideline G61	Fencing located along a street edge should be low and /or create a solid barrier. **A decorative fence of 1.2m high provide a decorative feature along the street frontage**
Guideline G62	Fencing along the street edge should be supplemented with low profile landscape plantings. **Improve landscaping along Fairview Road is proposed and includes mixed shrubs, grasses and perennials and new boulevard Trees.**

Attachment F – Proposed Site Plan

Figure 7: Site Plan

Attachment G – Letter of Intent

a resourceful company

June 19, 2019

Ecora File No.: CP-19-44-JOH

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

Attention: **Planning Department**

Reference: **Development Variance Permit and Development Permit for 1675 Fairview Road**

Ecora was requested to undertake a Development Variance and a Development Permit application for a new car wash to be located at the Fairview Shell service station site near the intersection of Fairview Road and the Channel Parkway.

It is proposed to add a new car wash building along the Fairview Road frontage of the Shell property. The building is about 210 m^2 in area and will have 2 queuing lanes to access the one-bay car wash. To accommodate this development, the owner is also intending on removing the existing driveway access point on the Shell site and on the adjacent Tim Horton's site, with the same owner, and replacing with a new access / egress shared by both properties.

Development Variance Permit

The subject property is zoned C8, Vehicle Service Station which requires a front setback of 4.5m from Fairview Road. In order to provide for the service station on-site vehicle movements, including large fuel tankers and a setback from the underground fuel tanks, the only workable location for the new car wash is with a 0.3m setback to the Fairview Road property line. While it is recognized that this is a significant variance, there are a number of benefits to the proposed car wash location including:

- A building close to the property line will provide a visual "street edge" and screen the large sea of asphalt that exists on the gas station property;
- The 0.3m on the property and a boulevard of about 2.5m provides for significant landscaping area with denser trees and shrubs that will provide better screening and a more attractive street frontage than the existing largely grass area. The enhanced landscaping will extend the full length of the Shell property frontage as well as into the new traffic island proposed for the Shell and Tim Horton properties;
- A decorative fence of 1.2m high will also screen the vehicles waiting in line to enter and vehicles leaving the car wash and provide a decorative feature along the street frontage;

- The new building location results in the relocation of the entrances/exits of the Shell and Tim Horton's sites into a new combined entrance/exit that is further setback from the Channel Parkway and Industrial Avenue intersections and enhances vehicle safety.

Development Permit

This property is designated as a ***Business Park Development Permit Area*** to address the form and character of commercial / industrial development. In terms of the guidelines of the Business Park DPA:

- The building has a height of 7.0m (23'), equivalent to a 2 storey structure. The building shape is rectangular and features large windows along the street frontage and roof detail along the rear portion that provides architectural interest ;
- The character of the building is "modern industrial" with ribbed steel panels, stucco, and black window and building trim. Three metal "arch" features on the roof add interest. Building finish on the side and rear building faces are stucco;
- The building screens the existing large paved access and parking areas for the service station;
- An improved and safer vehicle entrance and exit shared with an adjacent commercial property is provided and on-site traffic circulation, including truck access is accommodated;
- Enhanced landscaping along Fairview Road includes mixed shrubs on the Tim Horton's site, grasses and perennials in the new traffic island, additional grasses /perennials and new boulevard trees on the Shell site. The landscaping has been estimated to cost $26,090.

This area is on a major entrance route into the City and Community Plan goals to enhance City entrances with improved landscaping and an attractive visual impression are achieved with this new development.

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

Sincerely

Ecora Engineering & Resource Group Ltd.

Donna M. Butler, MCIP, RPP
Senior Planner

Direct Line: 250.492 2227 (1070)
Email: donna.butler@ecora.ca

Attachment H – Draft Development Variance Permit (DVP)

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

Development Variance Permit

Permit Number: DVP PL2019-8571

Conditions of Permit

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

2. This permit applies to:

   Legal: Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189
   Civic: 1675 Fairview Road
   PID: 025-880-977

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 for the construction of a carwash building as per Schedule "A".

   - **Section10.8.2.5: to decrease the front yard setback from 4.5m to 0.3m**

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 5th day of November, 2019.

Issued this ___ day of _____, 2019

_____
Angie Collison,
Corporate Officer

Attachment I – Draft Development Permit (DP)

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

Development Permit

Permit Number: DP PL2019-8571

Conditions of Permit

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

2. This permit applies to:

   Legal: Lot 1, District Lot 5, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP75189
   Civic: 1675 Fairview Road
   PID: 025-880-977

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a car wash building as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 502 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of $104,711.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the Local Government Act, to undertake works or other activities required to:

   a. correct an unsafe condition that has resulted from a contravention of this permit,

   b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or

   c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:

   a. The permit has lapsed as described under Condition 8, or

   b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

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

1st Inspection	No fee
2nd Inspection	$50
3rd Inspection	$100
4th Inspection or additional inspections	$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.

8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

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

Authorized by City Council, the 5th day of November, 2019.

Issued this ____ day of _____, 2019.

_____

Angela Collison,
Corporate Officer

Council Report

penticton.ca

Date: November 5, 2019 File No: RMS/Address
To: Donny van Dyk Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 4037 Lakeside Road

Subject: **Development Variance Permit PL2018-8594**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8164" for Lot 21, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4037 Lakeside Road, a permit to reduce the minimum front yard from 6.0m to 3.0m, reduce the north interior side yard of a principal building from 1.5m to 0.9m, increase the height of a retaining wall from 1.2m to 4.3m and reduce the driveway setback from 0.5m to 0.0m;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8594."

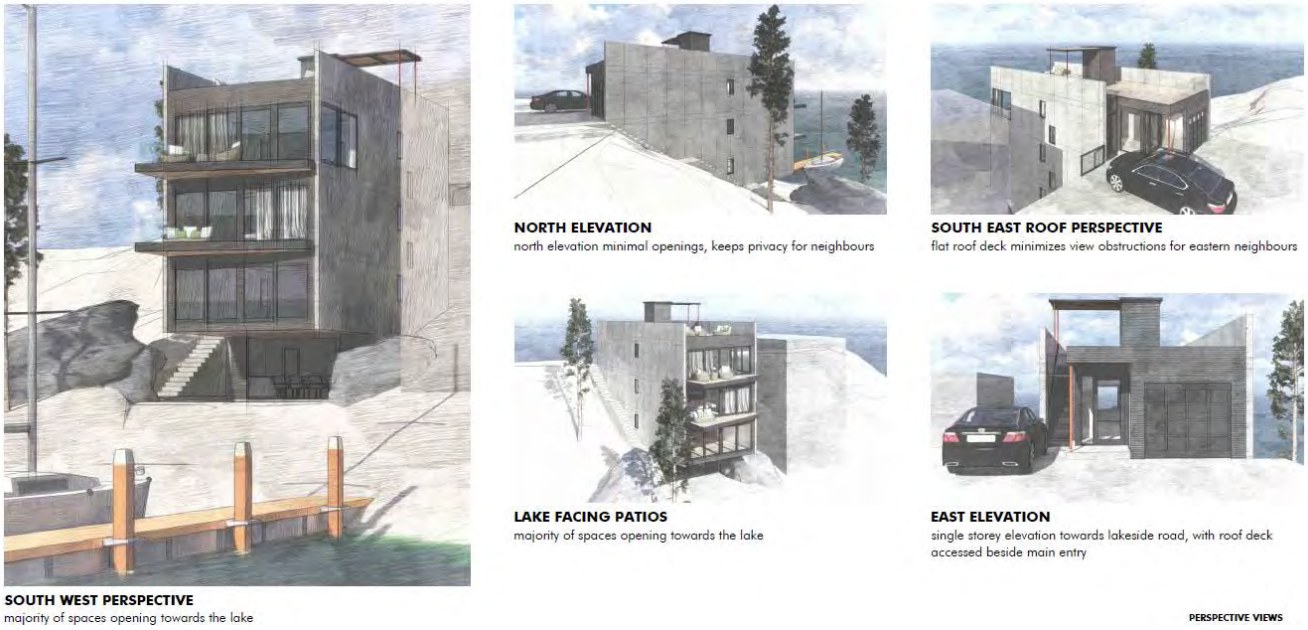
Background

The subject property is included in a grouping of challenging building lots along the west side of Lakeside Road backing onto Skaha Lake (see Attachment A). The lots, originally created in the early 1900s, are all very steep and narrow and are subject to the lake setback and riparian area regulations. As such, each of the lots that have been built upon to date have received several variances – usually for front and side yard reductions and increases in retaining wall heights.

Address	Approved variances
4039 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yard (south): decrease from 1.5m to 0.9m Maximum height of a retaining wall: increase from 1.2m to 2.0m *Maximum building height: increase from 10.5m to 11.2m *Maximum rooftop appurtenance: increase from 10% to 12.5% *Maximum height of front yard fence: increase from 1.2m to 2.4m
4041 Lakeside Road	Minimum interior yard: decrease from 1.5m to 1.0m
4043 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yards: decrease from 1.5m to 1.0m
4045 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yards: decrease from 1.5m to 1.2m
4047 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yard (north): decrease from 1.5m to 0.9m Maximum retaining wall height: increase from 1.2m to 3.0m Interior side yard: open stairways permitted to project to the property line
*Variance application pending	

Owners of the subject property have submitted plans for a three and a half storey, 3,200 sf single-family house on the lands on a 100m2 (1080 sf) building footprint. To accommodate the house, plans show reductions in the front yard and side yard and an increase in retaining wall height to support the parking area.

Proposal



To accommodate the construction of the proposed dwelling, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: decrease the minimum interior yard (north) from 1.5m to 0.9m.
- Section 5.6.2.1: increase the permitted height of a retaining wall from 1.2m to 4.3m.

The plans also require a variance to the City's Subdivision and Development Bylaw 2004-81:

- Section 12.8: reduce the setback for a driveway from a property line from 0.5m to 0.0m.

Financial implication

Approval of the subject variances are not anticipated to affect City finances. All costs of the development including off-site works and servicing are the responsibility of the property owner.

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing requirements, storm water management and building code requirements have been identified and will be addressed as part of the building permit process. If the requests for the variances are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement R1 zone	Proposed
Maximum Lot Coverage:	40%	38%
Minimum Lot Width:	16.0m	9.134m*
Minimum Lot Area:	560m^2	261.5m^2*
Vehicle Parking:	2 spaces per dwelling unit	2 spaces
Required Setbacks		
Front yard (east, Lakeside Road):	6.0m	3.0m (variance required)
Rear yard (west):	6.0m	6.0m
Interior yard (north):	1.5m	0.9m (variance required)
Interior yard (south):	1.5m	1.5m
Maximum Height	10.5m	10.5m
Other Information:	- The subject property is located within the Riparian Assessment Area Development Permit Area, a development permit will be required prior to issuance of a building permit. *- *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through development of an existing parcel.*	

Analysis

Given their unique size and topographical constraints, all of the lots along this stretch of Lakeside Road require some variance to the bylaw to build adequate housing without extreme engineering interventions. In this case, there are four variances being proposed, which will result in a relatively modest building footprint (100m^2) and a house that will fit in with other recent construction in the area. Staff's comments on each of the variances follows:

Zoning Bylaw Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.

- Given the slope of the lot and how quickly it drops away from Lakeside Road, without a reduction to the building setback, access to the any building would be extremely challenging and require retaining and spanning structures. In addition, given the riparian setback, without a variance, the building envelope would not provide for an adequate sized house in keeping with other housing on the street.
- Making the reduction in front yard less severe is the fact that the lot is located almost 4.5m from the edge of asphalt on Lakeside Road, giving a total setback of 7.5m from the road to the garage door. In addition to the garage and driveway parking, there is also an additional on-site parking space where the building is recessed. Additionally, Councils have supported similar reductions of front yards for every other project along this section of Lakeside Road.

Zoning Bylaw Section 10.1.2.6.i: to decrease the minimum interior yard (north) from 1.5m to 0.9m.

- The request to reduce the side yard is due to both the narrowness of the lot and the limited permitted building footprint given the topographical challenges and riparian setback. The buildings elevations will have limited openings due to the proximity to the property line and the requirement to address spatial separation concerns. This will help to reduce privacy concerns for the neighbouring properties. Council has approved similar interior yard variances from 1.5m to 0.9m on two of the neighbouring lots (4047 and 4039 Lakeside Road).

Zoning Bylaw Section 5.6.2.1: increase the permitted height of a retaining wall in a setback area to 4.5m

- Retaining walls are permitted to be 4.5m in height outside of setback areas. Within setback areas those heights are reduced to multiple walls of 1.2m in height. This is to try to reduce negative visual impact of the wall on neighbouring properties or from the public realm. In this case, the walls are required to support the parking area of the lot and are required to be the full 4.5m height. The walls will not be visible from the street. While variances to retaining wall heights have been supported on other lots in the immediate area, this wall will be slightly higher given that this lot is the steepest lot in the row of lots.

Subdivision and Development Bylaw Section 12.8: Reduce driveway setback from 0.5m to 0.0m

- The Subdivision and Development Bylaw, in the construction of new housing, requires a half meter setback of a driveway from a neighbouring property line. In this case, all of the lots on this area of Lakeside Road are built in a very tight manner with shared stairways, fire accesses and waterfront docks. The requested reduction in driveway setback is seen as a reasonable request given the context.

In summary, given the fact that all the lots along this section of Lakeside Road have been granted similar variances to the ones proposed herein and the fact that each of the variances is justified as outlined above, staff are recommending that Council support issuance of the permit.

Alternate Recommendations

1. THAT Council deny Development Variance PermitPL2018-8594.
2. THAT Council refer Development Variance Permit PL2019-8594 back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Photos of Subject Property
Attachment C:	Letter of intent and supporting plans
Attachment D:	Development Variance Permit PL2018-8165

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Approvals	
Acting-Director Development Services	Chief Administrative Officer
BJ	DvD

Attachment A – Subject Property Location Map

Attachment B – Photos of subject and adjacent properties

Figure 1: Image of subject Lot from Lakeside Road looking west towards Skaha Lake

Figure 2: Image of other lots under various levels of completion along Lakeside Road

Attachment C - Letter of intent from architect (with building plans and illustrations)

Letter of Intent - 4037 Lakeside Road

Sept. 11, 2019

Project Outline

The project is for a new single family dwelling on the lower side of Lakeside Road, fronting Skaha Lake. This will be a classic "beach house" – small in footprint, on a narrow lot, perched over the water. Because the lot drops so steeply from Lakeside Road, only a single entry storey will be visible from the road. The small buildable area is further constrained by a riparian setback, established at 10.0 m from the high water mark. The requested variances will mitigate the hardships of the site, permit the house to safely meet the zoning requirements for parking, and preserve the riparian habitat.

Impacts on the Neighbourhood

The intent of the proposed variances is to minimize the impact on the surrounding neighbourhood. The variance of setbacks on the north and east sides of the lot will allow the house to be constructed without pursuing a height variance. Therefore, views will be preserved from the homes across the road. The house to the north is located quite far from the lot boundary, looks west, and is shielded by a rock bluff, so the variance of the north setback will not impact them. The proposed house to the south is requesting the same 3.0 m front and 0.9 m side variances, so the form and character will be consistent.

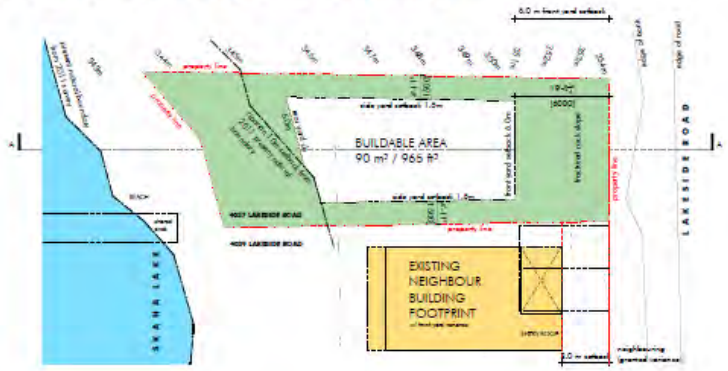
How will the Variance Minimize these Impacts?

The steep topography on this lot means that the maximum height is calculated from an elevation far below Lakeside Road. A front and side yard variance allows the building area to be increased while not pushing the height of the building taller. Additionally, most of the added area would be below grade, and therefore not visible from surrounding properties. The riparian setback presents a hardship, as it restricts the buildable area of the lot. A front and side yard variance allows the building to be pulled further towards the street while preserving the riparian area.

Positive Contribution

The proposed variance respects and reinforces the form and character of the neighbourhood. Many of the neighbouring houses have varied the front yard setback to respond to the large road right of way. The variances proposed for this property are the same as those granted for the lot directly to the south, and will complement its site placement. In the end, it will allow for an attractive beach house to be constructed on the property, with minimal impact to the neighbours.

1. PROJECT CONTEXT



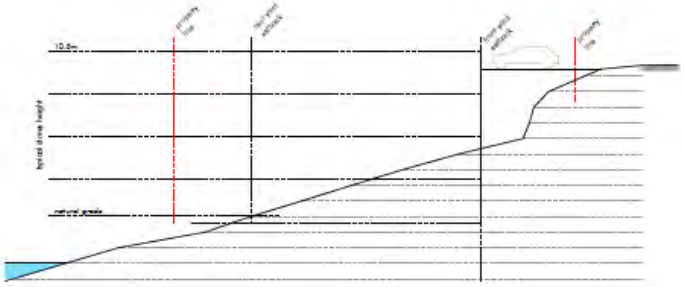
Background

The property is a narrow, extremely steep site, bordered by existing houses in the North-South direction, and Lakeside Road + Skaha Lake on the East and West respectively. Additionally, the lot is affected by a riparian setback on the lake side of the property that further restricts the buildable area.

Because the site is so steep and has a vertical drop of effectively 5.0m from the road to the front setback, access to the buildable area is unusually difficult and poses a degree of hardship. Other lots to the south of this property have had their front yard setback decreased to lessen the difficulty of site access.

Additionally, the lot flares from the east to west side which further complicates and restricts the buildable area.

Many of the properties in this stretch of newly parceled lots have successfully applied for variances to setbacks, heights, retaining wall heights, etc. It is in a similar vein of design, similar streetscape, and easing of hardship, that this variance application is being brought forward.



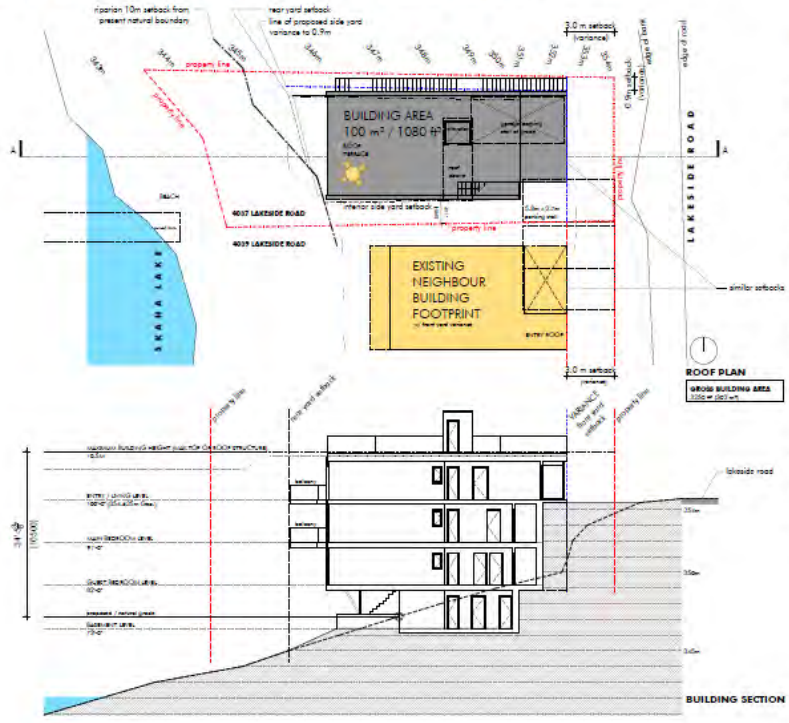
ZONING INFORMATION: CITY OF PENTICTON		
LEGAL DESCRIPTION:	LOT 31 BLOCK 309 DISTRICT LOT 190 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 666	
CIVIC ADDRESS:	4037 LAKESIDE ROAD PENTICTON, BC	
	ALLOWED	PROPOSED
ZONING CATEGORY	R1	R1
MAX PARCEL COVERAGE	40 %	7 %
SETBACKS: FRONT	6.0 m	**3.0m**
SIDE INTERIOR (SOUTH)	1.5 m	1.5 m
SIDE INTERIOR (NORTH)	1.5 m	**0.9 m**
REAR	8.0 m	8.0 m
MAXIMUM HEIGHT		
PRINCIPAL BUILDING	10.5 m	10.5 m
AUXILIARY BUILDING	4.5 m	N/A

FLOOR PLANS
1:192
Sep. 13, 2019

Gombik Residence
4037 Lakeside Road
Penticton, BC

Landform Architecture Ltd.
208-301 Main Street
Penticton, BC V2A 5B7
250-276-4106
info@landformadb.com
www.landformadb.com

2. PROPOSED BUILDING



Proposed Variance - Vary Zoning Bylaw No. 2017-08

Section 10.1.2.5 - reduce minimum front yard from 6.0m to 3.0m
A reduced front yard setback allows the building to be placed closer to the road and access point of the property. The proposed location of the street oriented façade continues the established streetscape of the neighbours to the south. Locating the building closer to the road also allows for stabilization of an existing portion of fractured rock on the site through building foundations. A small porch, primary entry, and one car garage, will be held tight to the proposed front yard setback. The garage and parking location allow for ample space before reaching Lakeside Road.

Section 10.1.2.6.i - reduce minimum north interior side yard of a principle building from 1.5m to 0.9m
The variance to the north interior side yard setback mirrors that of the neighbour to the south. This allows for better and safer parking maneuvering for both residences.

Section 5.6.2.1 - increase the height of retaining wall within any required yards from 1.2m to 4.3m
With the extreme slope of the site (this being the worst lot of the newer 7 parcels), retaining walls are required in order to meet the building and parking requirements established in the zoning bylaw. The retaining wall locations will be similar to the south neighbour and will not be visible from the Lakeside Road side of the property.

Vary Subdivision and Development Bylaw No. 2004-81
Section 12.8 - driveways must be a minimum of 0.5m from a property line
Tight access to the site and difficulties in transitioning the grade elevations from Lakeside Road to the property could be lessened by allowing a driveway to begin closer to the property line.

SITE+SECTION
1:192
Sep. 13, 2019

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3. BENEFITS

IMPROVED VIEWS FROM LAKESIDE ROAD AND NEIGHBORS UPHILL

The variance of setbacks on the north and east sides of the lot will allow the house to be constructed without pursuing a height variance. Therefore, views will be preserved from the homes across the road.

MAXIMIZE LEVEL BUILDING AREA

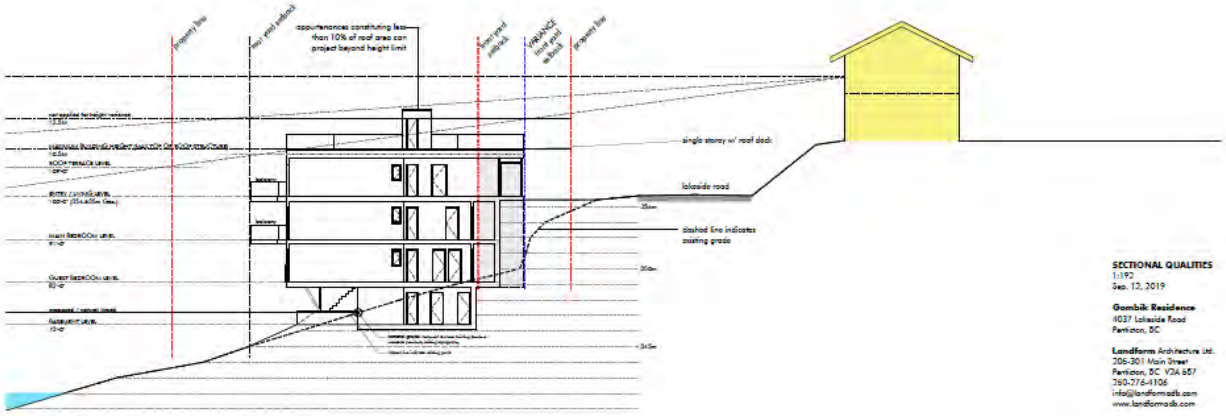
The steep topography on this lot means that the maximum height is calculated from an elevation far below Lakeside Road. A front and side yard variance allows the building area to be increased while not pushing the height of the building taller. Additionally, most of the added area would be below grade, and therefore not visible from surrounding properties.

PRESERVE LAKESIDE AREA

The riparian setback presents a hardship, as it restricts the buildable area of the lot. A front and side yard variance allows the building to be pulled further towards the street while preserving the riparian area.

STRENGTHEN THE STREETSCAPE

The proposed variance respects and reinforces the form and character of the neighbourhood. Many of the neighbouring houses have varied the front yard setback to respond to the large road right of way. The variances proposed for this property are the same as those granted for the lot directly to the south, and will complement its site placement.



SECTIONAL QUALITIES
1:192
Sep. 12, 2019

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4. EXTERIOR VISUALS

SOUTH WEST PERSPECTIVE
majority of spaces opening towards the lake

NORTH ELEVATION
north elevation minimal openings, keeps privacy for neighbours

SOUTH EAST ROOF PERSPECTIVE
flat roof deck minimizes view obstructions for eastern neighbours

LAKE FACING PATIOS
majority of spaces opening towards the lake

EAST ELEVATION
single storey elevation towards lakeside road, with roof deck accessed beside main entry

PERSPECTIVE VIEWS
1:192
Sep. 12, 2019

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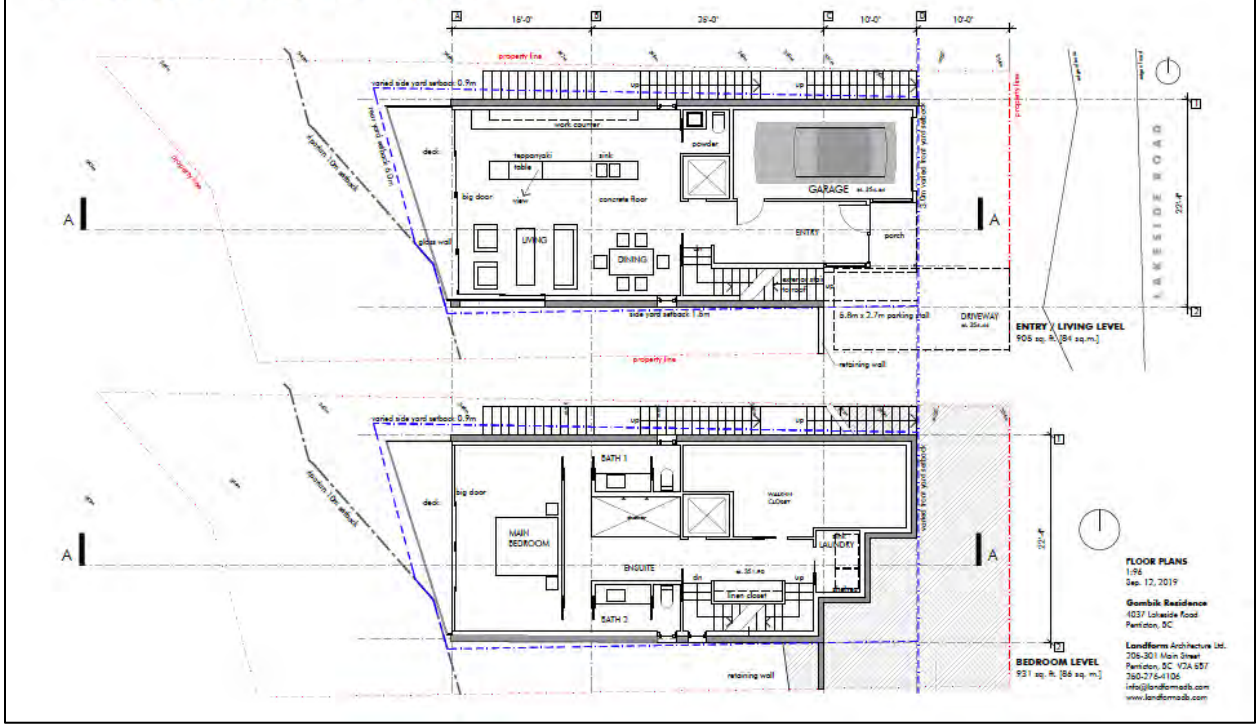
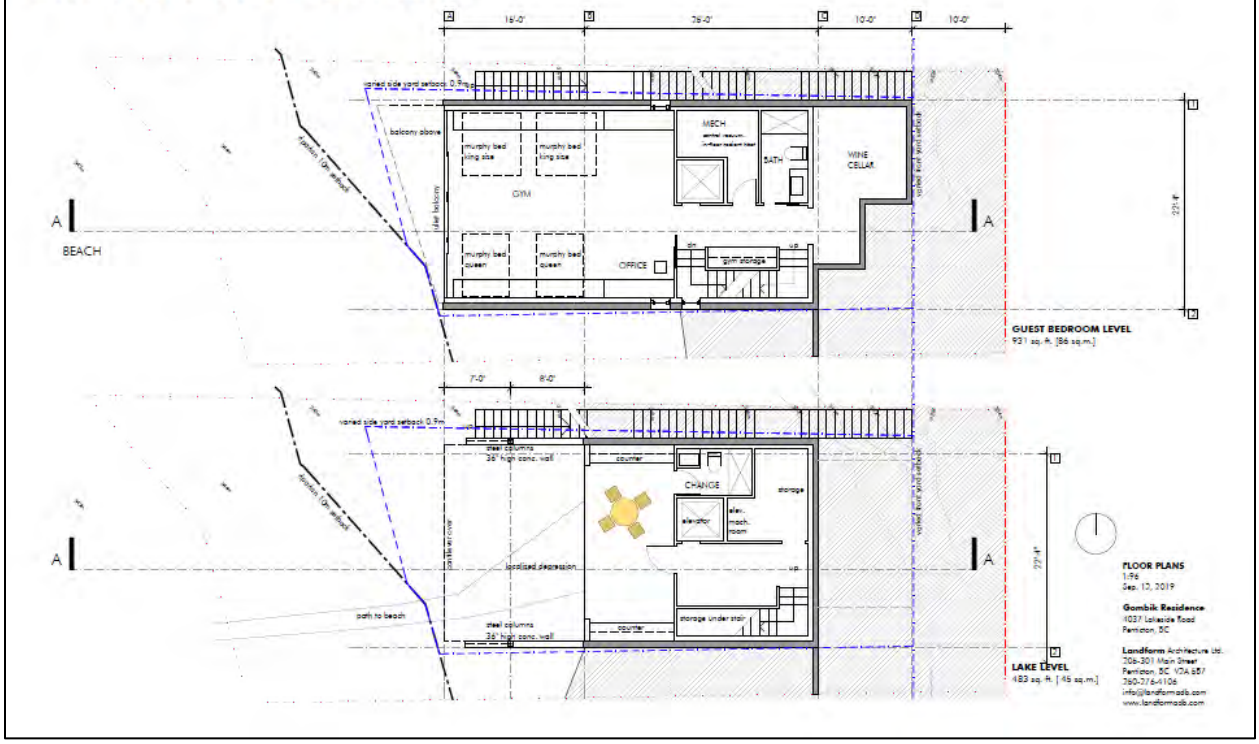
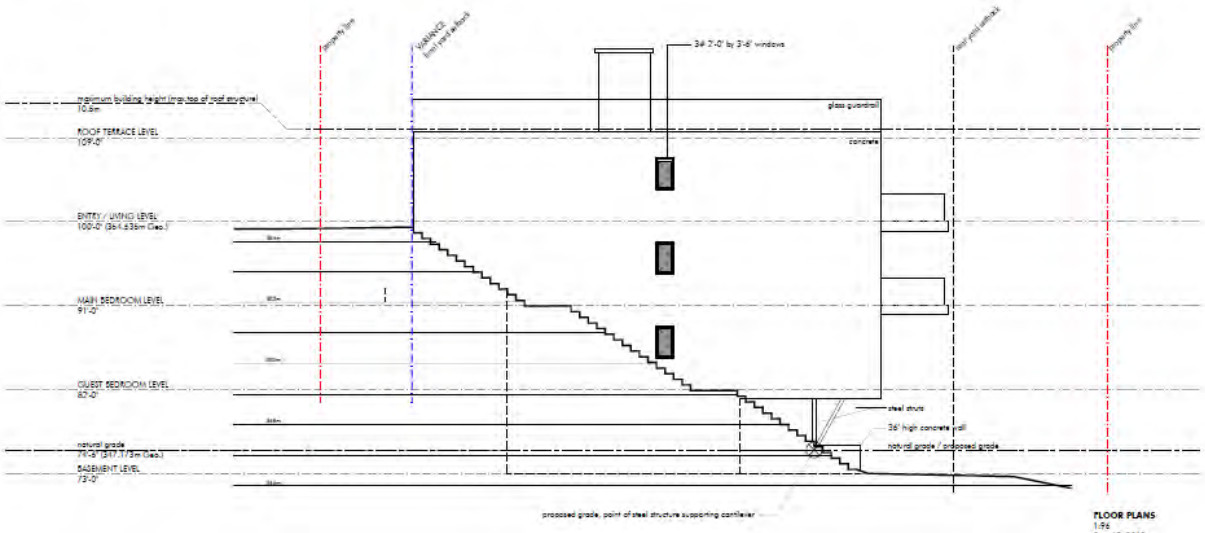
5. BUILDING PLANS



6. BUILDING PLANS



7. BUILDING ELEVATIONS



FLOOR PLANS
1:96
Sep. 12, 2019

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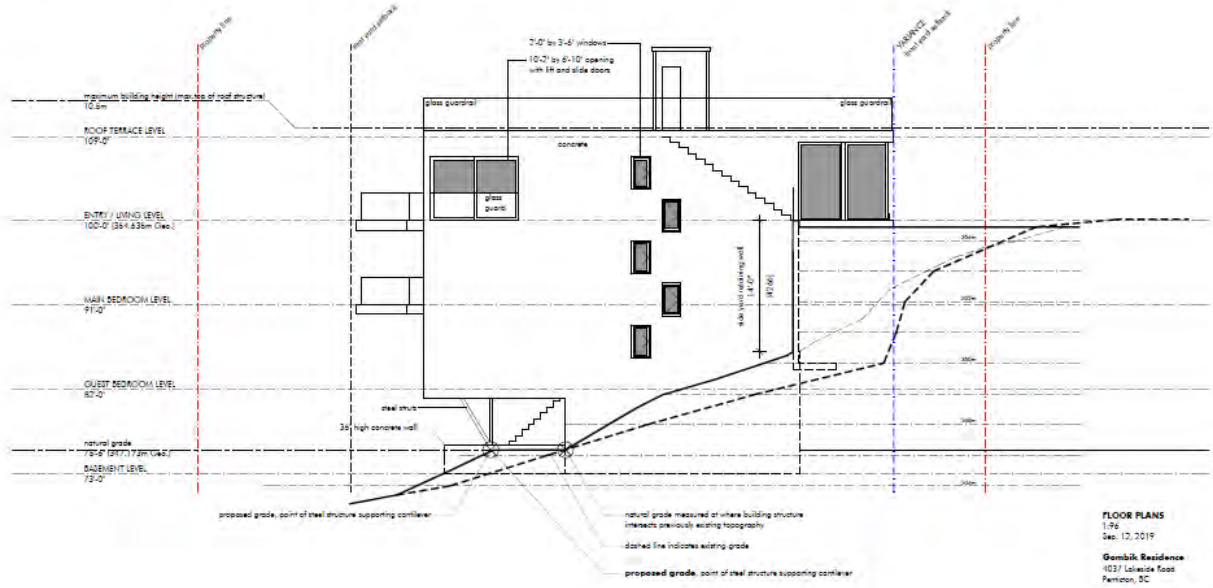
8. BUILDING ELEVATIONS



FLOOR PLANS
1:96
Sep. 12, 2019

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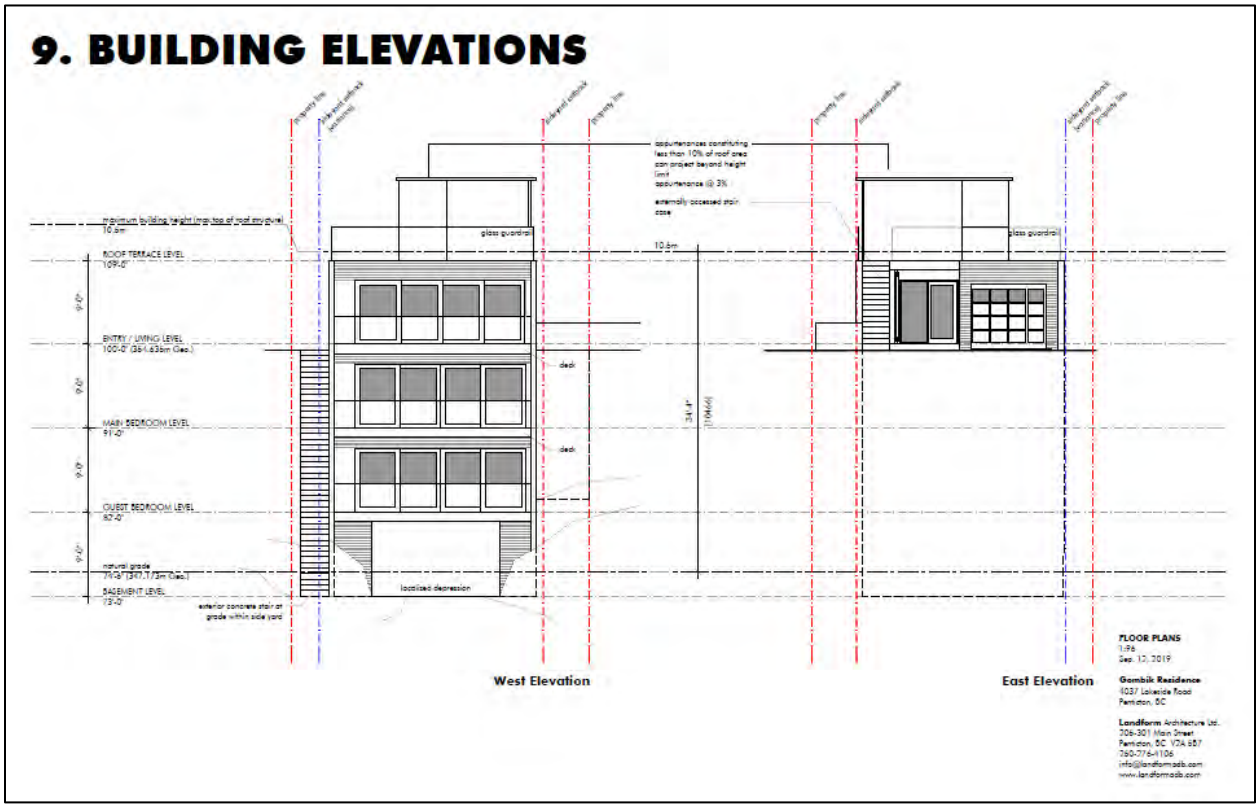
9. BUILDING ELEVATIONS
property line
adjacent setback
existing
adjacent setback
property line
appurtenances constituting
less than 10% of roof area
can project beyond height
limit
appurtenance @ 3%
externally accessed stair
case
property line
adjacent setback
adjacent setback
existing
property line
maximum building height (max top of roof structure)
10.5m
ROOF TERRACE LEVEL
109'-0"
ENTRY / LIVING LEVEL
100'-0" (30.63m Geo.)
MAIN BEDROOM LEVEL
91'-0"
QUEST BEDROOM LEVEL
82'-0"
natural grade
79'-8" (24?.1?3m Geo.)
BASEMENT LEVEL
73'-0"
exterior concrete stair at
grade within side yard
glass guardrail
deck
deck
localized depression
10.5m
34'-4"
(10.46m)
glass guardrail
West Elevation
East Elevation
FLOOR PLANS
1:96
Sep. 12, 2019
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Attachment D – Permit for issuance

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

Development Variance Permit

Permit Number:

Conditions of Permit

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

2. This permit applies to:

   Legal: Lot 21, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466
   Civic: 4037 Lakeside Road
   PID: 012-323-161

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following regulations

   Zoning Bylaw 2017-08

   - Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.
   - Section 10.1.2.6.i: decrease the minimum interior yard (north) from 1.5m to 0.9m.
   - Section 5.6.2.1: increase the permitted height of a retaining wall from 1.2m to 4.3m.

   Subdivision and Development Bylaw 2004-81

   - Section 12.8: reduce the setback for a driveway from 0.5m to a property line to 0.0m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior

to commencing the development authorized by this permit.

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

Authorized by City Council, the _ day of , 2019

Development Variance Permit PL2019-8594

Issued this _____ day of _____, 2019

_____
Angela Collison,
Corporate Officer

Page 2 of 2

Council Report

penticton.ca

Date: November 5, 2019 File No: RMS/Address
To: Donny van Dyk Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 4039 Lakeside Road

Subject: **Development Variance Permit PL2018-8596**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8165" for Lot 22, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4039 Lakeside Road, a permit to: increase the permitted height of a single family house from 10.5m to 11.2m; increase the permitted size of a rooftop appurtenance from 10% to 12.9%; and, reduce the required parking from 2 spaces to 1 space;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8596."

Background

The subject property (Attachment A) is zoned R1 (Large Lot Residential) and designated by the City's Official Community Plan as detached residential. This lot is included in a grouping of challenging building lots. The lots, originally created in the early 1900s, are all very steep and narrow. They lots are also subject to the lake setback and riparian area regulations. As such, each of the lots that have been built upon have been issued several variances – usually for front and side yard reductions. The following table outlines the variances that have been approved to date:

Address	Approved variances
4037 Lakeside Road	*Minimum front yard: decrease from 6.0m to 3.0m *Minimum interior side yard (north): decrease from 1.5m to 0.9m *Maximum height of a retaining wall: increase from 1.2m to 4.3m *Driveway setback: reduce from 0.5m to a property line to 0.0m
4041 Lakeside Road	Minimum interior yard: decrease from 1.5m to 1.0m
4043 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yards: decrease from 1.5m to 1.0m
4045 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yards: decrease from 1.5m to 1.2m
4047 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yard (north): decrease from 1.5m to 0.9m Maximum retaining wall height: increase from 1.2m to 3.0m Interior side yard: open stairways permitted to project to the property line
*Variance application pending	

Council, in December 2017, approved a variance to reduce the front and side yards of the subject lot to accommodate the construction of a three storey single-family dwelling with a roof top patio. That house was issued a building permit in July 2018. Through the construction process, several deficiencies were noted by the City's Building Department, ultimately leading to the project being put on hold and a new design and construction team being brought in. The house is currently framed to its full height but is considered on hold subject to revised plans addressing the deficiencies.

The new design team is proposing changes to the building envelope to meet drainage and other code compliances that were not being addressed in the original plans. A fuller description of the history of the deficiencies and current condition of the structure are included in a letter to Council prepared by the new architect (Attachment C).

While the revised plans do not substantially change the massing or character of the building, they have triggered the need for additional zoning bylaw variances. The architects are proposing three variances. The first two have to deal with the height of the building. The third is to reduce the amount of on-site parking.

Proposal

The applicant is proposing to construct a single-family dwelling on the subject property. The dwelling will be 3 storeys in height with approximately 2500ft^2 of living space and featuring a rooftop patio. To construct the dwelling as proposed, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 4.4.2: increase the percentage of a rooftop appurtenance from 10% to 12.9%
- Section 6.5: decrease the required on-site parking from 2 spaces to 1 space
- Section 10.1.2.4: increase the height of a principal building from 10.5m to 11.2m

Financial implication

Approval of the subject variances are not anticipated to affect City finances. All costs of the development including off-site works and servicing are the responsibility of the property owner.

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing requirements, storm water management and building code requirements have been identified and will be addressed as part of the building permit process. If the requests for the variances are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the variance applications:

Item	Requirement R1 zone	Proposed
Maximum Lot Coverage: **Minimum Lot Width:** **Minimum Lot Area:**	40% 16.0m 560m^2	37.1% 9.134m* 247.67m^{2}*
Vehicle Parking:	2 spaces per dwelling unit	1 spaces (variance required)
Required Setbacks Front yard (east, Lakeside Road): Rear yard (west): Interior yard (north): Interior yard (south):	 6.0m 6.0m 1.5m 1.5m	 3.0m (approved reduction) 9.76m 1.2m (approved reduction) 1.2m (approved reduction)
Maximum Height	10.5m	11.2m (variance required)
Other Information:	- The subject property is located within the Riparian Assessment Area Development Permit Area and has received a RAR Development Permit outlining a 10m Streamside Protection and Enhancement Area (SPAE) and detailed restoration plan. - **The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through development of an existing parcel.*	

Analysis

As stated in the architect's letter of intent, several issues with the original building design and construction of the house have led to a redesign and ultimately additional variances not previously considered. Staff's comments on the individual variance requests are as follows:

Section 4.4.2: increase the percentage of a rooftop appurtenance from 10% to 12.9%

- The house design includes a rooftop patio. The patio was originally accessed via an outside staircase attached to the side of the building. For structural and aesthetic reasons, the staircase is now being removed from the outside of the building and the internal staircase providing access to all floors of the building is being extended to provide access to the rooftop patio. To meet building code requirements the enclosure of the stairway is a minimum size which equals approximately 12.5% of the roof surface. As per the zoning bylaw rooftop appertuances are only permitted to be 10% of the roof area or they are considered in the calculation of height.
- In staff's consideration of this variance request, the additional 2% will not create any additional negative impact on neighbouring properties. The alternative would be keeping the external staircase, which has a greater impact on neighbouing properties.

Section 6.5: decrease the required on-site parking from 2 spaces to 1 space

- The original design of the house had a parking pad for two vehicles. During construction of the house, it turned out that at the road level and the house ended up 6 feet lower than originally intended. This has created a situation where the parking pad needs to be supported by the house and the load of an additional vehicle would put the building envelope at risk. While the reduction in parking is not ideal, Lakeside Road does have parking on both sides of the street. The only alternative would be to remove the construction currently done and rebuild.

Section 10.1.2.4: increase the height of a principal building from 10.5m to 11.2m

- In the original design of the building, the height was measured from an artificially raised grade that was intended to be created through the construction of retaining walls. Through re-analysis of this proposal, the retaining walls and grade are not possible given the riparian area. In addition, the original design did not allow for the roof to be properly graded for drainage. When this 2% grade is applied, the height of the parapet around the rooftop patio is slightly higher than originally proposed. While the building from Lakeside Road will be similar to what was originally approved, the actual building will be taller than what the zoning bylaw requires. Given that the building is only slightly more than one storey at the road level, and below what other houses along this stretch seem, staff consider this request to be reasonable.

If the variances are not supported, the alternative is to demolish all of the work done to date and restart the construction process. Approval of the variances, in staff's consideration, will resolve an unfortunate situation and allow the owners to complete the construction of their house with relatively minimal impacts on neighbours. Given the above, staff are recommending that Council support the variances.

Deny/Refer Variance

Council may consider that the proposed variances will negatively affect the neighborhood and that the property owner should be required to take down the already-built structure and rebuild in line with the previously approved variances and the development regulations of the Zoning Bylaw. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council deny Development Variance Permit PL2019-8596.
2. THAT Council refer Development Variance Permit PL2019-8596 back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Photos
Attachment C:	Letter of intent from the architect
Attachment D:	Plans
Attachment E	Permit for issuance

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Approvals

Acting Director Development Services	Chief Administrative Officer
BJ	DvD

Attachment A – Subject Property Location Map

Attachment B – Photos of subject property

Figure 5: East View of Subject Property (from Lakeside Road)

Figure 6: East View of Subject Property (from Lakeside Road)

Attachment C – Letter of intent from architect

f2a architecture ltd.

florian maurer
architect AIBC, MRAIC
austin hawkins
architect AIBC

651 main street
penticton, bc v2a 5c9
canada

236-422-2577
info@f2a.ca
www.f2a.ca

october 21, 2019

Penticton City Council
c/o Blake Laven, Planning Manager
blake.laven@penticton.ca

Re.: 4039 Lakeside Rd zoning variance requests

Dear City Council,

Due to significant errors, construction was halted on the residential project at 4039 Lakeshore Road at the conclusion of rough framing. Our goal is to continue construction using as much of the structure as possible. Our role is to resolve parking, entry, and updates to building layout as needed to accommodate grade, and to repair mistakes in building envelope.

Requested variances involve on-site parking, building height, and allowable area of a roof-top appurtenance. Existing setback variances have been approved by DVP PL2017-8103 and are not part of this application.

Variance request 1 - parking reduction:

Most notably, the building was sited 6' lower than intended. The biggest challenge the project faces is the parking structure. Since the top of the foundation wall is 6' lower than needed to retain a parking slab at road grade, a parking structure must be tied to bedrock at the east PL and bear on columns extending to native soil below. The parking deck must be held off the face of building (wood-framed at road grade) and the building's envelope will extend below the deck. A series of stairs will descend to the building entry and then to the lakeside. The bedrock bearing wall at the property line will extend vertically to provide a retaining wall re-establishing a level roadside. The retaining wall will be topped with a screen/guard. This scheme replaces backfill as originally planned and budgeted, but is safe, durable, and relatively economical.

The structure provides one generous on-site parking spot, access to the main level of the building, and a retained road-side visitor parking spot. Zoning bylaw requires two parking spots, but the load of an additional car would stress the proposed structure, pinned to the rock, and would put the building envelope at risk. Furthermore, two on-site parking spaces would provide no more parking than the proposed scheme. Therefore, we ask for relaxation of the parking bylaw in this unique, unfortunate, and unplanned circumstance.

Variance request 2 - building height:

Permitted finished grade at the west side of the building cannot be soundly realized. Finish grade was drawn above finished floor level, probably citing the localized depression clause of the bylaw. However, no retaining walls were built at base of the west side of the building and the riparian setback does not allow regrading along the west side of the building. It would be best to establish finished grade as 150mm below finished floor - even as we replace existing wood framing at the base of wall with concrete.

The existing construction has also not allowed for 2%-sloped roof drainage below roof decking. By adding the required build-up to achieve a technically sound roof deck, the existing parapet height becomes insufficient to act as a 1070mm-high guard as required by BC Building Code for an inhabited roof-deck and must be extended.

Finally, the permitted floor to floor heights were not observed during framing, resulting in a slightly higher building than planned.

Building height has been measured from the depicted west-side elevation to the top of parapet. We propose an allowable building height increase of 1160mm to accommodate the above factors.

Variance request 3 - size of rooftop projection:

The external stairway of the original design presents a building envelope challenge with a high risk of eventual failure. Furthermore, probably due to the above-cited increase in floor to floor heights, the existing roof access stair could not quite be made to meet building code riser and tread limitations. The stair cannot be re-framed to solve this as its length is limited by steel structure within the roof.

We therefore plan to extend the internal stair through the roof. The bylaw allows a covered staircase penetrating the roof without affecting the building height if its footprint covers less than 10% of the roof area. A <10% roof-area stair appurtenance is possible, but would simply result in a notched volume with an exterior roof-top storage nook. Instead we propose a rectancular, better-looking (less prone to messiness), economical, easily waterproofed, and more useful 12.9% stair. Due to site parameters, this building has a small footprint compared to its size, so the 10% appurtenance rule is particularly strict here. We've also carefully screened the roof terrace from view, simplifying and softening the building profile.

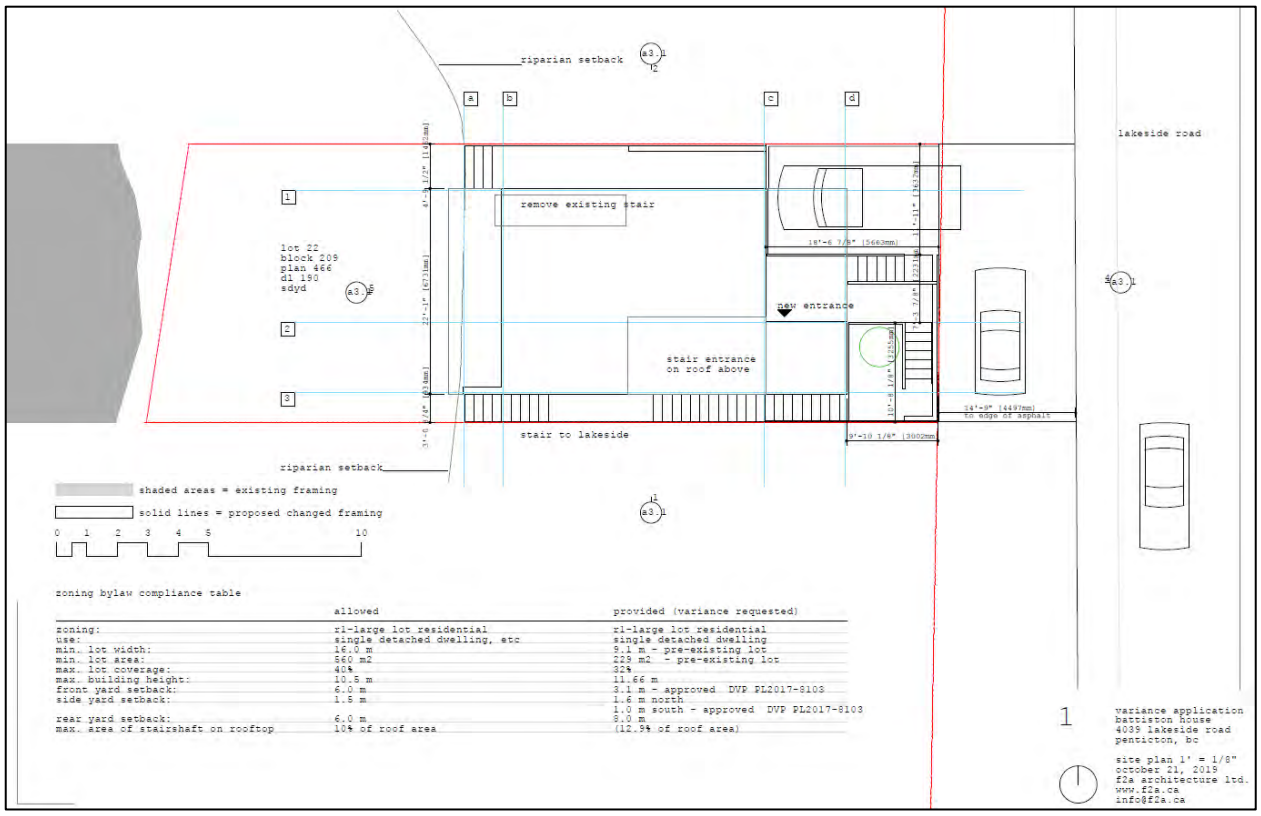
We recognize that zoning bylaws are set out by the planning department with expert authority and ratified by our governing council. For this reason, we like to design within their parameters! However, we make this application because this project has found itself in a (thankfully) uncommon situation requiring hard thought and flexibility to rescue the resources already invested.

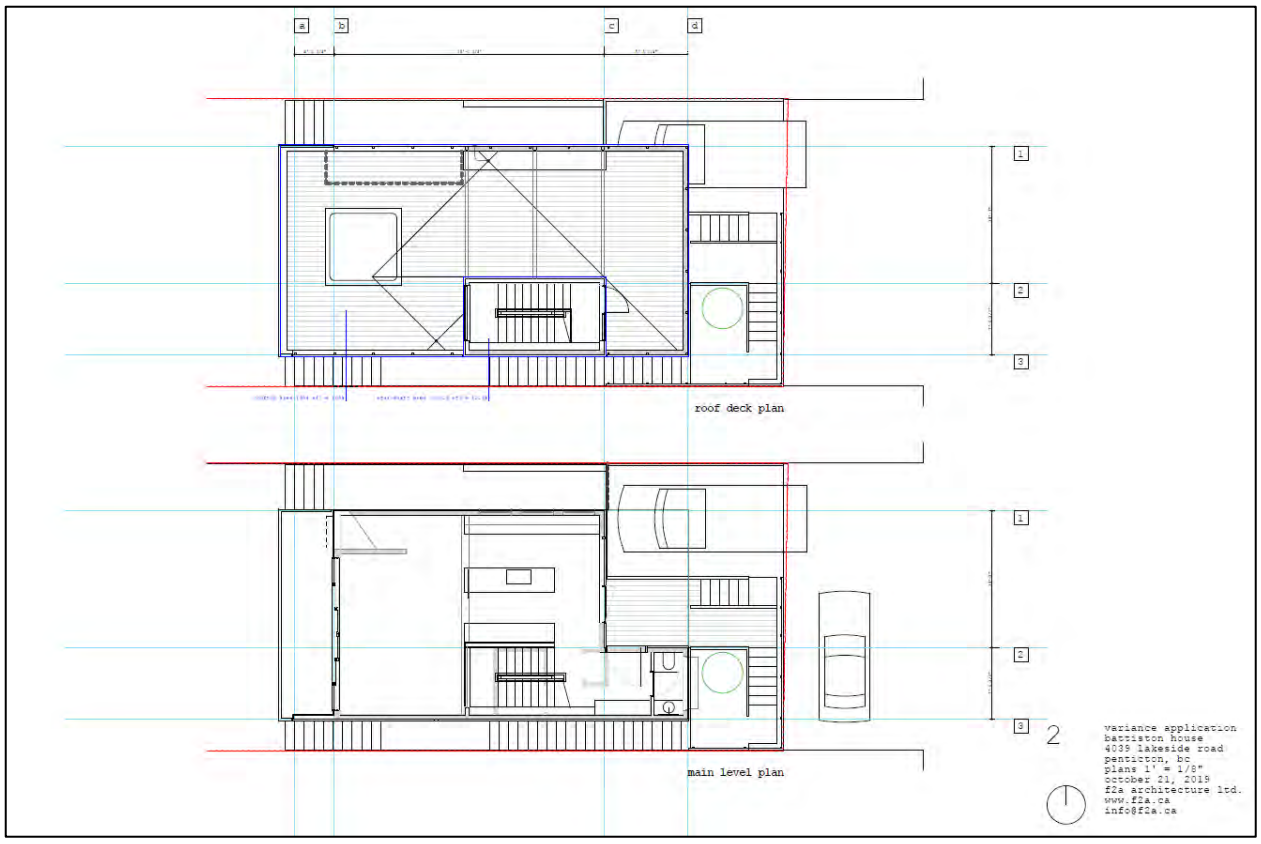
With your approval, we will succeed in resurrecting this building to merit its beautiful surrounding for years to come. Thank you for your time and consideration.

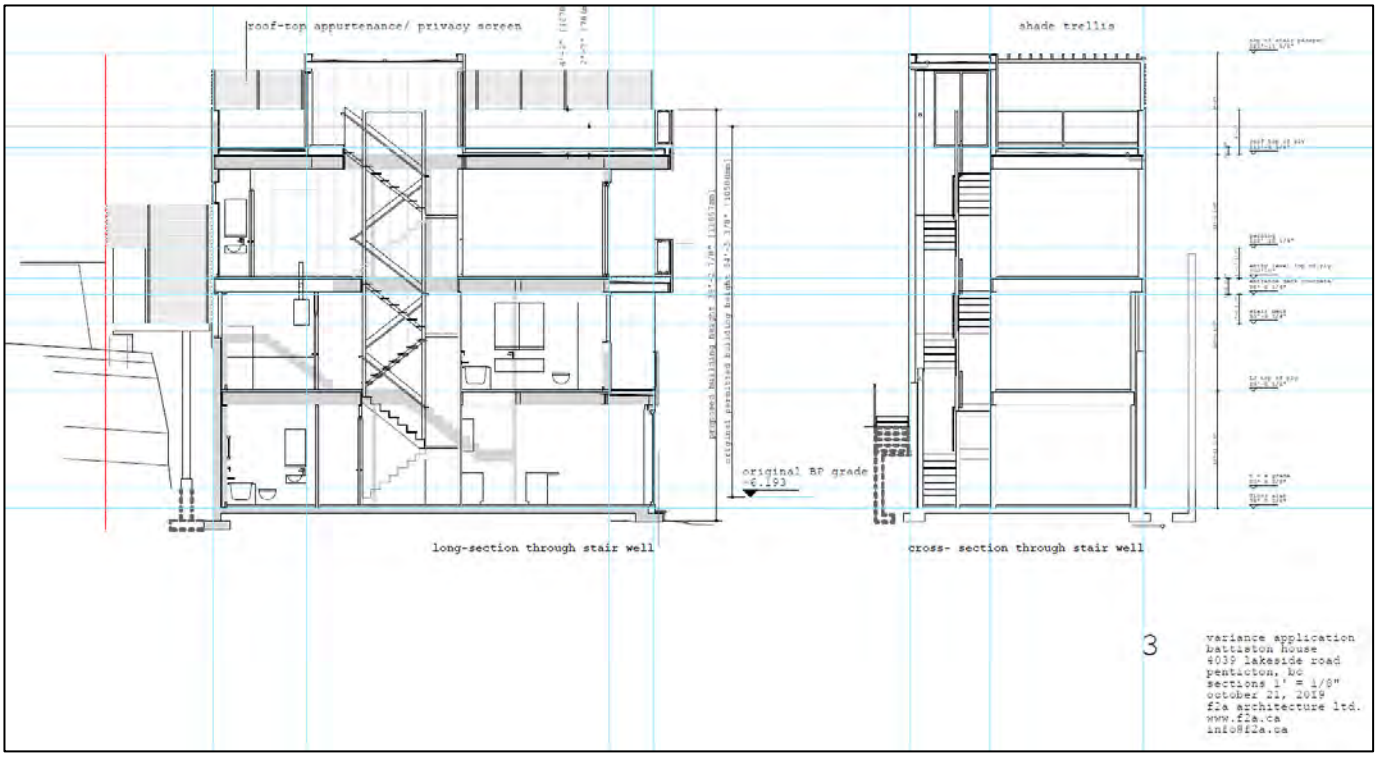
Sincerely,

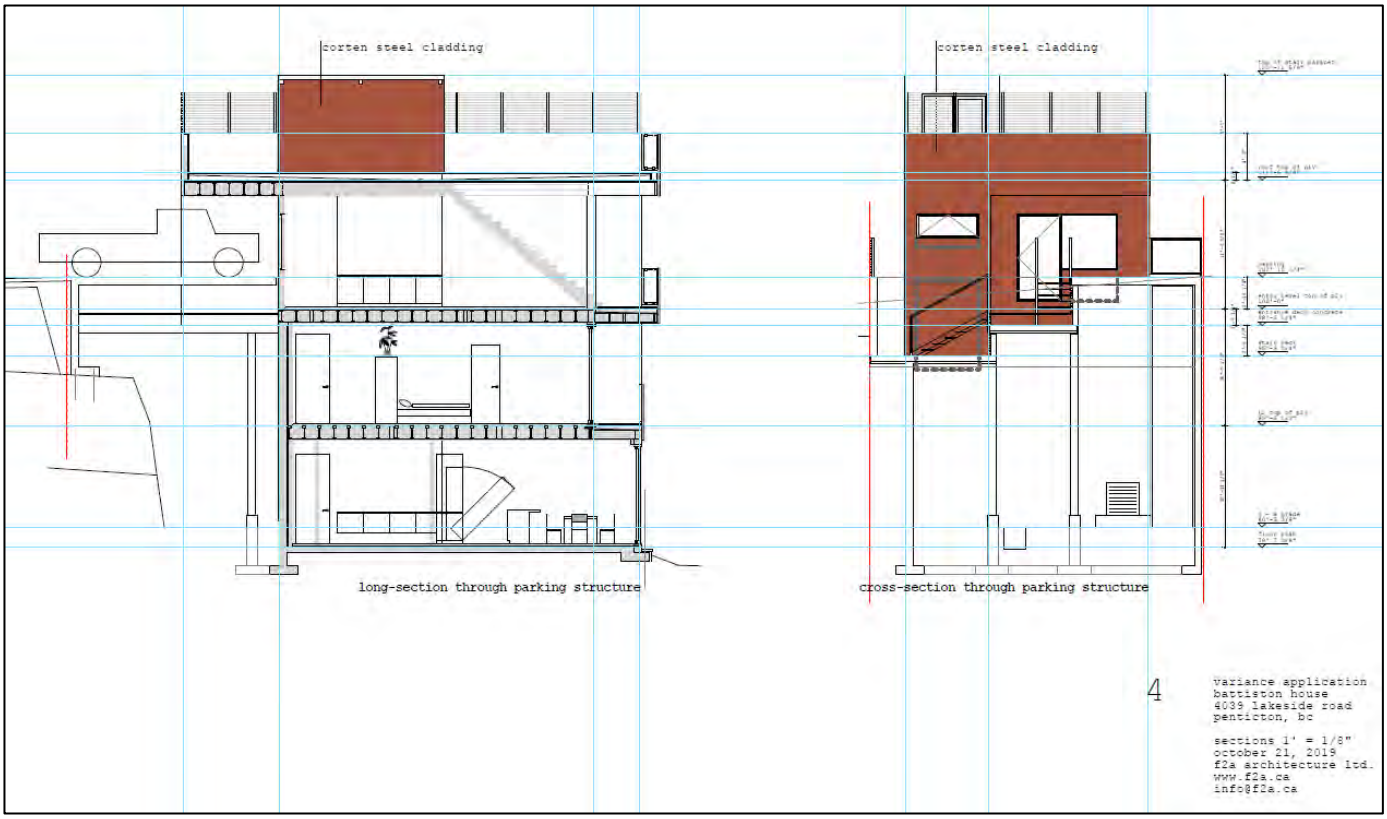
Austin Hawkins
Architect AIBC

Attachment D – Plans






roof-top appurtenance/ privacy screen
original BP grade
long-section through stair well
shade trellis
cross- section through stair well
3
variance application
battiston house
4039 lakeside road
penticton, bc
sections 1' = 1/8"
october 21, 2019
f2a architecture ltd.
www.f2a.ca
info@f2a.ca


corten steel cladding
long-section through parking structure
corten steel cladding
cross-section through parking structure
4
variance application
battiston house
4039 lakeside road
penticton, bc
sections 1' = 1/8"
october 21, 2019
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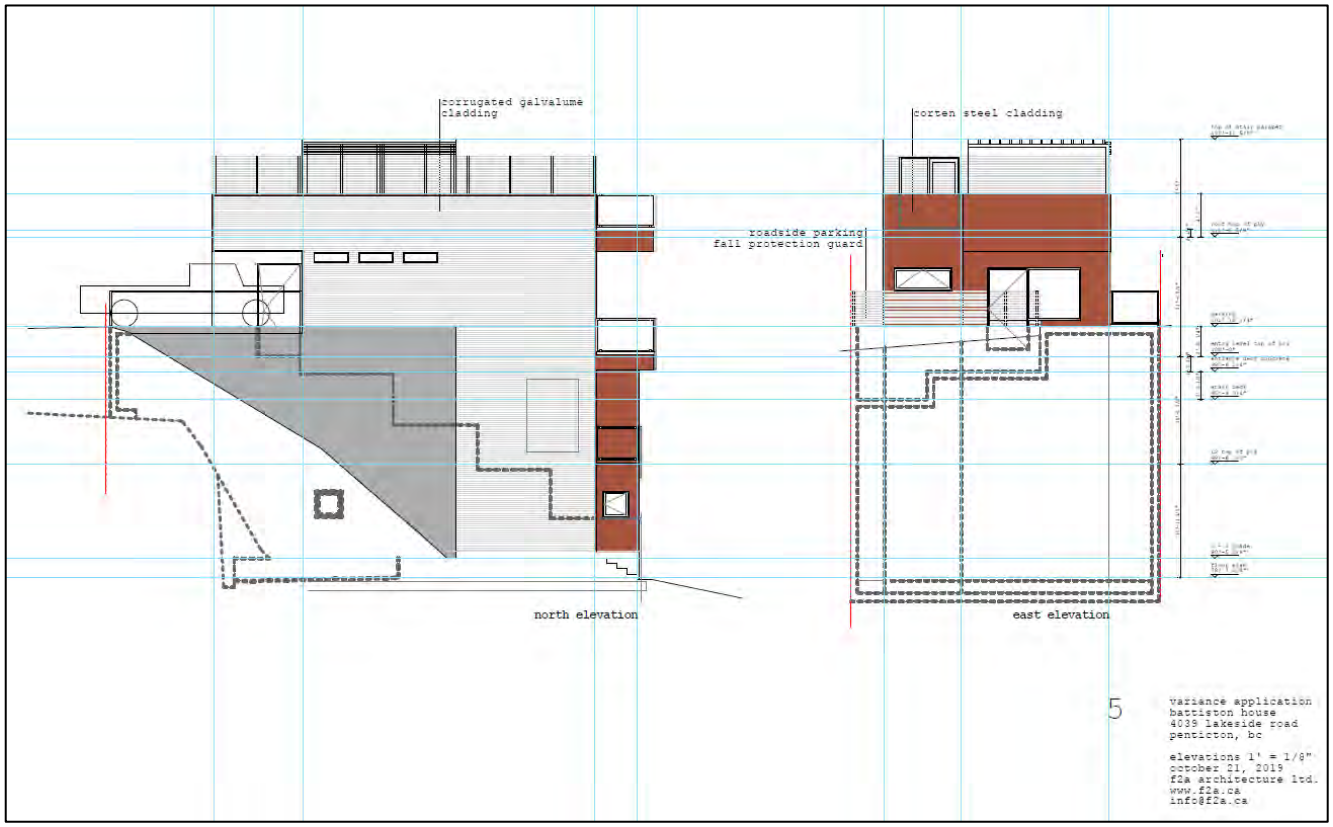
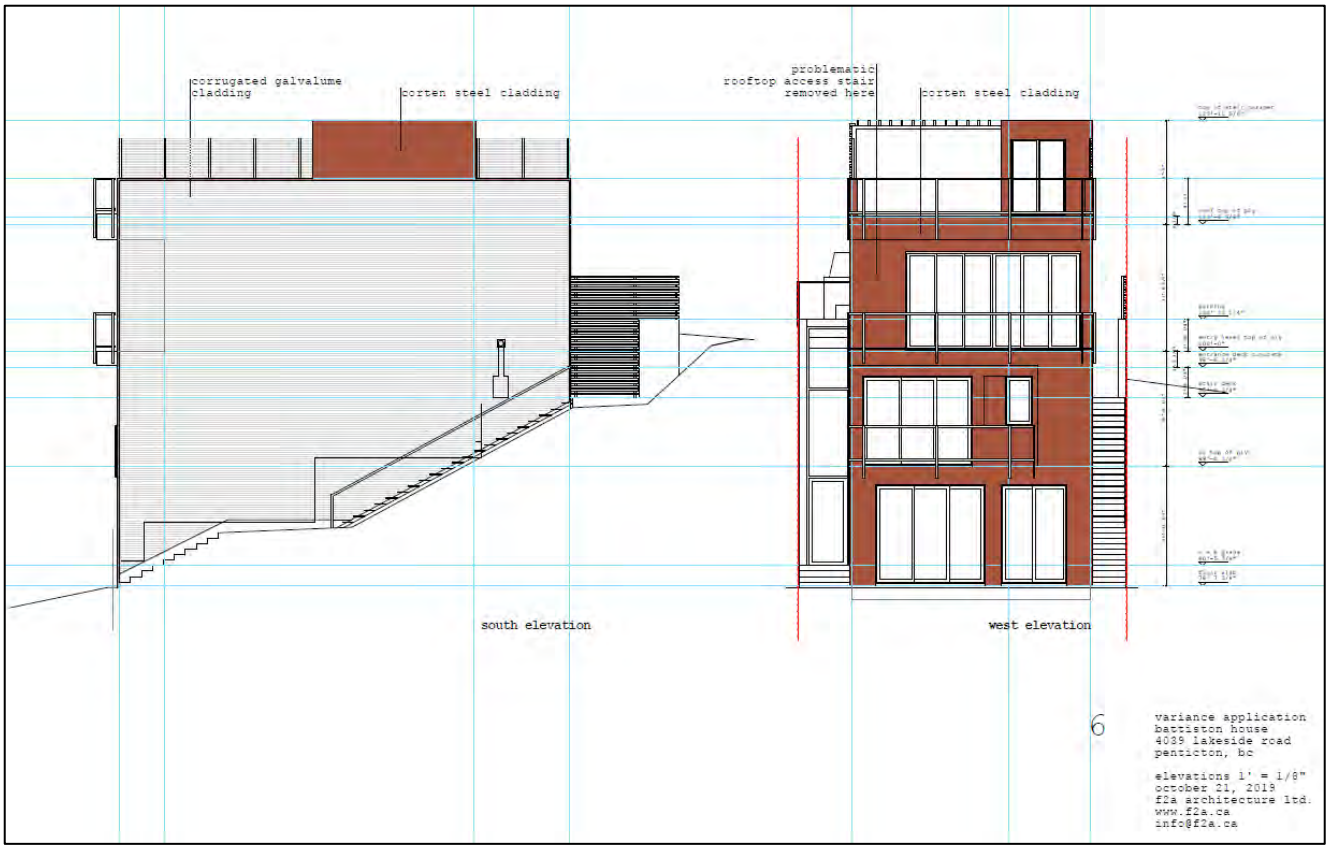

corrugated galvalume cladding
corten steel cladding
roadside parking fall protection guard
north elevation
east elevation
5
variance application
battiston house
4039 lakeside road
penticton, bc
elevations 1' = 1/8"
october 21, 2019
f2a architecture ltd.
www.f2a.ca
info@f2a.ca


corrugated galvalume cladding
corten steel cladding
problematic rooftop access stair removed here
corten steel cladding
south elevation
west elevation
6
variance application
battiston house
4039 lakeside road
penticton, bc
elevations 1' = 1/8"
october 21, 2019
f2a architecture ltd.
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seen from above Lakeside Rd

variances pictured:
- parking reduction
- 12.5% roof appurtenance
- increased parapet height

7

variance application
battiston house
4039 lakeside road
penticton, bc

model image
october 21, 2019
f2a architecture ltd.
www.f2a.ca
info@f2a.ca

seen from lake shore looking east

variances pictured:
- increased parapet height

seen from Lakeside Rd looking north

variances pictured:
- parking reduction
- 12.5% roof appurtenance
- increased parapet height

8

variance application
battiston house
4039 lakeside road
penticton, bc

model images
october 21, 2019
f2a architecture ltd.
www.f2a.ca
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seen from Lakeside Rd
looking west

variances pictured:
- parking reduction
- 12.9% roof appurtenance
- increased parapet height

seen from Lakeside Rd
looking south

variances pictured:
- parking reduction
- 12.9% roof appurtenance
- increased parapet height

9

variance application
batriston house
4039 lakeside road
penticton, bc

model images
october 21, 2019
f2a architecture ltd.
www.f2a.ca
info@f2a.ca

Attachment E - Development Variance Permit PL2019-8596 for issuance

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

Development Variance Permit

Permit Number: PL2019-8596

Conditions of Permit

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

2. This permit applies to:

   Legal: Lot 22, Bock 209, district Lot 190, Similkameen Division Yale District, Plan 466
   Civic: 4039 Lakeside Road
   PID: 012-323-179

3. This permit has been issued in accordance with Section 922 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2011-23:

- Section 4.4.2: increase the percentage of a rooftop appurtenance from 10% to 12.9%
- Section 6.5: decrease the required on-site parking from 2 spaces to 1 space
- Section 10.1.2.4: increase the height of a principal building from 10.5m to 11.2m

General Conditions

4. In accordance with Section 928(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 926 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

Development Variance Permit PL2019-8596 is

Issued this _____ day of _____, 2019

_____
Angela Collison
Corporate Officer

Council Report

penticton.ca

Date: November 5, 2019 File No: PRJ2019-090
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 3790 South Main Street

Subject: Development Permit PL2019-8569

Staff Recommendation

THAT Council approve "Development Permit PL2019-8569", a permit to allow for the construction of a 180-unit multi-family development in the form of two apartment buildings for the consolidated property of Lots 1, 2, 3 and 4 of District Lots 197 and 587, Similkameen Division Yale District Plan 27190, located at 3790, 3700, 3650 and 3600 South Main Street upon adoption of Zoning Amendment Bylaw No. 2019-38;

AND THAT staff are directed to issue DP PL2019-8569 upon completion of the lot consolidation.

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 subject properties are currently undergoing a rezoning application to rezone the properties at 3790, 3700, 3650 and 3600 South Main Street from CT2 (Commercial Campground) to RM3 (Medium Density Multiple Housing). This zoning change will facilitate the consolidation of four parcels into one large parcel allowing for the construction of 180 purpose built rental units. The proposed development is considered within the Multifamily Development Permit Area, and requires Development Permit approval prior to construction. A full background of the project is contained in the staff report to Council dated October 1, 2019. This report will review how the proposed development meets the intent of the Multifamily Development Permit Area guidelines.

Figure 1 - Property Location Map

Proposal

The applicant(s) are proposing to construct two five and a half-storey apartment buildings, containing a total of 180 units. To facilitate this development, the applicant has requested to rezone the property from CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing). This rezoning application is currently being under review by Council.

Figure 2 - Rendering of Proposed Buildings

The applicant is requesting Development Permit approval for the form and character of the building, as the property is considered within the Multifamily Development Permit Area. The applicants have worked diligently with staff to create a development that is supported through the Official Community Plan.

Financial implication

The application does not pose any significant implications to the City. All development costs are the responsibility of the applicant.

Development Statistics

The following table outlines the proposed development statistics of the project:

	RM3 Zone	Proposed in Plans
Lot Area:	1400 m^2	17,973 m^2 (when consolidated)
Maximum Density:	1.6 Floor Area Ratio	0.982 Floor Area Ratio
Maximum Lot Coverage:	50%	20.4%
Maximum Hard Surfacing	60%	58%
Vehicle Parking:	1 per unit + 0.25 visitor spaces = 225 required parking spaces	276 provided

Maximum Height Principal building:	24.0m	18.25 m
Required Setbacks Front Yard (South Main St): Interior Side Yard (south): Exterior Side Yard (north): Rear Yard (east)	 3.0 m 4.5 m 4.5 m 6.0 m	 4.0 m 82.72 m 16.34 m 28.09 m

Analysis

Support Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. Staff have completed an in-depth analysis of how the proposed development conforms to the Development Permit Guidelines. As shown within the analysis, there is strong alignment between the plans and the intent of the Multifamily Residential Development Permit Area. The development permit analysis has been attached as Attachment 'D'. The applicant has also provided a comprehensive analysis of how the development meets the intent of the development permit area guidelines, which is also attached as Attachment 'E'.

In addition to the design guidelines, the City's OCP provides the following policies, which support the proposed development.

Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
Policy 4.1.1.4	Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water and provision of parks, schools, and emergency services.
Policy 4.1.3.1	Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
Policy 4.1.4.1	Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.

Policy 4.2.1.5	Create 'complete streets' (designed for everyone) in suitable areas that provide safe and comfortable mobility (i.e. allow for access, movement and crossing) for all users: pedestrian, cyclists, drivers, commercial vehicle operators and transit users.
Policy 4.2.2.2	Address gaps in the pedestrian network by providing sidewalks on at least one side of the street in residential neighbourhoods, and commercial and mixed-use areas, using excess street rights-of-way where possible or through land acquisition if necessary. Where possible, provide sidewalks by requiring their construction or upgrades from developers
Policy 4.2.2.4	Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.
Policy 4.4.4.5	Explore and support initiatives to produce renewable energy, such as photovoltaic/solar (solar gardens, large and small-scale installations), heat exchange, geothermal, and district energy systems.
Policy 4.5.3.2	Integrate urban agriculture opportunities into multi-family, mixed-use and commercial developments, available rights-of-way, boulevards, and civic facilities. These can include community gardens, intensive small-plot farming, edible landscaping, orchards, bee-keeping, pollinator gardens, and rooftop gardens.

The proposed development demonstrates strong conformance with the City's OCP Policies. Staff consider that the proposed development is a strong application in a desired area of the community, that has been identified for increased density within the City's OCP. The plans show conformance to the development permit area guidelines. For these reasons, staff recommend that Council approve the Development Permit, subject to adoption of the associated zoning bylaw and consolidation of the lots.

Deny/Refer Development Permit

Council may consider that the applicant(s) can change the design to more accurately reflect the development permit guidelines. If this is the case, Council should refer the permit back to staff to work with the applicant(s) as directed by Council.

Alternate recommendation

1. THAT Council approve "Development Permit PL2019-8569" with conditions that Council feels are appropriate.
2. THAT Council refer "Development Permit PL2019-8569" back to staff.
3. THAT Council deny "Development Permit PL2019-8569".

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Images of Subject Property
Attachment D – Development Permit Analysis
Attachment E – Letter of Intent
Attachment F – Proposed Site Plan
Attachment G – Proposed Landscaping Plan
Attachment H – Proposed Floor Plans
Attachment I – Proposed Building Elevations
Attachment J – Draft Development Permit PL2019-8569

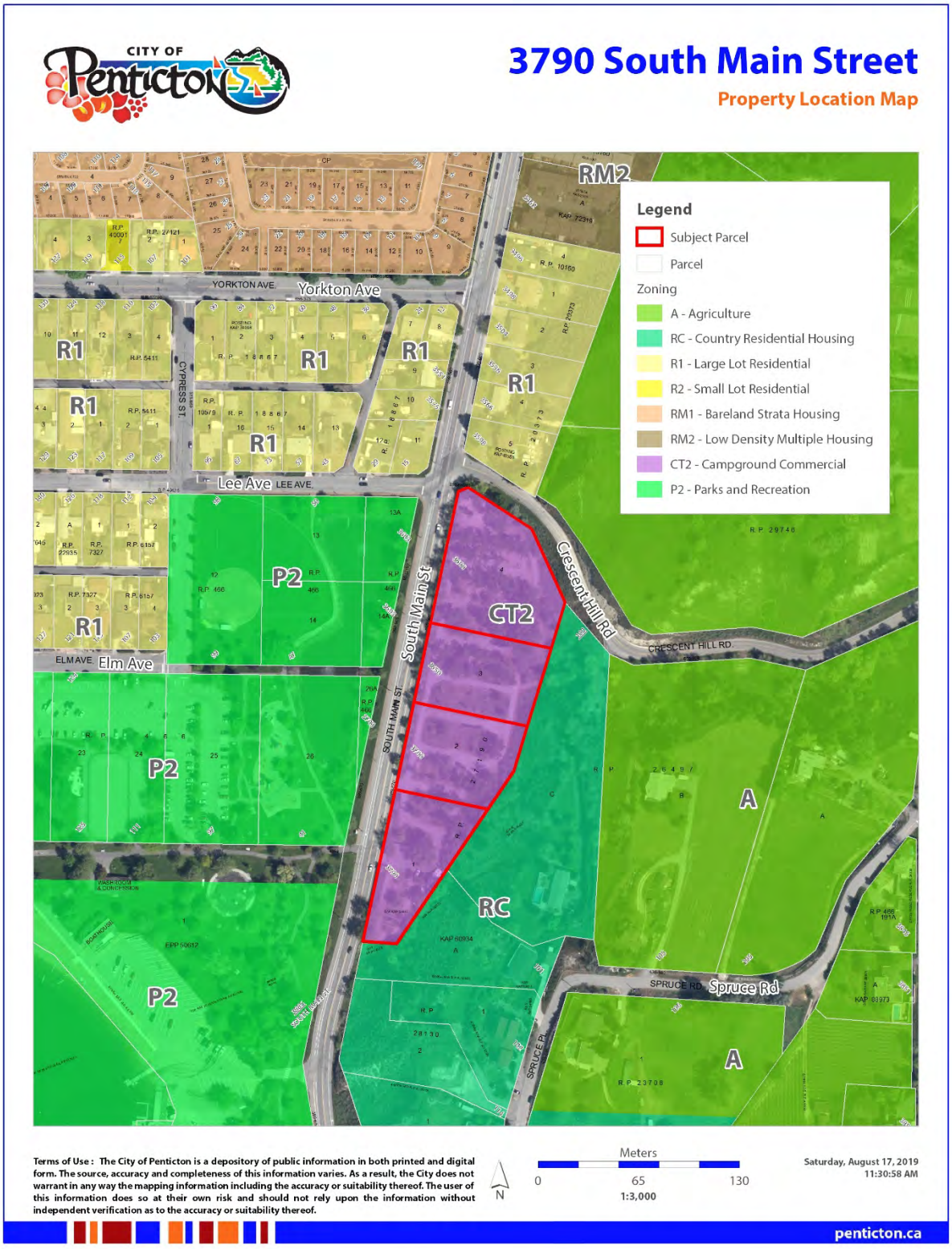
Respectfully submitted,

Nicole Capewell
Planner

Concurrence

Acting DS Director	Chief Administrative Officer
BJ	DvD

Attachment A – Zoning Map of Subject Property



Attachment B – Official Community Plan Map of Subject Property

Attachment C – Images of Subject Property

Figure 3 - Looking north along South Main Street with subject property to the east

Figure 4 - Looking east towards subject property from South Main St

Development Permit Analysis

The proposed multifamily development is located within the Multifamily Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

Guideline G1 *Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*

Guideline G4 *Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.*

- Site analysis was done to ensure that the proposed buildings would not block any neighbours views of the lake and mountains.
- Units that are west facing towards the lake have been adjusted to have larger decks facing towards Skaha Lake. The subject property has excellent views to Skaha Lake, and the development has been adjusted slightly to take advantage of this opportunity.

Guideline G2 *Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*

- The site plan submitted with the proposal includes all significant elevations on the property to indicate how the building will fit within its surroundings.

Guideline G8 *Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side yards.*

- The proposal includes a community amenity building located between the two apartment buildings.
- The amenity building will provide residents with comfortable social spaces, while the inclusion of seating areas and benches along the sidewalk provides spaces for both residents and the public to use.

Guideline G11 *Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*

- There are several pedestrian connections provided from the municipal sidewalk to the proposed buildings and common spaces of the property.

Guideline G17 *On-site parking location and design should minimize visual impact and provide safe connections for pedestrians…*

- Parking is primarily located to the rear of the proposed buildings. Parking has also been incorporated into an underground parking area.
- All parking and outdoor amenity and service areas are connected by pedestrian connections (pathways, sidewalks).

Guideline G18 *Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.*

- The proposed site plan indicates that the ramp for the parkade is situated with minimal slope to be less obtrusive.

Guideline G19 *All multifamily developments should accommodate sustainable modes of transportation…*

- The proposed development has included infrastructure for secure bike parking, mobility devices, electric vehicle (EV) charges, enhanced electrical distribution system to allow for additional EV chargers when the demand increases.

Guideline G20 *Designs should respond to Penticton's setting and climate …*

- The proposed development includes many energy efficient systems, such as solar shades (to reduce high summer sun exposure into units on the west and south facades), photovoltaic (PV) panels to power common areas, and an electrical distribution system sized to allow increased energy production when panel efficiency and utilities allow.

Guideline G21 *Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*

- The buildings proposed face the street to maximize views to the lake and mountains to the west. The eastern side of the development will face to the natural hill with existing landscaping and trees.
- As the units are purpose-built rental, the main entries to units are from the interior shared corridor of the building.
- The amenity building in the center of the site has been designed as the large, grand entrance of the property.

Guideline G22 *Massing of larger buildings should be composed of multiple volumes to reduce visual impact on the pedestrian realm.*

Guideline G23 *Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilevered upper floors may be considered as a means to breaking up massing while prompting overlook and/or weather protection.*

- The proposed building has been designed with architectural variations to the upper portion of the buildings, as well as colour variations throughout.
- The community building in the middle of the development also assists in creating variation in rooflines and massing of the site.

Guideline G34 *Tree retention…*

- The applicants have submitted a landscaping plan which has considered the existing landscaping on the subject property.
- The proposed landscaping plan indicates the retention of 17 trees on the property.

Guideline MF1 All multifamily developments should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development

- The development includes a community amenity building, which is designed to include a social space, shared kitchen, roof-top deck and gym for the residents.
- The exterior spaces include re-use of the existing paved basketball area at the North end of the property, a community garden space, a dog run, and some blank open space for activities at the north, east and south ends of the property.
- The property also has easy access to Skaha Lake Park and beach across the street.

Attachment E – Letter of Intent

HIGH STREET

RESPONSIBLY DEVELOPING SMARTER REAL ESTATE

Development Permit Application – Letter of Intent

Property: Skaha Shores
3790 South Main St
Penticton, BC

Date: September 06, 2019

Project Summary:

Highstreet Ventures Inc is submitting an application to develop the property at 3790 South Main St, near the North/East corner of Skaha Lake. The development is slated to be called Skaha Shores, as it sits across from the North/East corner of Skaha Lake. We are looking to build purpose-built rental suites, and includes x2 90 unit buildings, each being 5 storeys and with underground parking. The unit mix will be x138 two bedroom and x42 one bedroom suites. There will also be a Community Building, which will house amenity space for the apartment tenants. Included in this is an office with a full-time manager who helps manage the residents as well as acts as a liaison for the surrounding community, a common area with kitchen for larger social functions, a gym space, and an outdoor social space. Typically, we provide outdoor amenity space such as a dog run and community gardens, and we will determine what to include based on the market conditions. 275 parking spaces will be provided (no variance required), and of that 40% is below ground. No variances are currently being sought by this development.

Community/Neighbourhood Benefit:

This development application provides Penticton 180 well needed purpose-built market rental apartments, and will provide the surrounding businesses with an added potential customer base year round. Downtown is not far and can be accessed by transit on Route 5 – Main Street bus, and the added population here would increase ridership. The site is also across from large park spaces and beach, while the highway and airport are close by making it a desirable location to live, appealing to a broad base of people.

There will also be a benefit to the community as it will have a minimal environmental impact. Highstreet is working towards net-zero project, meaning the buildings will produce as much energy use as it uses. To do this the buildings must use minimal amounts of energy so we're constantly improving our building envelope to reduce energy demands. To produce energy, PV panels are an integral part of the design. The building solar electrical system will be sized to have the ability to produce as much power as the building load, and enough panels will be installed to produce power for the common spaces of the buildings. Our current development in West Kelowna meets Step 4 of the BC Step Code, and Skaha Shores will be the same, at a minimum.

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The project will be built to high quality and standards. This will help ensure long lasting, visually appealing building and suites, benefitting the residents and surrounding community. We pride ourselves in developing condo-quality suites which includes quartz countertop, durable siding, super-insulated/air-tight building envelope, triple pane windows, LVT and high-quality fixtures. We also build using Built Green Canada standards, that ensure high quality, environmentally friendly products. Our current targets are certified Platinum.

Neighbouring Properties Impacts:
The site has a large hill in the back, which rises from about 340M above sea level to about 370M above sea level, a total of 30M (on the Southern half where other properties are located). The RM3 zoning bylaw allows for 24M, and the proposed building would be near 18-19M, therefore would not impact any views of the properties to the East. Due to the hill the properties across S Main St would not have any views impeded. The properties to the North, across Crescent Hill Rd would not have any views impacted as they face West, and have Crescent Hill Rd as a buffer. There are no properties to the South due to the slope direction of the hill behind the property.

To ensure the projects fits in to the surrounding area, landscaping will be used to soften areas as needed, and ensure the streetscape is enhanced to ensure a 'neighbourhood feel' for the frontage along S Main St.

New OCP Analysis:
The site was chosen by Highstreet for this development, as is in line with the City of Penticton's view set out in the current OCP. This includes:

Section 3

- 3-36 to 3-37 – Helps reach Penticton's land use needs of housing, specifically rental units
- 3-43 – Develops and intensifies existing land in the City
- 3-44 – Complies with 2019 OCP Growth Areas and Infill Areas
- 3-49 – Complies with 2019 OCP Urban Residential designation of property (and Map 1: Future Land Use)

Section 4

- 4.1.2 - Aids City of Penticton in housing affordability by providing more rental stock
- 4.1.3 - Provides housing diversity of multi-family in a predominantly single family area, including numerous 1 and 2 bedroom units
- 4.1.4 – Provides a high quality, long lasting buildings that are very energy efficient

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- 4.1.5 – Building is situated in a location that will not impact the views of the surrounding neighbours,
- 4.2 – The development is situated in a perfect location to allow walking to the park and beach across the street, cycling in the adjacent bike lane and is along an existing transit route to help with ridership.
- 4.4.4 – Buildings with be very energy efficient, at Step 4 of the new BC Energy Step Code, with energy efficient mechanical systems, electrical systems, PV panels, EV chargers, EV ready for additional charging capabilities and building envelope

Section 5.2.2 – General Design Guidelines

- G1/G4 – Site analysis was done to ensure the building would not block any neighbours vies of the lake and mountains. We've also increased the depth of the West facing decks farther than our standard by 24" to encourage these spaces to be used more.
- G2/G4 – Site plan shows topographic contours with elevation markers to show how the buildings fit into its surroundings
- G8 – Our secondary building, the community provides the residents comfortable social spaces, while the inclusion of seating areas and benches along the sidewalk provides space for residents and public to use
- G11 – Barrier-free pedestrian walkways to primary building entrances are provided
- G17 – Parking is located in the rear of the lot, and pathways for pedestrians exist on all sides of the buildings, to the parking lot, the dog run, the refuse containers
- G18 – The ramp of the parkade is situated with minimal slope to be less obtrusive
- G19 – Provisions are included for bike parking, mobility devices, EV chargers, enhanced electrical distribution system to allow for additional EV chargers when the demand increases
- G20 – Includes many energy efficient systems such as solar shades (to reduce high summer sun exposure into units on West and South facades), PV panels to power common areas, electrical distribution system sized to allow increased energy production when panel efficiency and utility regulations allow.
- G21 – Buildings face street for maximum views to lake and mountains (opposite side faces the natural hill/existing trees), with a large, grand entrance to the property in the middle (as these units will be rentals, with main suite entries in the shared interior corridor, we consider this the ground oriented entrance).
- G22/23 – Building massing changes along the façade, with colour and the middle community building. The facades are articulated at the decks and roof line. White was chosen along the top to reduce the massing, while the grey, blue and wood colours change to break up continuous massing.
- G24 – Layering along street was highly considered and included in the design. A terraced retaining wall with landscaping to soften it, deals with the grade change and will provide

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a visual interest to pedestrians. We plan on having 'notches' in the retaining wall with benches for the public to use, including a larger one at the Community Building that provides a courtyard type setting.

- G26 – The design of this project will not impact the privacy of adjacent dwellings due to the natural setting of the site.
- G27 – The public realm is incorporated into the design with the benches and their respective spaces in the 'notches' in the short retaining wall along the sidewalk.
- G28 – As this is a purpose built rental with on site management staff, the main entrance is at the middle Community Building and is visible with the large timbers, roof overhang, grand staircases, and open space to the sidewalk.
- G30 – Even with the grade change, there will be no extensive blank walls along the streetscape. The retaining walls will be no more than 36" tall, the exposed foundation wall will be no more than 24" tall. These walls will be softened by the landscaping.
- G33 – Xeriscaping will be as much as possible to ensure vegetation longevity which also reduces ongoing operations costs, which includes drought tolerant/native plants, rock gardens and retention of the existing vegetation at the back of the property.
- G34 – All trees/vegetation that are not impacted by construction will be retained. All trees/vegetation and the base of the slope at the rear of the yard will be retained, for slope stability and visual interest to the East facing units rear of the yard in general.
- G35 – Trees will be planted around the buildings, and in parking islands so soften the aesthetic. Sub-surface irrigation will be installed as well.
- G36 - We have provided a diversity of plant material including flowering trees, shrubs, and perennials that will provide habits for bugs, birds, and pollinators.
- G37 – We have provided permeable grass pavers in the location of the emergency access lane that will provide additional green usable space and an area for additional permeable drainage. This area will only be driven on occasionally.
- G38 – There will be planting around refuse containers, and at the end of parking aisles. We have also increased our landscape islands from our standard.
- G39 – Transition from the public to private realms is enhanced with terraced retaining walls with ample landscaping. Also included are 'notches' in the retaining walls to push the public realm into the private.
- G41 – We have designed to BCLNA and CNLA standards for plant material sizes. We have used plants that will have spring interest with flowers, summer interest with different leaf foliage, fall colour, and evergreen winter interest. We have provided a mix of trees, shrubs, and perennials of various shapes, sizes and forms. Plant material has been installed according to sun and shade patterns, in locations of greater soil volumes were possible, and spaced accordingly to grow to full maturity. Plant material was selected based on discussions with local nurseries regarding hardiness of plant material and

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local/native species. There have been no invasive species or synthetic turf included in this design.

- G42 – We material was selected based on discussions with local nurseries regarding hardiness of plant material and local/native species. Limestone groundcovers have been used emphasizes the rocky nature of BC. We have used grassed pavers to increase permeability of rain-water and provide additional green usable space.
- G48 – Lighting provided at all building entrances, walkways, driveways and parking areas as per electrical plan, to ensure site security and safety, for pedestrians and vehicles. The lighting fixtures minimize intensity above 90°, and light colour under 4000k will be utilized.
- G49 – Light pollution will be minimized by cut-off lighting and avoiding reflectance. Lighting will be directed downward.
- G54 – Transformer pad will be located in rear of building as per site plan.
- G58 – Refuse areas will be located out of public view, out of pedestrian traffic and those near the entrance will be screen. We plan on installing Earthbins which stores the majority of the waste below ground, so it does not take up as much space and are more visually appealing.
- G61 – Fencing will be installed along the street near the South and North ends only and will conform to all bylaws and OCP. Between the South and North ends, there will not be a fence as there are retaining walls with landscaping as a barrier. This will be more open and visually interesting for pedestrians.

Section 5.3.2 Multifamily Residential Development Permit Area

- The entrance at the Community Building at the street side, and parking side, as well as the building entrances are prominent with large roof project, and timbers.
- The roofs at decks pop up higher than main roof to provide visual interest.
- Facades include durable materials and colours to fit into the local surroundings.

Section 5.3.2.7 Multifamily Residential Development Permit Area

- MF1 – There will be indoor amenity space in the Community Building that includes a social space, shared kitchen, roof-top deck, and gym. The exterior spaces include reuse of the existing paved basketball area at the North end of site, a community garden space, a dog run (we will be a dog-friendly community), and some blank open space for random activities at the North, East and South ends of the property. There is also very easy access to the park and beach across the street.
- MF2/3 – A vibrant community feel is a high goal of our operations department, as such we design and build with this in mind. While we do not have views into the ground floor units, we provide a central gathering space at the Community Building to foster gatherings, either planned or random.

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- MF4 –We have placed visitor parking near the entrance, the Community Building and at the rear of site. Parking preference, with proximity to the entrances, is given priority to the community members for a shorter path of travel while carrying kids, groceries or other. We have extensive operational history and have formulas that we find works best.
- MF5 – We include 1 double level 2 charger that can charge 2 cars on the surface by the Community Building. We also ensure the electrical distribution system is sized, with installed conduit to accommodate the installation of future EV chargers when the demand is available. Generally, this is 15% of our underground stalls and 10 more surface stalls. We believe this will help the community be a more desirable place to live and reduce any future retrofit costs.

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Attachment F – Proposed Site Plan

Figure 5 - Site Plan

Attachment G – Proposed Landscaping Plan

Figure 6 - North Side of Property Landscaping

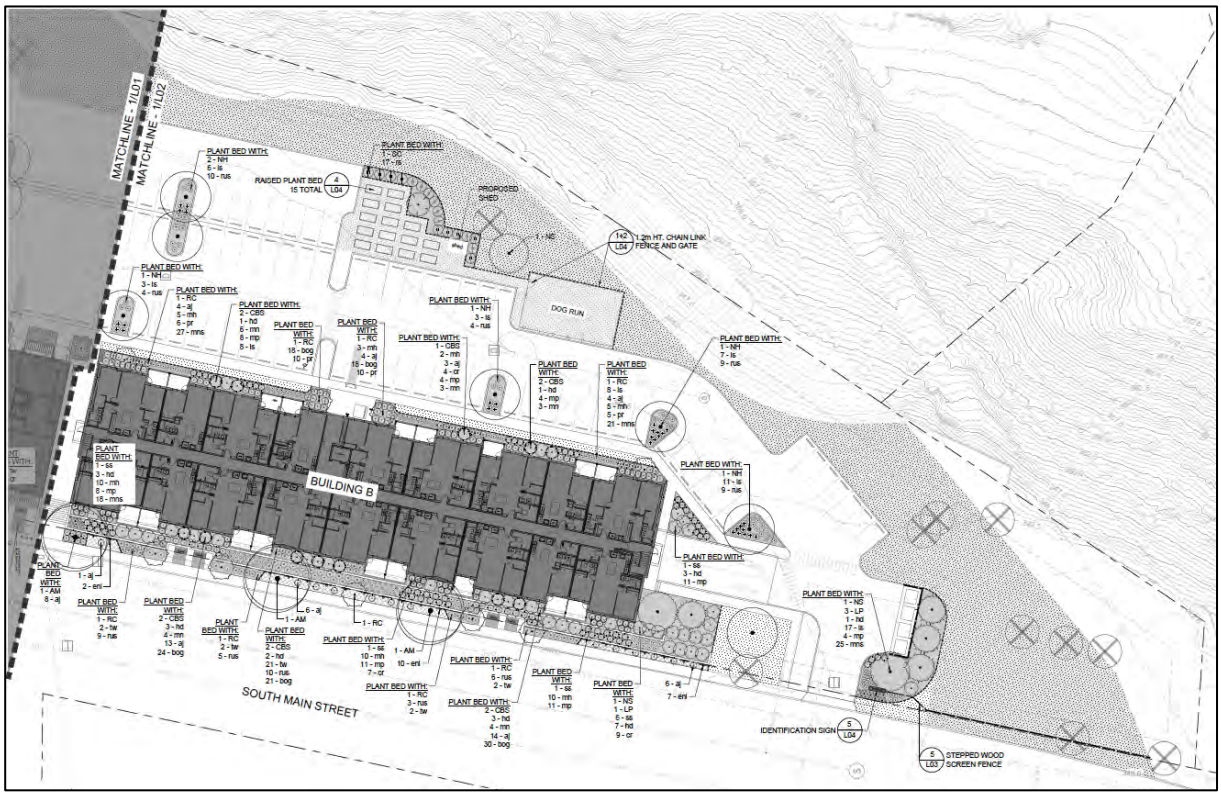

Figure 7 - South Side of Property Landscaping

Attachment H – Proposed Floor Plans

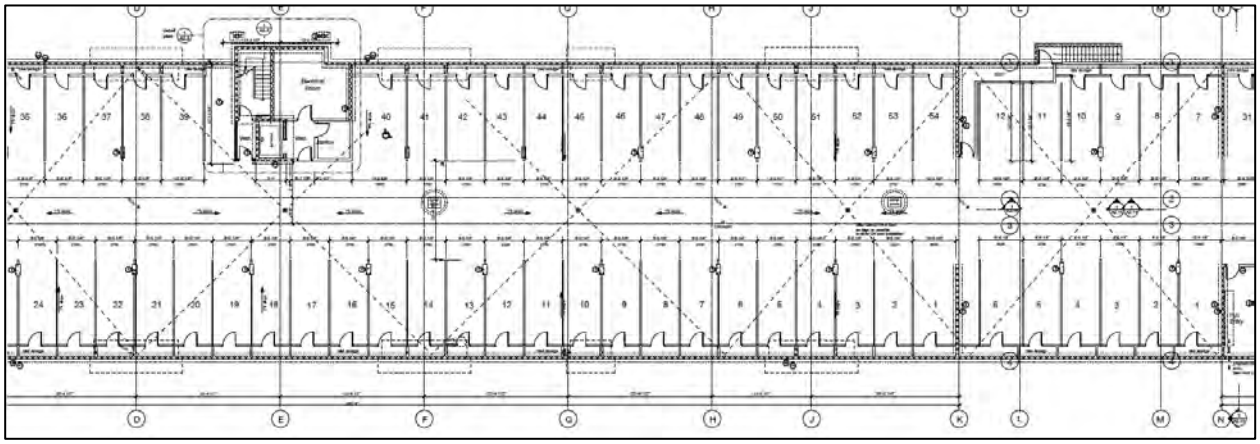

Figure 8 - Building A Parking Level (Typical Both Buildings)

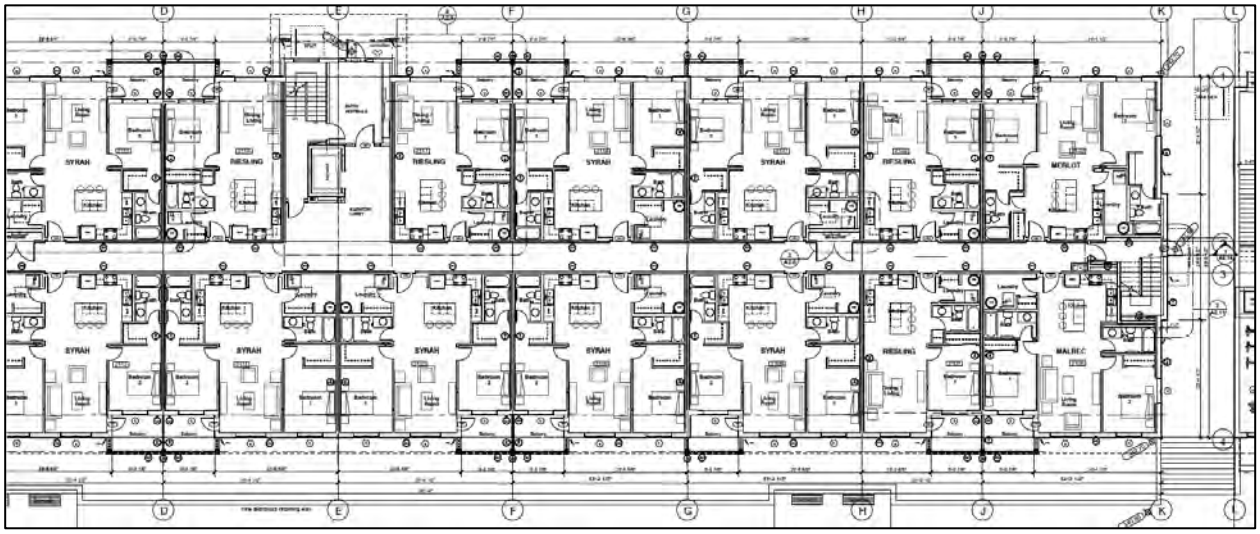

Figure 9 - Building A Ground Floor Plan (Typical for all Floors of Both Buildings)

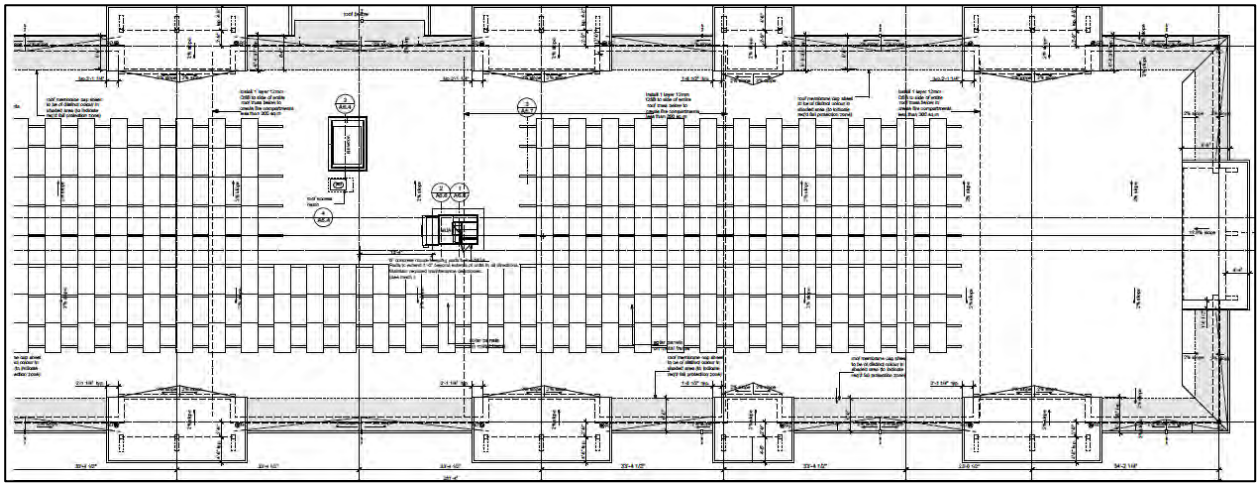

Figure 10 - Building A Roof Plan (Typical for Both Buildings)

Attachment I – Proposed Building Elevations

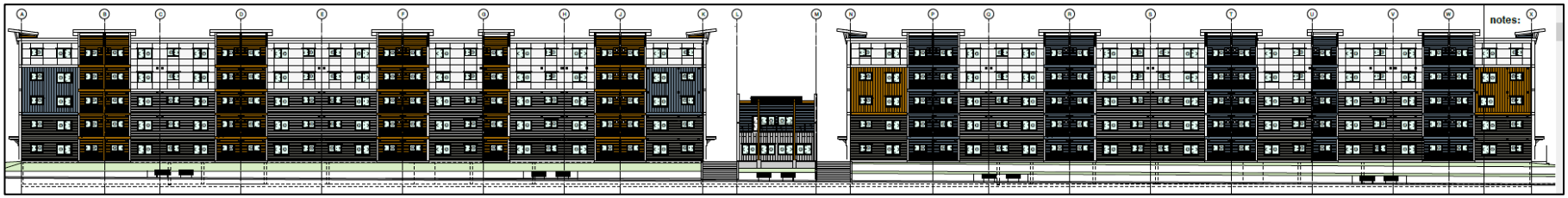

Figure 11 – West Elevation of Buildings

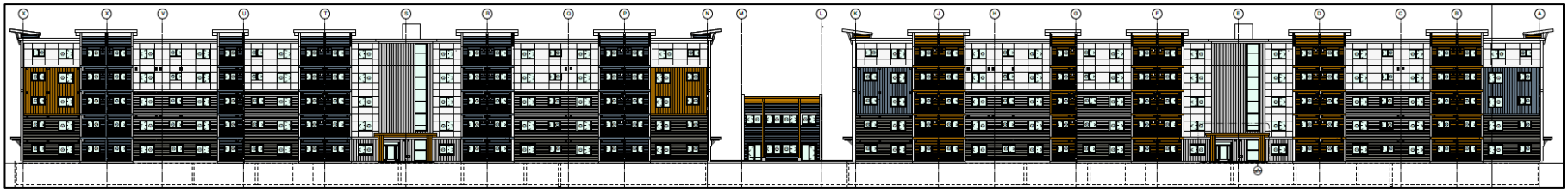

Figure 12 – East Elevation of Buildings

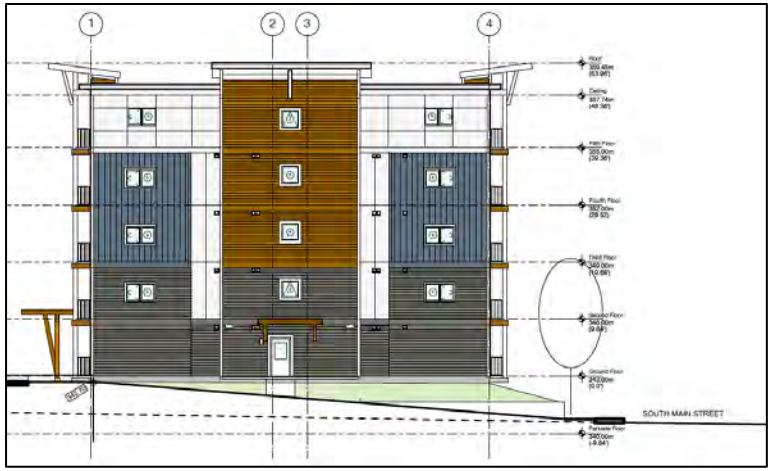

Figure 13 - North Elevation

Figure 14 - South Elevation

Attachment J – Draft Development Permit PL2019-8569

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

Development Permit

Permit Number: DP PL2019-8569

Owner Name
Owner Address

Conditions of Permit

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

2. This permit applies to:

   Legal: Consolidated Lot of 3790, 3700, 3650 and 3600 South Main Street
   Civic: 3790 South Main Street
   PID: New PID of consolidated parcel

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a multifamily development as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 502 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of $_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above noted security in accordance with Section 502(2.1) of the Local Government Act, to undertake works or other activities required to:

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

5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:

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

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

1st Inspection	No fee
2nd Inspection	$50
3rd Inspection	$100
4th Inspection or additional inspections	$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.

8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

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

Authorized by the Acting Director of Development Services, the _____ day of November, 2019

Issued this _____ day of November, 2019

_____

Angela Collison,
Corporate Officer

Council Report

penticton.ca

Date: November 5, 2019 File No: PRJ2019-132
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 589 Churchill Avenue
Subject: **Zoning Amendment Bylaw No. 2019-44**
Development Permit PL2019-8587

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-44", a bylaw to rezone Lot 1 District Lot 2 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill), be given first reading and be forwarded to the December 3, 2019 Public Hearing;

AND THAT Council consider "Development Permit PL2019-8587", a permit that allows for the construction of a duplex development with an accessory building for 589 Churchill Avenue, after adoption of "Zoning Amendment Bylaw No. 2019-44".

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 subject property is an empty lot that was created as a result of a subdivision of 581 Churchill Avenue in 2012. As part of the subdivision, both properties were rezoned to R3 (Small Lot Residential: Lane) to accommodate single family development. The property at 581 Churchill Avenue was developed as a single family home with carriage house and utilizes the maximum lot coverage allowed under the R3 zoning.

The subject property is currently zoned R3 (Small Lot Residential: Lane) and is designated for 'Infill Residential' in the City's Official Community Plan (OCP). The subject property is approximately 438 m^2 (4,714 sq. ft.) in area. Photos of the site are included as Attachment 'C'.

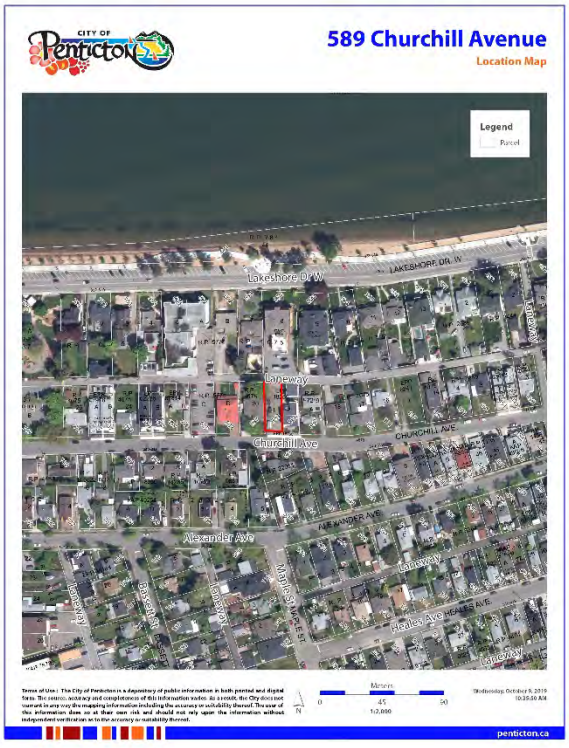

Figure 1 - Location Map

As indicated on the Zoning Map (Attachment 'A'), the surrounding neighbourhood currently contains a diverse mix of residential zones including R2 (Small Lot Residential), R3 (Small Lot Residential: Lane), RD2 Duplex Housing: Lane), RM2 (Low Density Multiple Housing), and RM3 (Medium Density Multiple Housing). The subject property is considered a desirable location in the City.

Proposal

The applicant(s) are proposing to construct a front-to-back duplex, with a detached accessory building (garage). To facilitate this development, the applicant is requesting to rezone the property from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).

Figure 2 - Rendering of Proposed Buildings

The applicant is also required to attain a Development Permit for the form and character of the building, as the property is considered within the Intensive Residential Development Permit Area. This has been included for Council's consideration and will be considered subject to adoption of the associated zoning bylaw.

Financial implication

The application does not pose any significant financial implications to the City. All development costs are the responsibility of the applicant.

Technical Review

The application has been reviewed by the City's Technical Planning Committee (TPC). It is the property owner(s) responsibility to provide services and/or upgrade existing services as required. All buildings are required to be constructed to BC Building Code health and safety standards. Building code requirements have been identified to the applicant and will be addressed as part of the building permit process.

Development Statistics

The following table outlines the proposed development statistics of the project:

	RM3 Zone	Proposed in Plans
Lot Area:	275 m^2	438 m^2
Maximum Density:	1.0 Floor Area Ratio	0.3 Floor Area Ratio
Maximum Lot Coverage:	55%	53%
Vehicle Parking:	1 per unit = 2 required parking spaces	2 provided
Maximum Height Principal building:	10.5 m	6.8 m
Required Setbacks Front Yard (Churchill Avenue): Interior Side Yard (east): Interior Side Yard (west): Rear Yard (north)	 4.5 m 1.5 m 1.5 m 6.0 m	 4.5 m 1.5 m 1.5 m 10.94 m

Analysis

Support Zoning Amendment Bylaw

The City's Official Community Plan (OCP) designation (Attachment 'B') for the subject property is 'Infill Residential', which supports transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot. The proposed development is following the OCP vision for the subject property by providing a compatible housing type with single detached houses. The Churchill Avenue area has seen significant development of duplexes, and the proposal to rezone to construct a duplex suits the area and its recent development.

Staff consider that the proposed zoning amendment will allow for development that is supported through the following City Policies (within OCP):

Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
Policy 4.1.3.1	Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
Policy 4.2.2.4	Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

The proposed development demonstrates conformance with the City's OCP policies. Staff consider that the proposed development is a strong application in a desired area of the community, which the OCP identifies for infill density.

Given that there is adequate policy through the OCP to support the proposal to rezone the subject property from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill), support is recommended for First Reading of "Zoning Amendment Bylaw No. 2019-44".

Deny/Refer Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject property. If this is the case, Council should deny First Reading of "Zoning Amendment Bylaw No. 2019-44"

Support Development Permit

The proposed development is considered within the Intensive Residential Development Permit Area, which guides form and character to strengthen livability, neighborliness, and visual interest. Staff have completed an in-depth analysis of how the proposed development conforms to the Development Permit Guidelines (Attachment D). There is strong alignment between the plans and the intent of the Intensive Residential Guidelines. The applicant's analysis of how the development meets the intent of the guidelines is also attached as Attachment 'E'.

The proposed development demonstrates conformance with the City's OCP Policies. Staff consider that the proposed development is a strong application in an area of the community identified for increased residential density within the City's OCP. For these reasons, staff recommend that Council approve the Development Permit, subject to adoption of the associated zoning bylaw.

Deny/Refer Development Permit

Council may consider that the applicant(s) can change the design to more accurately reflect the development permit guidelines. If this is the case, Council should refer the permit back to staff to work with the applicant(s) as directed by Council.

Alternate recommendation

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-44" and deny consideration for "DP PL2019-8587".
2. That Council give first reading to "Zoning Amendment Bylaw No. 2019-44", but give direction for staff to work with the developer on improvements to for the plans for "DP PL2019-8587".

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Images of Subject Property
Attachment D – Development Permit Analysis
Attachment E – Letter of Intent
Attachment F – Proposed Site Plan
Attachment F – Proposed Landscaping Plan
Attachment G – Proposed Floor Plans
Attachment H – Proposed Building Elevations
Attachment I – Draft Development Permit (DP PL2019-8587)
Attachment J – Zoning Amendment Bylaw No. 2019-44

Respectfully submitted,

Nicole Capewell
Planner

Concurrence

Acting DS Director	Chief Administrative Officer
BJ	DvD

Attachment A – Zoning Map of Subject Property

Attachment B – Official Community Plan Map of Subject Property

CITY OF Penticton

589 Churchill Avenue

Official Community Plan Future Land Use Map

Terms of Use : The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

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penticton.ca

Attachment C – Images of Subject Property

Figure 3 - Looking north toward subject property from Churchill Avenue

Figure 4 - Looking south towards subject property from lane

Development Permit Analysis

The proposed development is located within the Intensive Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

Guideline G1 *Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*

- Site analysis was completed to review elevations on the property.
- Analysis of the site also included reviewing landscaping of neighbouring properties (including a large tree to the western property). This was considered when designing private yard spaces.

Guideline G3 Private and semi-private open spaces should be designed to optimize solar access.

- During site analysis neighbouring properties were taken into consideration when planning private outdoor space for the units.

Guideline G5 *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*

- The front yard setback proposed is similar to other properties in the neighbourhood, and includes landscaping to improve the public realm.

Guideline G13 *Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*

- The proposed entrances are 0.5m from the grade of the public sidewalk along the street. The increase in grade is to accommodate flood proofing.

Guideline G15 *Fencing facing an active public realm should be lowered and transparent or semi-transparent.*

- The proposed landscaping plan includes fencing at 36" (3') along the frontage of the property. This will help to distinguish between public and private spaces, but also maintaining connections between public realm and the subject property.

Guideline G16 *Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space…*

- The proposed development includes an accessory building at the rear of the property used for vehicle access and storage. The buildings will accommodate vehicles and storage for the units.
- Pedestrian connections have been included from the parking areas, to the units, garbage and recycling areas, and the street frontage.

Guideline G20 Designs should respond to Penticton's setting and climate through use of…

- The proposed development will be prepared for solar equipment to be installed by future occupants of the units. The developer also offers solar packages on the units, should the new owners wish to purchase a home fully equipped with solar.
- The placement of windows on the building have been done so to optimize natural light entering the units.

Guideline IR1 *Building Siting*

- The proposed building is sited in a location that is similar to that of existing neighbouring properties.
- The front yard setback of the building is 4.5m, which is close enough to engage with the street.

Guideline IR4 *Scale: accessory buildings (garages, storage sheds, covered patios/decks, greenhouses) and accessory dwelling units (carriage houses) shall be modest in scale.*

- The proposed garage is approximately 13% of the lot coverage, which ensures it is secondary to the principal building.
- The garage will have the same finish of building materials as the principal building, maintain the same style of roof, and not be taller than the principal building.

Attachment E – Letter of Intent

SCHOENNEHOMES
101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

August 19, 2016

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

Attention: Planning Department

Re: Development Proposal
589 Churchill Avenue, Penticton, BC
Lot 1 District Lot 2 Group SDYD Plan EPP18269 PID: 028-958-918

The above noted property is currently zoned R3- Small Lot Residential: Lane and is designated Infill Residential on the recently adopted Official Community Plan.

We are requesting a rezoning of the property from its current R3- Small Lot Residential:Lane to RD3- Residential Infill to accommodate the construction of a front to back two storey duplex building with a detached garage off of the lane as per the attached development proposal. With the RD3 Zoning, we will not need to apply for any variances.

The lot located at 589 Churchill measures approximately 40 feet in width which is unique to many other duplex lots in the neighborhood at 30 feet in width. This extra footprint is enabling us to add some unique features not seen in other close by developments. We have been able to provide a good amount of private ground level amenity space, with each unit having two concrete patios and a generous amount of grass and landscaped areas. Another feature of the larger footprint we are working with, is the oversized single car garage for each unit. This will enable ample room for a parked full-size vehicle inside along with plenty of storage space.

We feel that the architectural design we have chosen fits in with the current and future character of Churchill Avenue and that it will be a positive addition to the neighborhood.

Respectfully Submitted

Chris Schoenne
Director
Schoenne Homes

SCHOENNEHOMES
101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

August 19, 2016

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

Attention: Planning Department

Re: Development Permit Analysis
589 Churchill Avenue, Penticton, BC
Lot 1 District Lot 2 Group SDYD Plan EPP18269 PID: 028-958-918

Dear Planning Department,

Please see below a brief analysis showing how our proposed development at 589 Churchill meets the guidelines within the OCP.

G1. Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.9., structures, slopes and drainage, significant landscape features, etc.)

- The proposed site is currently vacant land with little to no slope. Our pre-design analysis was mostly situated around the two neighboring properties, on to the west and one to the east. The property to the west has a very large tree in the back yard. We took this into consideration when planning the private yard space for each unit on the east side to maximize light of amenity space.

G3. Private and semi-private open spaces should be designed to optimize solar access (see Flgure G3)

- See G1.

G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

- Our proposed Front yard setback will compliment neighboring properties and developments in the area

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Tel: 250-490-6770
www.schoennehomes.com

G13. Entry to ground-level residential units should be no more than 1 .8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G74).

- Existing sidewalk elevation is 343.3m and our proposed entry elevation is 343.8. This 0.5 metre increase is to achieve floodproofing level set out by the Ministry of Environment. At 0.5 metres we fall well within the guideline of 1.8 metres and create a welcoming environment.

G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.

- We are proposing a 36" high, semi-private, semi-transparent fence which will give the owners some privacy but will still create a welcoming environment for pedestrians, vehicles and the neighborhood.

G16. Site and building access must prioritize pedestrian morrement, minimize conflict between various modes of transportation and optimize use of space: . Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupled pedestrian circulation and boulevard landscaping (see Figure 5'4)

- Our application includes a single garage for each unit off the lane as required for RD3 Zoning. Each garage is build to accommodate a vehicle along with the extra width for storage to help insure that the Garages are being used not just for storage but for parking as intended.

G20. Designs should respond to Penticton's setting and climate through use of.
. passive solar strategies;
. optimized placement of windows to maximize natural light;
. energy-effrcient building design;
. passive solar principles;
. landscape design and plantings that provide cooling through shade in summer months;
. selecting roof materials to minimize heat loading and increase reflectivity.; and,
. strategies for cross-ventilation.

- Each unit will be roughed in with conduit for future solar equipment. We will be offering a solar package on these units should the new owners wish to purchase the home fully equipped with Solar.
- We have been working with an Energy Advisor since the design phase to help us achieve a higher than code building design. It is our intent to have this building built to Step 3 of the step code.
- The front and rear unit have a slightly different layout on the main floor. This was done to optimize window placement and natural light entering the units.

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101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

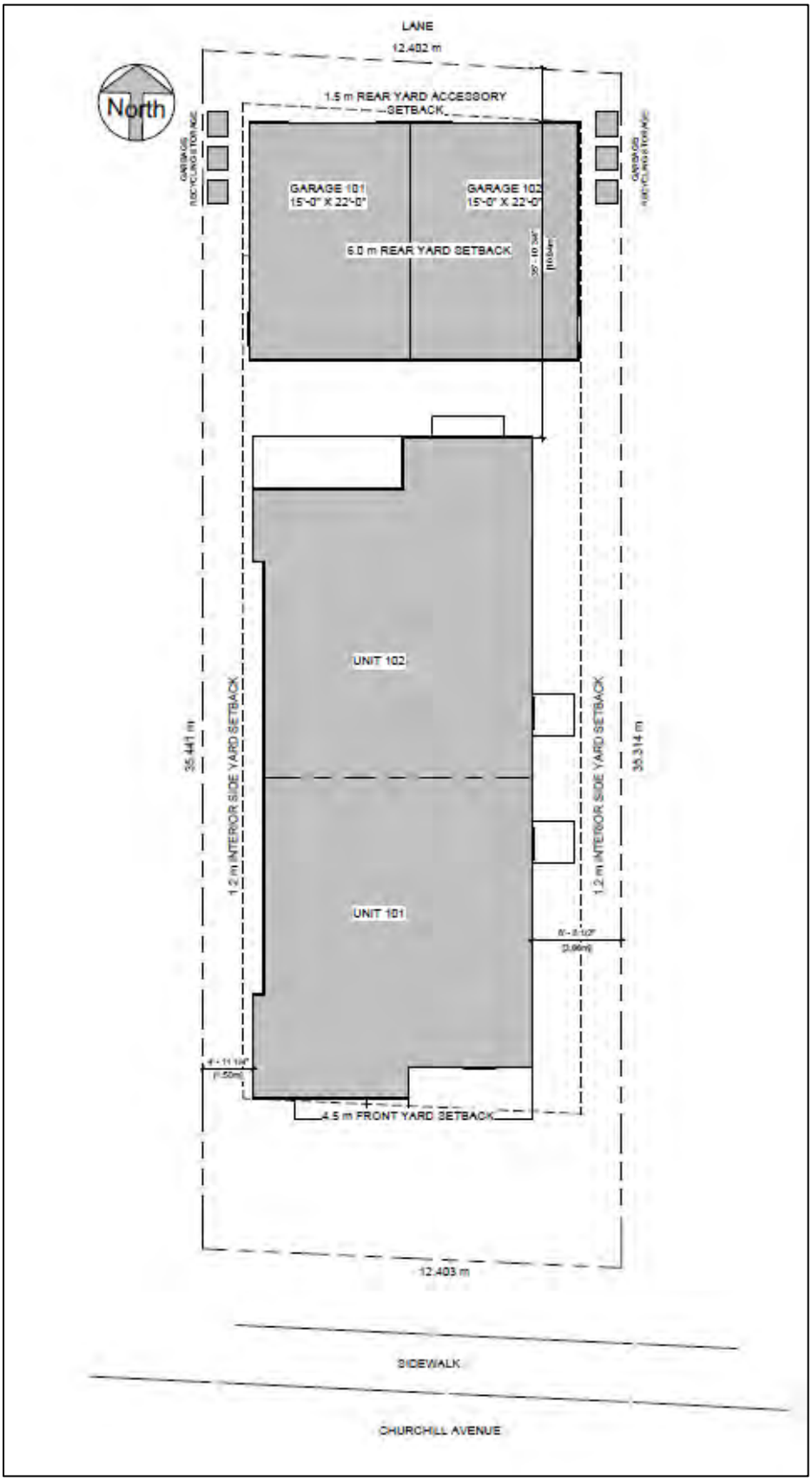
IR1. Building siting
. Front and rear yard setbacks should relate to those of existing neighbouring buildings..(see Figure 5'13).
. The primary building's front setback should be no greater than 6.0m so that homes engage with the street.

- Our proposed front yard setback is 4.5m which, in our opinion, compliments neighboring properties

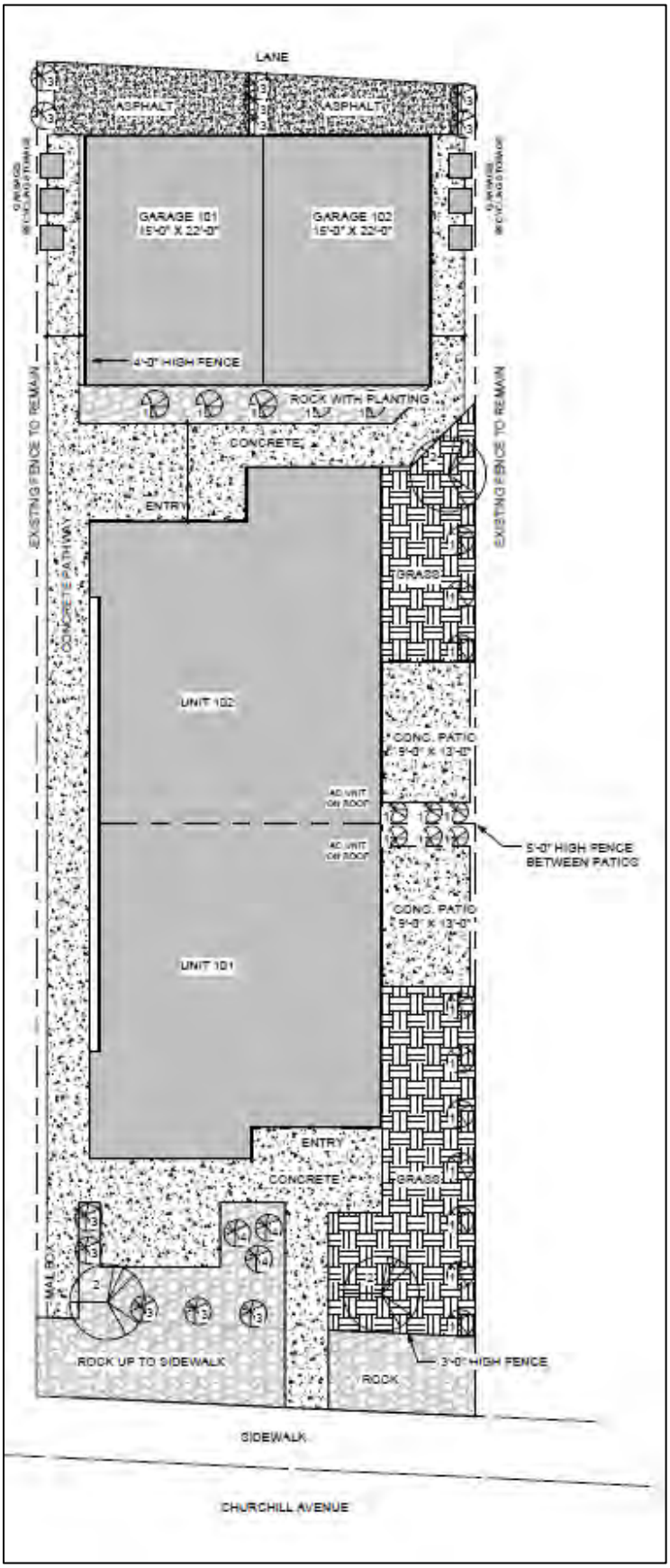
IR4. Scale - accessory buildings (garages, storage sheds, covered patios/decks, greenhouses) and accessory dwelling units (carriage houses) shall be modest in scale:

- Our planned garage makes up just over 13% of the lot coverage which fits within the guidelines of no more than 15%. The garage will be finished with the same materials and finishes as the principal building, maintain the same roof style and not be taller than the principal structure which is laid out under the guidelines.

Attachment F – Proposed Site Plan



Attachment F – Proposed Landscaping Plan



Attachment G – Proposed Floor Plans

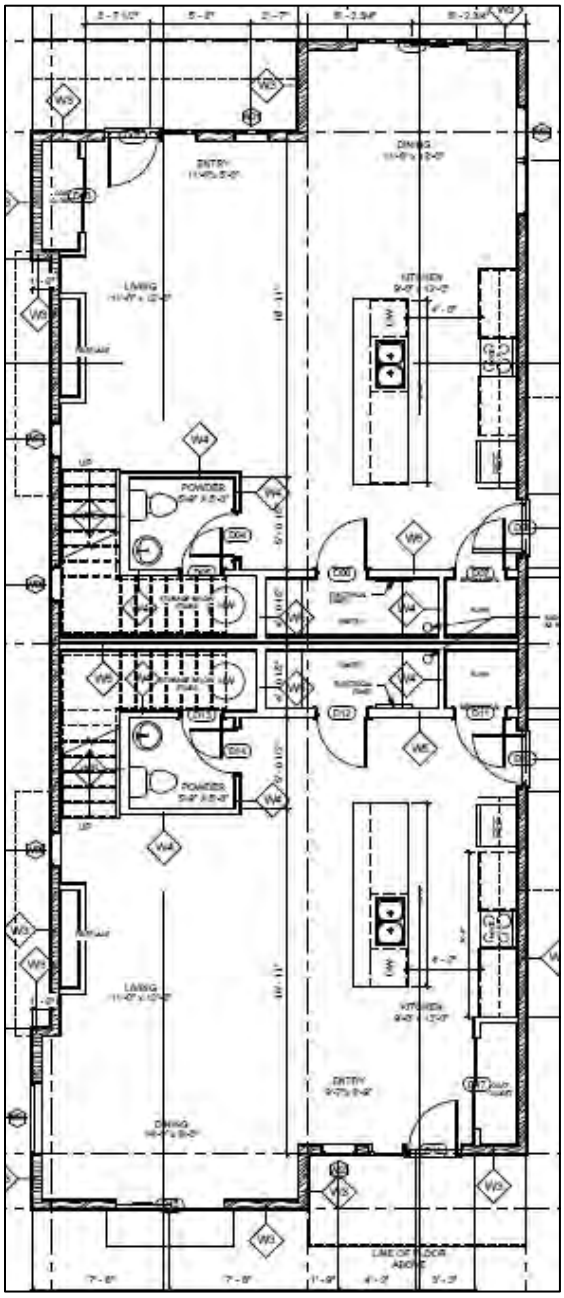


Figure 5 - Main Level Floor Plans

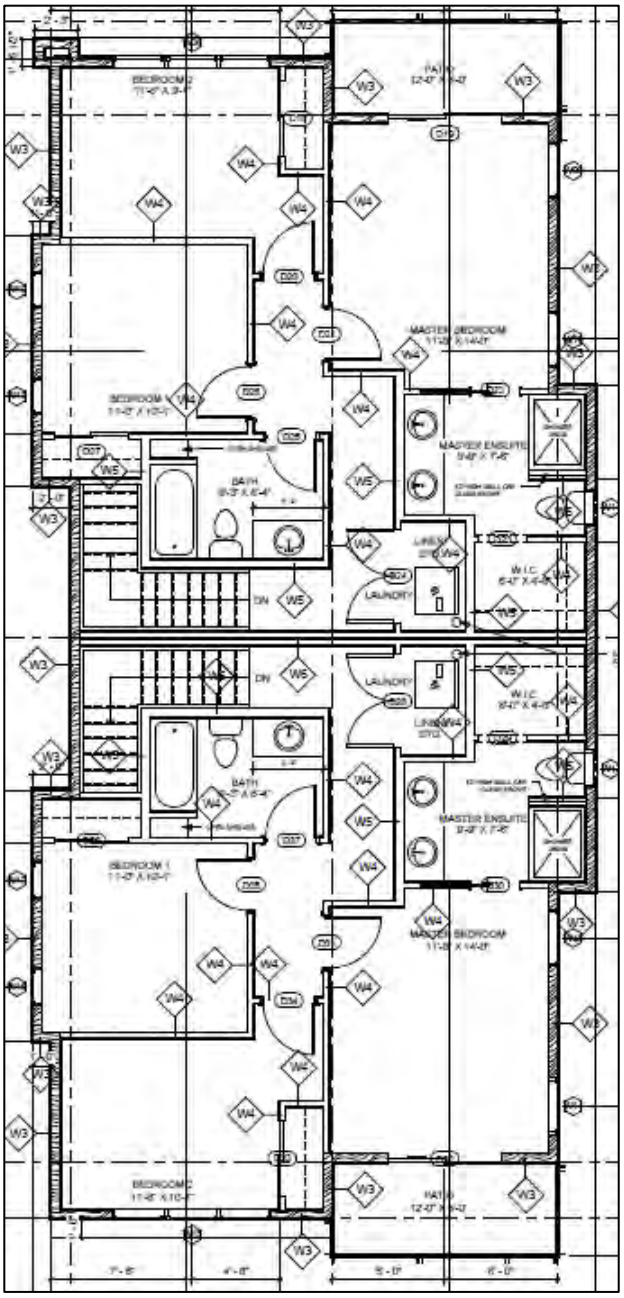


Figure 6 - Second Level Floor Plans

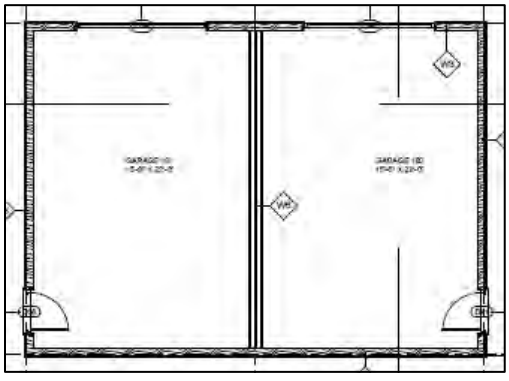


Figure 7 - Garage Floor Plans

Attachment H – Proposed Building Elevations

Figure 8 - Front (South) Elevation facing Churchill Avenue

Figure 9 - Rear (North) Elevation

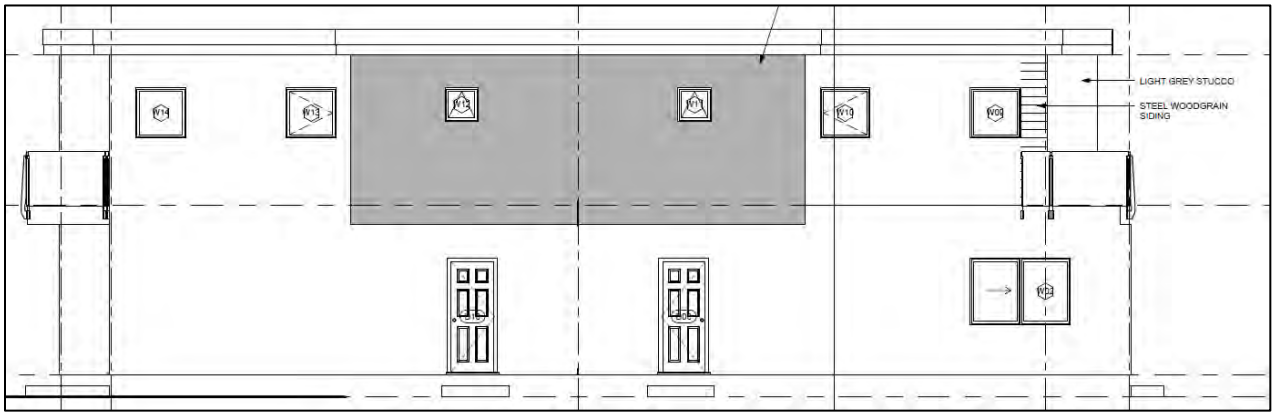


Figure 10 - Right (East) Elevation

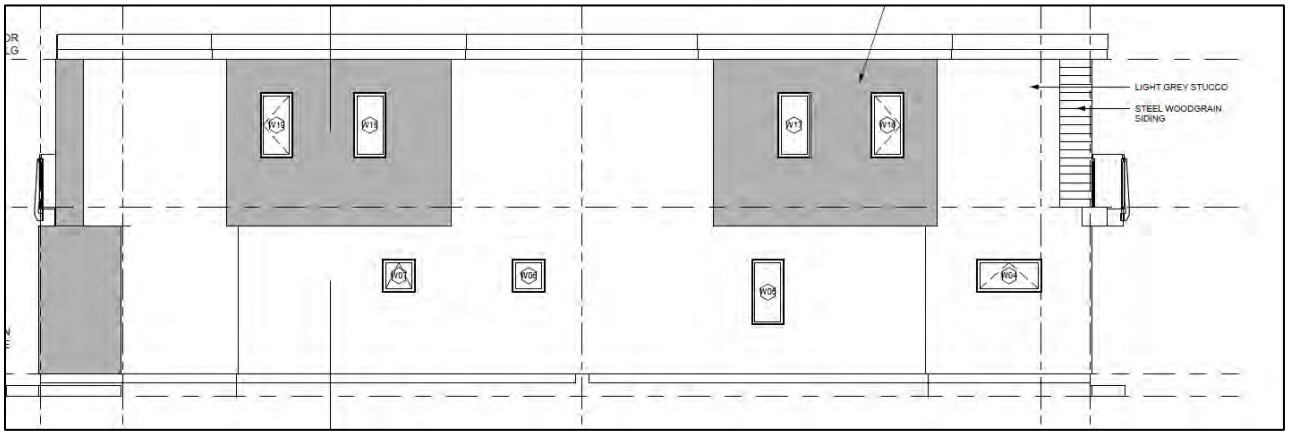


Figure 11 - Left (West) Elevation

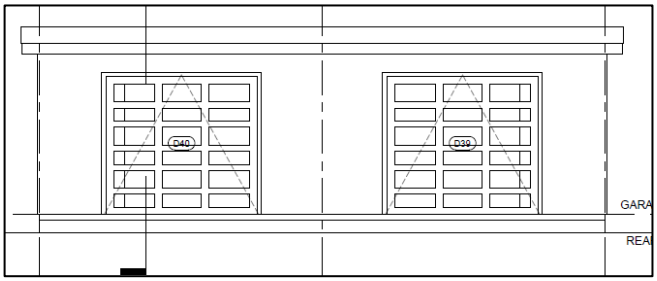


Figure 12 - Garage (North) Elevation - facing lane

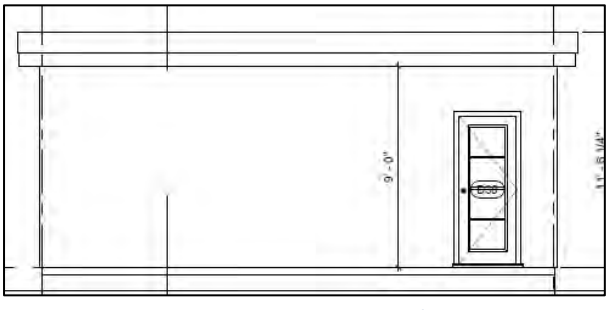


Figure 13 - Garage West Elevation

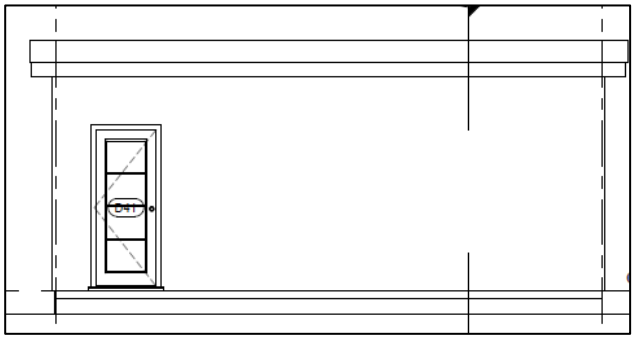


Figure 14 - Garage East Elevation

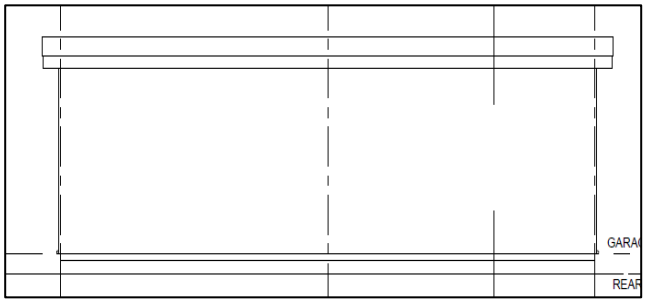


Figure 15 - Garage South Elevation

Attachment I – Draft Development Permit (DP PL2019-8587)

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

Development Permit

Permit Number: DP PL2019-8587

Owner Name
Owner Address

Conditions of Permit

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

2. This permit applies to:

   Legal: Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269
   Civic: 589 Churchill Avenue
   PID: 028-958-918

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex development as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 502 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of $_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the Local Government Act, to undertake works or other activities required to:

   a. correct an unsafe condition that has resulted from a contravention of this permit,

   b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or

   c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:

   a. The permit has lapsed as described under Condition 8, or

   b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

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

1st Inspection	No fee
2nd Inspection	$50
3rd Inspection	$100
4th Inspection or additional inspections	$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.

8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

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

Authorized by City Council, the _____ day of _____2019.

Issued this _____ day of _____, 2019.

_____

Angela Collison,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2019-44

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. 2019-44".

2. **Amendment:**

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

Rezone Lot 1, District Lot 2 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).

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

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

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

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone 589 Churchill Ave

From R3 (Small Lot Residential: Lane)

To RD3 (Residential Infill)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-44

Date: _____ **Corporate Officer:** _____

Council Report

penticton.ca

Date: November 5, 2019 File No: PRJ19-144
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 2883 Partridge Drive

Subject: **Placement of Rock Pit in Environmental Protection Area**

Staff Recommendation

THAT Council support the placement of a rock pit in a covenant area at 2883 Partridge Drive.

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 subject property is a large single family lot located in the upper Pineview area of the city. The property slopes steeply from Partridge Drive into a natural area at the back of the lot. The natural area is part of an Environmental Protection Development Permit Area as per the OCP and no building is permitted or proposed to take place on this portion of the lot. The portion of the property (Figure 1) deemed sensitive was included in a covenant to protect and preserve the natural environment. The covenant was granted in favor of the City of Penticton and was a requirement of an earlier subdivision. The covenant stipulates that the area shall be kept in its natural state unless Council first adopts a resolution which permits the cutting, damage or removal of soil or removal of trees in the covenant area.

A residence is currently being constructed on this property. A rock pit is required to manage the roof run off that will occur from the constructed residence. The owner wishes to place the rock pit within the covenant area. The proposed rock pit has an approximate footprint of 24m^2. The owner has submitted an

Figure 1: Covenant Area

Environmental Assessment which indicates that a rock pit can be constructed without significantly impacting the environmental area. Given the steep slope of the lot and the existing constructed retaining wall, the rock pit cannot be located outside the natural area.

If Council passes the resolution to allow the rock pit to be placed in the covenant area, measures to re-instate the natural area will be included in an Environmental Development Permit subsequently requiring approval from the Director of Development Services.

Financial implication

N/A

Analysis

The owner's geotechnical engineer endorsed the rock pit location in the covenant area as the ultimate location for this site. The disturbance footprint of the rock pit is minimal. The Environmental Assessment report includes measures to safely reinstate the natural area which will form part of an Environmental Development Permit. The report meets the intent of the Environmental Development Permit Area of the OCP and the Development Permit Area guidelines. Considering the points above, staff consider that the request is reasonable and recommend that Council pass a resolution to allow the placement of the rock pit in the covenant area.

Alternate recommendations

Deny or Refer

Council may feel that the request is not justified and that the rock pit should be located outside the covenant area. If that is the case, Council should not pass a resolution. Alternatively, Council may refer the application back to staff to work with the applicant to find an alternate solution.

Attachments

Attachment A –Location Map

Attachment B – Site Plan

Respectfully submitted,

Audrey Tanguay
Senior Planner

Concurrence

Acting Director of Development Services	Chief Administrative Officer
BJ	DvD

Attachment A – Location Map

Figure 2: Location Map

Attachment B – Site Plan

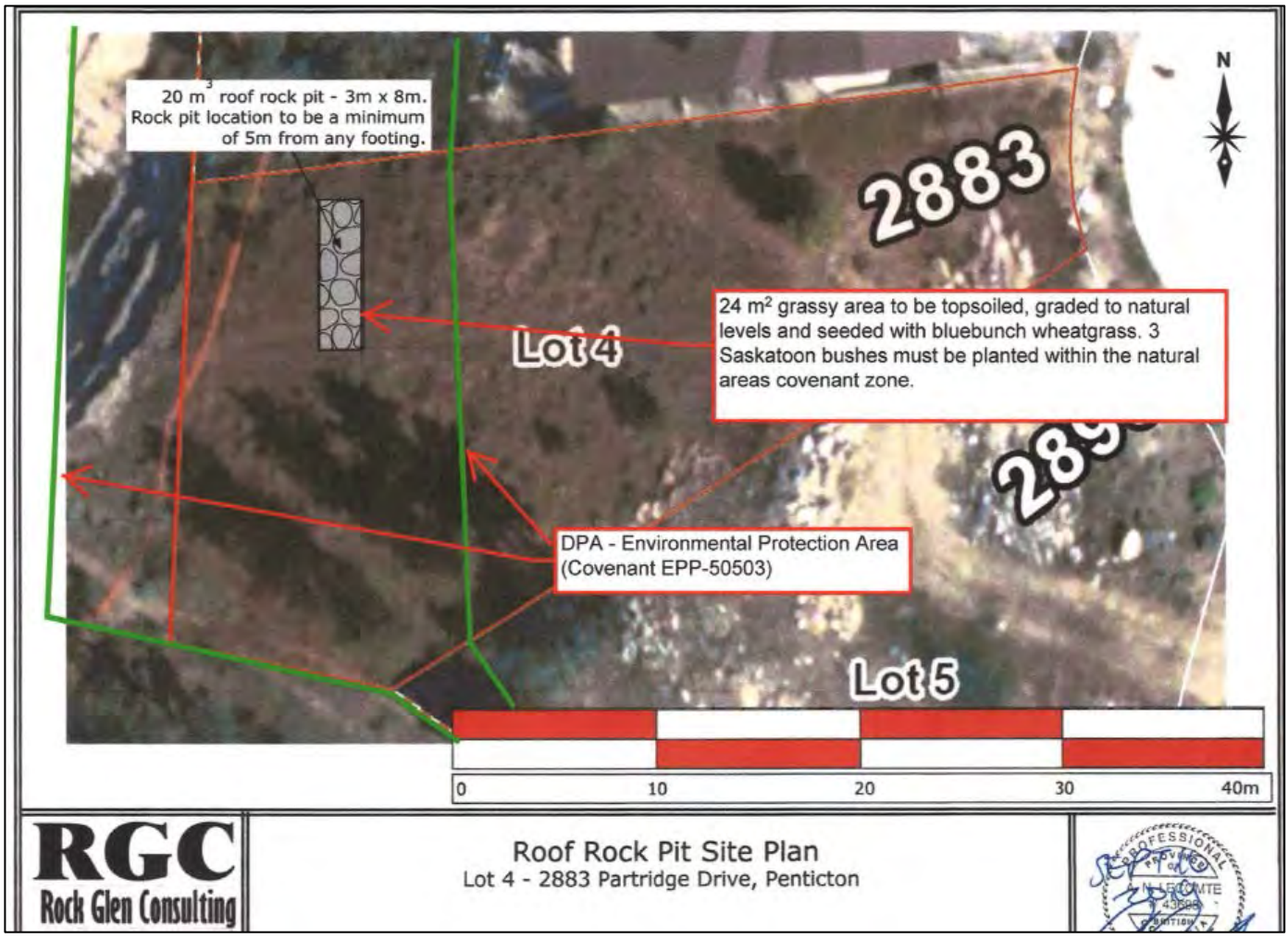


Figure 3: Site Plan