Agenda

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Regular Council Meeting

to be held at the City Hall, Council Chambers
171 Main Street, Penticton, B.C.
To view the Council Meeting, visit www.penticton.ca

Tuesday, June 7, 2022
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 May 17, 2022 Regular Council Meeting	1-9	Adopt

7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda. 10-22

Consent Agenda:

1. *Minutes of the May 17, 2022 Committee of the Whole Meeting;*
2. *Minutes of the May 17, 2022 Public Hearings;*

Bloomfield 3. *Community Sustainability Advisory Committee Meeting Draft Minutes of May 18, 2022;*

Sentes 4. *Agriculture Advisory Committee Meeting Draft Minutes of May 18, 2022.*

8. **Staff Reports:**

Scandrett/ Vere — 8.1 Request for Notice on Title — 23-31

Re: 162 Wiltse Place

Staff Recommendation: THAT the owners of 162 Wiltse Place (the Property) be notified that Council will consider passing a resolution to place a Notice on Title under section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw No. 2021-21 on Lot 9, District Lot 2710 Similkameen Division Yale District, Plan 31303, located at 162 Wiltse Place, stating the following:

"Failure to complete and obtain building permits, which is a violation of the City of Penticton Building Bylaw No. 2021-21. Further information about it may be inspected at the municipal hall."

AND THAT the owners be notified of the proposed Notice on Title report, and given the opportunity to speak to the matter at the regular Council meeting of July 5, 2022.

Scandrett/ Vere — 8.2 — Request for Notice on Title — 32-37

Re: 1090 Penticton Avenue

Staff Recommendation: THAT the owners of 1090 Penticton Avenue (the Property) be notified that Council will consider passing a resolution to place a Notice on Title, under section 57 of the Community Charter, with respect to contraventions of the City of Penticton Building Bylaw No. 2021-21 on Lot 5, District Lot 250 Similkameen Division Yale District, Plan 6748, located at 1090 Penticton Avenue, stating the following:

> *"Failure to complete a building permit and to obtain a building permit, which is a violation of the City of Penticton Building Bylaw No. 2021-21. Further information about it may be inspected at the municipal hall."*

AND THAT the owners be notified of the proposed Notice on Title report, and be given the opportunity to speak to the matter at the regular Council meeting on July 5, 2022.

Scandrett/ Vere — 8.3 — Request for Remedial Action Requirements — 38-42

Re: 434 Lakeshore Drive West

Staff Recommendation: THAT Council, under the authority provided in section 73 of the Community Charter, declare the Property at 434 Lakeshore Drive West, (the Property) having a legal description of: Lot 1, District Lot 4 Group 7 Similkameen Division Yale District Plan 35081 Except Plan EPP91648 (Parcel Identifier: 002-898-331) is an unsafe condition that requires remedial action to demolish and remove the fire-damaged structure and level the site, in order to eliminate the unsafe condition.

AND FURTHER THAT Council, under the authority provided in section 74 of the Community Charter, declare the Property to be so unsightly and untidy as to be offensive to the community and, as a result, is a declared nuisance that requires remedial action to remediate the property and demolish and remove the damaged structure and level the site, in order to eliminate the nuisance.

AND FURTHER THAT Council, under the authority provided in section 72 of the Community Charter, impose the following remedial action requirements on the registered owners of the Property with respect to the structure and property noted above in Recommendations 1 and 2 in order to eliminate the unsafe condition and the declared nuisance:

a) to demolish the damaged structure;

b) to remove all debris from the yards, which includes those trees damaged by the fire and the remnants of the structure to an appropriate disposal site; and

c) level the site.

AND FUTHER THAT Council, pursuant to section 76 of the Community Charter, set the time limit for completion of all the remedial action requirements described in Recommendation 3, to be no later than 4:30 p.m. on July 11, 2022;

AND FURTHER THAT Council, pursuant to section 78 of the Community Charter, set a time limit for giving a written notice of a request for Council to reconsider the remedial action requirements described in Recommendation 3, to be no later than 4:30 p.m. on June 27, 2022.

AND FURTHER THAT Council, under the authority provided in section 17 of the Community Charter, authorize staff to take appropriate actions to ensure that Property is brought into compliance with all the remedial action requirements described in Recommendation 3 , provided that:

a. The owners have not fully completed the remedial action requirements on or before the time limit specified in this Council resolution; and

b. All costs incurred by the City to bring the property into compliance shall be at the expense of the owners and, pursuant to section 17 of the Community Charter, such costs shall be recovered from the owners as a debt owed to the City of Penticton.

Mercier — 8.4 — Animal Control Bylaw No. 2021-02 — 43-65

Staff Recommendation: THAT Council rescind third reading of "Animal Control Bylaw No. 2021-02" and give third reading as amended to "Animal Control Bylaw No. 2021-02".

Dixon	8.5	BC Transit and City of Penticton Annual Operating Agreement 2022-2023 *Staff Recommendation: THAT Council authorize the Chief Financial Officer and Corporate Officer to execute the 2022-2023 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".*	66-80
Dixon	8.6	Future Transit Plan Update and Three Year Transit Expansion Plan *Staff Recommendation: THAT Council support the following Transit Service Additions as part of the City's Three-Year Transit Expansion Plan:* • *Conventional Transit System* o *2024/2025 - Expand service to upper Wiltse and Sendero Canyon;* o *2024/2025 – Increase frequency of route 5 (20-minute frequency throughout the day);* • *Custom Transit* o *2023/2024 - Introduce service on Saturdays by means of Taxi Supplement to better align with Conventional Service days.*	81-89
Dixon	8.7	BC Transit Route Changes *Staff Recommendation: THAT Council receive into the record the report dated June 7, 2022 titled "BC Transit Route Changes".*	90-97
Collison	8.8	Election and Assent Voting Bylaw No. 2022-27 and Political Signage Regulations Bylaw No. 2022-28 *Staff Recommendation: THAT Council give first, second and third reading to "Election and Assent Voting Bylaw No. 2022-27";* *AND THAT Council give first, second and third reading to "Political Signage Regulations Bylaw No. 2022-28".*	98-110
Laven	8.9	Request to Consider from Regular Council Meeting of May 3, 2022 Development Variance Permit PL2022-9252 Re: 152 Westminster Place *Staff Recommendation: THAT Council approve "Development Variance Permit PL2022-9252" for Lot 11 District Lot 3821S Similkameen Division Yale District Plan 37490, located at 152 Westminster Place, a permit to vary Section 8.2.3.5.i of Zoning Bylaw 2021-01 to increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor, to 6.5m and two floors.*	111-135
Capewell	8.10	ALC Non-Farm Use Application Re: 127 Upper Bench Road South *Staff Recommendation: THAT Council support "ALR Non-Farm Use PL2022-9300", for Lot 1 District Lot 188 and 155 Similkameen Division Yale District Plan KAP91714, located at 127 Upper Bench Road South, to allow one dwelling unit, limited to a maximum floor area of 1,925 sq. ft. and located above a farm building, to be permitted on the subject property, and require that restrictive covenant LB429194 remain on title;* *AND THAT staff be directed to forward "ALR Non-Farm Use PL2022-9300", to the Agricultural Land Commission (ALC) with support from Council and the Agriculture Advisory Committee.*	136-165
Collyer	8.11	Official Community Plan Amendment Bylaw No. 2022-29 Zoning Bylaw Amendment Bylaw No. 2022-30 Re: 850 Wiltse Boulevard and 160 Crow Place *Staff Recommendation: THAT Council THAT Council, prior to consideration of "Official Community Plan Amendment Bylaw No. 2022-29" and in accordance with Section 475 of the Local Government Act, consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:* *1. One or more persons, organizations or authorities;*	166-242

2. *The Regional District of Okanagan Similkameen;*
3. *Local First Nations;*
4. *School District #67;*
5. *The provincial or federal government and their agencies.*

AND THAT it is determined that the Public Engagement Period carried out from April 11 to May 8 is sufficient;
AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2022-29", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08 by adding the 'Urban Residential' designation and amending the mapping of the 'Detached Residential', 'Ground Oriented Residential', and 'Parks' future land use designations for Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EPP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place;
AND THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-30", a bylaw to change the zoning from A (Agriculture) to R1 (Large Lot Residential), R2 (Small Lot Residential), RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), P1 (Public Assembly), P2 (Parks and Recreation), and A (Agriculture) zones for Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EPP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place, with the following site specific provisions:

- *RM1 zone – to prohibit townhouses and duplexes as permitted uses, and to increase the maximum principal building height from 8.5m to 10.5m;*
- *RM2 zone adjacent to Hawthorn Dr cul-de-sac – to prohibit apartments as a permitted use, and to limit principal building height to three (3) storeys;*

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2022-29" and "Zoning Amendment Bylaw No. 2022-30" to the June 20, 2022 Public Hearing to receive comments from the public;
AND THAT Council give staff direction to prepare an appropriate cost recovery mechanism related to the costs of the treated water system infrastructure required to facilitate the full development of the subject properties, with the City contributing 15% of the cost of the dedicated feeder water line with all remaining costs being developer funded;
AND THAT Council direct staff to include the proposed City contribution of 15% of the cost of the treated water system infrastructure, estimated at $300,000, for the dedicated feeder water line into the City's 10-year financial plan as a financial commitment;
AND THAT Council direct staff to prepare an appropriate cost sharing and recovery mechanism related to the costs of the separated bike lane and associated traffic calming between the North Wiltse Block to the Lake-to-Lake bike route, with the City providing a 50% cost contribution to the project;
AND THAT Council direct staff to include the proposed separated bike lane and associated traffic calming between the North Wiltse Block to the Lake-to-Lake bike route, as envisioned in the Transportation Master Plan, into the City's 10-year financial plan, recognizing the City's 50% contribution to the project currently estimated to be between $1-2.5M;
AND THAT Council require that the separated bike lane and associated traffic calming be constructed prior to the connection of the new road network to Wiltse Boulevard.

9. **Public Question Period**

10. **Recess Regular Council Meeting**

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

12. **Bylaws and Permits:**

Collison	12.1	Zoning Amendment Bylaw No. 2022-20 Development Variance Permit PL2021-9239 Re: 145 Kinney Avenue	243-247	Adopt Approve
Capewell	12.2	Zoning Amendment Bylaw No. 2022-24 Re: 914, 920 and 926 Churchill Avenue	248-250	2nd/3rd

Collyer	12.3	Zoning Amendment Bylaw No. 2022-25 Re: 713, 737 and 795 Westminster Avenue West	251-254	2nd/3rd
Collyer	12.4	Zoning Amendment Bylaw No. 2022-26 Re: 221 Huth Avenue	255-256	2nd/3rd

13. **Land Matters**

14. **Notice of Motion**

15. **Business Arising**

16. **Council Round Table**

17. **Public Question Period**

If you would like to ask Council a question with respect to items that are on the current agenda, please visit our website at www.penticton.ca to find the telephone number or Zoom link to ask your question before the conclusion of the meeting. Please do not try to join the meeting early, you will not be let in to participate electronically until Council approaches the Public Question Period. Watch the livestream on our website and prepare to call or join during the Business Arising.

18. **Adjournment**

Minutes

penticton.ca

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

Tuesday, May 17, 2022
at 1:00 p.m.

Present:	Councillor Bloomfield Councillor Miller Councillor Regehr Councillor Robinson Councillor Watt Councillor Sentes *(Acting Mayor)*
Absent:	Mayor Vassilaki
Staff:	Donny van Dyk, Chief Administrative Officer Angie Collison, Corporate Officer Elma Hamming, Acting Director of Finance & Administration Blake Laven, Director of Development Services Anthony Haddad, General Manager, Community Services Kristen Dixon, General Manager of Infrastructure *(via Zoom)* Paula McKinnon, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

168/2022 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council Meeting held on May 17, 2022 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:31 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 3, 2022 Regular Meeting of Council

169/2022 **It was MOVED and SECONDED**
THAT Council adopt the regular minutes of May 3, 2022 as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the May 10, 2022 Special Meeting of Council

170/2022 **It was MOVED and SECONDED**
THAT Council adopt the special minutes of May 10, 2022 as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

171/2022 **It was MOVED and SECONDED**
THAT Council approve the Consent Agenda:

1. Minutes of the May 3, 2022 Committee of the Whole Meeting;
2. Minutes of the May 3, 2022 Public Hearing;
3. Special Community Sustainability Advisory Committee Meeting Draft Minutes of April 20, 2022;
4. Safety and Security Advisory Committee Meeting Draft Minutes of May 2, 2022;
5. Heritage and Museum Advisory Committee Meeting Draft Minutes of May 4, 2022;
6. Economic Prosperity and Development Services Advisory Committee Meeting Draft Minutes of May 6, 2022.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 2022 Corporate Energy and Emissions Plan
Peter Robinson, Greg Dong and Tami Rothery, Community Energy Association Members

172/2022 **It was MOVED and SECONDED**
THAT Council adopt the 2022 Corporate Energy and Emissions Plan; and
THAT Council adopt the following resolution, as follows:

THAT the City of Penticton hereby declares that a climate emergency threatens our city, our region, our province, our nation, humanity, and the natural world and reaffirms its commitment to local climate action; and
THAT Penticton City Council continues to support immediate actions to safeguard against the current and potential consequences of the climate crisis by implementing the goals and actions in the 2021 Community Climate Action Plan and 2022 Corporate Energy and Emissions Plan; and
THAT the City of Penticton collaborate with the Regional District Okanagan Similkameen and other neighboring local governments to work towards achieving carbon neutrality within the region by 2050; and
THAT the members of Penticton City Council commit to keeping the concerns of all community members, including vulnerable populations central to Penticton's Climate Action planning process, and invites and encourages all members of the community to actively participate in order to advocate directly for their needs; and

THAT Council shall continue to develop policy and demonstrate leadership that directs meaningful action on Penticton's Climate Emergency Declaration; and
THAT the City of Penticton commits to embed climate action into the City of Penticton budgeting process and planning documents; include climate action considerations in reports to Council; and report regularly to Council on progress and accomplishments, and
THAT correspondence be sent to the Ministry of Environment and Climate Change Strategy, requesting that the Province commit to providing ongoing, persistent funding to municipalities to assist with climate action implementation. This funding must be commensurate with the scale and challenge the Climate Crisis poses for municipalities across British Columbia;

AND THAT Council approve a new Manager of Sustainability and Solid Waste, funded in 2022 through a transfer from the Climate Action Reserve, and fully funded in 2023 through the budget process.

CARRIED UNANIMOUSLY

8.2 Penticton Age Friendly Action Plan - Update

173/2022 **It was MOVED and SECONDED**
THAT Council receive the report "Penticton Age Friendly Plan – Update" into the record as information;
AND THAT Council support the continued implementation of the Plan recommendations, including funding various actions, supporting the City's participation on the Penticton Age Friendly Action Plan Community Activation Group and committing staff resources to the Plan's implementation;
AND THAT as part of Seniors Week 2022 (June 5 – 11, 2022) and in support of the Age Friendly Action Plan and the Community Climate Action Plan, Council approve free transit for all individuals aged 55 years old and older for the entire Week, and direct staff to work with BC Transit on implementing the initiative.

CARRIED UNANIMOUSLY

174/2022 **It was MOVED and SECONDED**
THAT Council direct staff to apply for the BC Healthy Communities 2022 Age Friendly Action Plan grant under Stream 2 in the amount of $15,000;
AND THAT Council direct the Director, Administration and Finance to sign and submit the application.

CARRIED UNANIMOUSLY

8.3 2022 Plan H Healthy Communities Grant Program

175/2022 **It was MOVED and SECONDED**
THAT Council direct staff to apply for the 2022 Healthy Public Policy Grant from PlanH for $12,000 to complete the internal housing policy review;
AND THAT Council direct the Director, Development Services for the City of Penticton to sign and submit the application document on behalf of the City.

CARRIED UNANIMOUSLY

8.4 North Gateway Redevelopment & Investment Strategy – Proposed Plan

176/2022 **It was MOVED and SECONDED**
THAT Council receive into the record the report dated May 17th, 2022 titled "North Gateway Redevelopment & Investment Strategy – Proposed Plan";
AND THAT Council direct staff to commence the final round of public engagement and bring back the results with any changes to the June 21, 2022 Council meeting.

CARRIED UNANIMOUSLY

8.5 Road Dedication Condition for Zoning Amendment Bylaw No. 2022-06
Re: 30 Okanagan Avenue West

177/2022 **It was MOVED and SECONDED**
THAT Council remove the condition of a 3.5m x 3.5m southeast corner cut lane dedication prior to the adoption of "Zoning Amendment Bylaw No. 2022-06", and require that the 3.5m x 3.5m corner cut dedication be completed prior to the issuance of the Occupancy Permit;
AND THAT Council adopt "Zoning Amendment Bylaw No. 2022-06";
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-06", approve "Development Permit PL2021-9048", for Lot 4 District Lot 115 Similkameen Division Yale District Plan 7909, located at 30 Okanagan Avenue West, a permit to allow for the additional construction of a three-unit townhouse on the subject property.

CARRIED UNANIMOUSLY

8.6 Development Variance Permit Pl2022-9315
Re: 75 Brantford Avenue

178/2022 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2022-9315", for Lot 1 District Lot 190 Similkameen Division Yale District Plan EPP25030, located at 75 Brantford Avenue, a permit to vary Zoning Bylaw No. 2021-01, Section 9.2.2.6, to reduce the minimum interior side yard from 4.5m to 4.1m;
AND THAT Council direct staff to issue the permit.

CARRIED UNANIMOUSLY

8.7 Zoning Amendment Bylaw No. 2022-24
Development Permit Pl2021-9230
Re: 914, 920, 926 Churchill Avenue

179/2022 **It was MOVED and SECONDED**
THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-24", for:

1. Lot C District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3072, located at 914 Churchill Avenue;
2. Lot 5 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 929, located at 920 Churchill Avenue; and
3. Lot 6 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 929, located at 926 Churchill Avenue;

A bylaw to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) and add the following section to the RM3 (Medium Density Multiple Housing) zone:

- "10.10.5.3: In the case of consolidated lots located at 914 Churchill Avenue, 920 Churchill Avenue and 926 Churchill Avenue, the maximum density shall be 1.98 FAR";

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-24" to the June 7, 2022 Public Hearing;
AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-24", require a 3.048m road dedication along the northern property line (Churchill Avenue) be registered at the Land Title Office;
AND THAT Council, in accordance with Section 507 of the Local Government Act, require full-width reconstruction of the lane along the south of 902, 908, 914, 920 and 926 Churchill Avenue to connect to Alberni Street;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-24", approve "Development Permit PL2021-9230", for the consolidated parcel of 914, 920 and 926 Churchill Avenue, a permit to allow for the construction of a 16-unit, six-storey apartment building;
AND THAT Council, prior to issuance of "Development Permit PL2021-9230", the owner be required to consolidate the three lots.

CARRIED UNANIMOUSLY

The Acting Mayor recessed the meeting at 2:52 p.m. and the meeting reconvened at 3:07 p.m.

8.8 Official Community Plan Amendment Application
Re: 1050 Spiller Road

180/2022 **It was MOVED and SECONDED**
THAT Council, following the Community Engagement for OCP Amendments Procedure, direct staff to commence public engagement for a proposed Official Community Plan future land use designation change:

From the following designations: 'Rural Residential'; 'Detached Residential'; 'Ground Oriented Residential'; 'Parks'; 'Natural and Conservation Areas'; and, 'Landfill and Landfill Buffer'

To the following designations: 'Rural Residential', 'Parks', 'Natural and Conservation Areas'; and, 'Landfill and Landfill Buffer'

In support of a proposed single family neighbourhood development, located at 1050 Spiller Road.

CARRIED
Councillors Miller and Robinson, Opposed

8.9 Development Variance Permit PL2022-9295
Development Permit PL2021-9243
Re: 783 Winnipeg Street

181/2022 **It was MOVED and SECONDED**
THAT Council approve "Development Variance Permit PL2022-9295" for Lot 2 District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 23635 Except Plan EPP50547, located at 783 Winnipeg

Street, a permit to vary the following sections of Zoning Bylaw 2021-01, to facilitate a 7-unit townhouse development:

1. Section 10.10.2.7: to reduce the minimum interior side yard setback from 4.5m to 3.0m.
2. Section 10.10.2.9: to reduce the minimum rear yard setback from 6.0m to 5.5m.

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9295";
AND THAT Council, subject to approval of "Development Variance Permit PL2022-9295", approve "Development Permit 2021-9243", a permit to approve the form and character of a 7-unit townhouse development on the subject property.

CARRIED UNANIMOUSLY

8.10 Zoning Amendment Bylaw No. 2022-25
Development Permit PL2022-9281
Re: 713, 737 and 795 Westminster Avenue West

182/2022 **It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-25", for:

1. Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979;
2. Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979, and
3. Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979,

Located at 713, 737, and 795 Westminster Avenue West, a bylaw to rezone the subject properties from the CT1 (Tourist Commercial) and R2 (Small Lot Residential) zones to the CD8 (Comprehensive Development Zone – 795 Westminster Avenue West), to facilitate the construction of a 3-storey mixed use development;
AND THAT Council forward "Zoning Amendment Bylaw No. 2022-25" to the June 7, 2022 Public Hearing;
AND THAT Council, prior to adoption of "Zoning Amendments Bylaw No. 2022-25", require the following conditions be met:

- A 0.9m road dedication along the Westminster Avenue West frontage be registered with the Land Title Office,
- An 8.5m by 8.5m corner cut at the southwest corner of the property, at the intersection of Westminster Avenue West and Power Street, be registered with the Land Title Office, and
- A 3.5m by 3.5m corner cut at the northeast corner of the property, at the intersection of the lanes, be registered with the Land Title Office;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-25", approve "Development Permit PL2022-9281" to approve the form and character of the proposed three-storey mixed use development on the consolidated property.

CARRIED UNANIMOUSLY

8.11 Zoning Amendment Bylaw No. 2022-26
Re: 221 Huth Avenue

183/2022 **It was MOVED and SECONDED**
THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-26", a bylaw to rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from the R1 (Large Lot Residential) zone to the R2 (Small Lot Residential) zone in order to facilitate a 2-lot subdivision;
AND THAT Council forward "Zoning Amendment Bylaw No. 2022-26" to the June 7, 2022 Public Hearing;
AND THAT Council direct staff to include the installation of sidewalk on the north side of Huth Avenue between Fairview Road and Atkinson Street into the Capital Works schedule to align with the developer's responsibility to install sidewalk along the frontage of 221 Huth Avenue.

CARRIED UNANIMOUSLY

9. Public Question Period

10. Recess into a Closed Meeting

184/2022 **It was MOVED and SECONDED**
THAT Council recess at 4:16 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90(1)
(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act; and Section 90(2)
(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

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

12. Bylaws and Permits

12.1 Zoning Amendment Bylaw No. 2021-39
Re: 358 Douglas Avenue

185/2022 **It was MOVED and SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2021-39".

CARRIED UNANIMOUSLY

12.2 Council Procedure Amendment Bylaw No. 2022-18

186/2022 **It was MOVED and SECONDED**
THAT Council adopt "Council Procedure Amendment Bylaw No. 2022-18".

CARRIED UNANIMOUSLY

12.3 Zoning Amendment Bylaw No. 2022-20
Re: 145 Kinney Avenue

187/2022 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-20".

CARRIED UNANIMOUSLY

12.4 Zoning Amendment Bylaw No. 2022-21
Re: 813, 825 and 877 Westminster Avenue West

188/2022 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-21".

CARRIED UNANIMOUSLY

13. Notice of Motion

13.1 Notice of Motion Introduced by Councillor Regehr on May 3, 2022
Re: Fee Structure for Recreation Facility

189/2022 **It was MOVED and SECONDED**
THAT Council direct staff, as part of the fees & charges comprehensive review of recreation fees for Penticton sport facilities, examine how Penticton could implement a two-tier fee structure for recreation facility fees or identify an alternate method of increasing revenues to support the City's recreation facilities.

CARRIED
Councillor Robinson, Opposed

13.2 Notice of Motion Introduced by Councillor Watt on May 3, 2022
Re: Public Safety Camera Program

190/2022 **It was MOVED and SECONDED**
THAT Council request staff develop a "Public Safety Camera Program" that outlines how organizations can apply for funding for cameras that will monitor public spaces.

CARRIED UNANIMOUSLY

14. Business Arising

14.1 From May 17, 2022 Committee of the Whole Meeting
Re: Great Okanagan Waste Reduction Challenge Request for Letter of Support

191/2022 **It was MOVED and SECONDED**
THAT Council provide Okanagan Sustainability Leadership Council with a letter of support for the Great Okanagan Waste Reduction Challenge and encourage residents of Penticton to participate in the waste reduction initiative.

CARRIED UNANIMOUSLY

15. Council Round Table

16. Public Question Period

17. Adjournment

192/2022 **It was MOVED and SECONDED**
THAT Council adjourn the regular meeting of Council at 8:12 p.m.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
Judy Sentes
Acting Mayor

Minutes

penticton.ca

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

Tuesday, May 17, 2022
Recessed from the Regular Council Meeting at 1:00 p.m.

Present: Councillor Bloomfield
Councillor Miller
Councillor Regehr
Councillor Robinson
Councillor Watt
Councillor Sentes *(Acting Mayor)*

Absent: Mayor Vassilaki

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Elma Hamming, Manager of Finance
Blake Laven, Director of Development Services
Anthony Haddad, General Manager, Community Services
Kristen Dixon, General Manager of Infrastructure *(via Zoom)*
Paula McKinnon, Deputy Corporate Officer

1. **Call to order**

The Acting Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the agenda for the Committee of the Whole meeting held on May 17, 2022 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 Proclamation "GoByBike Week" May 30-June 5, 2022

Katie Weitz and Terry McWhirter provided Council with a presentation on GoByBike Week and the associated events planned throughout Penticton to encourage residents to participate.

Acting Mayor Sentes proclaimed May 30-June 5, 2022 as "GoByBike Week".

3.2 Proclamation "Seniors' Week 2022" June 5-11, 2022

Elmie Saaltink, South Okanagan Seniors Wellness Society, Tina Begg, Penticton Seniors' Drop-in Centre, and Verna Tishner, OneSky Community Resources, provided Council with an overview of the events scheduled for Seniors' Week and requested that Council proclaim June 5-11, 2022 as "Seniors Week 2022".

Acting Mayor Sentes proclaimed June 5-11, 2022 as "Seniors' Week 2022" in the City of Penticton.

3.3 Great Okanagan Waste Reduction Challenge

Janice Larson, Okanagan Sustainability Leadership Council, provided Council with a presentation on the Great Okanagan Waste Reduction Challenge and requested that Council provide a letter of support for the challenge.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED
THAT Council adjourn the Committee of the Whole meeting held May 17, 2022 at 1:30 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
Judy Sentes
Acting Mayor

Minutes

penticton.ca

Public Hearing
held electronically and at City Hall, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 17, 2022
at 6:00 p.m.

Present:	Councillor Bloomfield Councillor Miller Councillor Regehr Councillor Robinson Councillor Watt Councillor Sentes *(Acting Mayor)*
Absent:	Mayor Vassilaki
Staff:	Donny van Dyk, Chief Administrative Officer Angie Collison, Corporate Officer Elma Hamming, Manager of Finance Blake Laven, Director of Development Services Nicole Capewell, Planner II Kristen Dixon, General Manager of Infrastructure *(via Zoom)* Anthony Haddad, General Manager, Community Services Paula McKinnon, Deputy Corporate Officer

1. Call to order

Acting Mayor Sentes called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw No. 2022-20.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held in-person and electronically to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. <u>"Zoning Amendment Bylaw No. 2022-20" (145 Kinney Avenue)</u>

The purpose of "Zoning Amendment Bylaw No. 2022-20" is to amend Zoning Bylaw No. 2021-01 as follows:

> Rezone Lot A District Lot 115 Similkameen Division Yale District Plan 8719, located at 145 Kinney Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant intends to construct a two-storey (plus basement) development with four dwelling units on the subject property.

The Corporate Officer advised that no correspondence has been received since the printing of the agenda and distributed to Council.

DELEGATIONS

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

- Heather Shedden, Representing Applicant, available to answer any questions.

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

- No one spoke.

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

- Lori Goldman, Dauphin Avenue, inquired if electric vehicle charging stations will be installed and if secure bicycle storage and rain water catchment are included in plans.
- Heather Shedden, Representing Applicant, responded electric vehicle charging stations are an available option, rain water catchment has not been discussed but can be incorporated, and bike storage is included in the plan.
- James Brown, Brunswick Street, inquired about disabled access.
- Heather Shedden, Representing Applicant, responded development is at grade access, no stairs to access front door, each unit has allocated space for elevator option.

The public hearing for "Zoning Amendment Bylaw No. 2022-20" was terminated at 6:10 p.m. and no new information can be received on this matter.

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
Judy Sentes
Acting Mayor

Minutes

penticton.ca

Public Hearing
held electronically and at City Hall, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 17, 2022
at 6:00 p.m.

Present:	Councillor Bloomfield Councillor Miller Councillor Regehr Councillor Robinson Councillor Watt Councillor Sentes *(Acting Mayor)*
Absent:	Mayor Vassilaki
Staff:	Donny van Dyk, Chief Administrative Officer Angie Collison, Corporate Officer Elma Hamming, Manager of Finance Blake Laven, Director of Development Services Nicole Capewell, Planner II Kristen Dixon, General Manager of Infrastructure *(via Zoom)* Anthony Haddad, General Manager, Community Services Paula McKinnon, Deputy Corporate Officer

1. Call to order

Acting Mayor Sentes called the public hearing to order at 6:10 p.m. for Zoning Amendment Bylaw No. 2022-21.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held in-person and electronically to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. <u>"Zoning Amendment Bylaw No. 2022-21" (813, 825 and 877 Westminster Avenue West)</u>

The purpose of "Zoning Amendment Bylaw No. 2022-21" is to amend Zoning Bylaw No. 2021-01 as follows:

Add CD9 – Comprehensive Development Zone (877 Westminster Avenue West) and rezone

1. Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 13891;
2. Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 13891; and
3. Lot 1 District Lot 2 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan 15658,

located at 813, 825 and 877 Westminster Avenue West, from CT1 (Tourist Commercial), C7 (Service Commercial), and C8 (Vehicle Service Station) to CD9 – Comprehensive Development Zone (877 Westminster Avenue West).

The applicants are proposing a mixed-use (commercial and residential) development on the properties at 813, 825 and 877 Westminster Avenue West. The development consists of five, six-storey apartment buildings, and one, six-storey mixed-use building with a total of 305 residential units and 2,000 sq. ft. (186 m_2) of commercial retail space

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

DELEGATIONS

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

- Dennis Scooter, Applicant, available to answer any questions.
- James Brown, Brunswick Street, inquired about wheel chair accessibility, supports project.

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

- Bert Sandie, Power Street, one of only two direct neighbours, submitted letter on behalf of Strata. Feels analysis is written one-sided, weight of direct neighbours should be considered. In favour of development but concerned about density and height. Recommends observational analysis be conducted. Concerned about parking, Power Street is full from side-to-side, where will cars park. Traffic on average day on Power can back up to light, concerned this traffic light can't handle increased density. Neighbourhood as whole needs to be looked at with surrounding developments and not as single entity of El Rancho development.
- Ms. Capewell, responded residential parking bylaw requirement has been met, regulation to waive parking for commercial spaces applied to development, six spaces are not being included. Height and scale of building in line with OCP Amendment review done in 2021, supported six storeys.
- Don Bergstrom, resident one block past Villa Rosa, moved to Penticton four years ago into northern area, walkable, bike able, reasonable density area to live. Citizens deserve to live in spaces that fit lifestyle, should be priority. New building should be limited to two or three storeys, chance to create something beautiful and creative. In opposition of proposal.
- Lori Goldman, via Zoom, Dauphin Avenue, concerned with amount of development being experienced now, changing community, proposal is dense and huge, no place for residents to have any community, no daycare provided, no area for people to meet. It is a warehouse project. Concerned people who want to live here being priced out, expensive investment for people who are not local but want a piece. Inquired about daycare facility, a common area, electric vehicle charging stations, solar panels on roof.

Concerned about canopy, trees planted should be large and provide shade. Plan is too tall and dense, doesn't serve purpose, not aesthetic.

- Larry Almer, Power Street, concerned about height, six storeys unacceptable, parking and traffic. Concerned that someone may purchase block as short-term rentals, worried about this becoming party central over summer.
- Brenda Clark, Lion Street, spoke to tree canopy, specifically four American elms, understands a covenant will be placed to protect. Commented tree canopy in Penticton is drastically being reduced, can't be replaced by new trees with expectation of same results. Protect boulevard trees and add green space where ever possible.
- Victoria Crowan, Dynes Avenue, shadows and sunlight in wintertime, not a happy place, low cloud coverage, not pleasant, proposal too high, too much density, should be smaller in scale. View around people that live in the area will be taken away, proposal needs to be scaled back to preserve views of mountains. Traffic is horrendous, not even in summer season yet.
- Brigid Kemp, via Zoom, Warren Avenue West, inquired how project's densification is part of the northern gateway.
- Mr. Haddad responded engagement taking place over next month, there is an appetite from community for project. Density aligns with long-term vision for gateway area.
- Lyn Kelsey, Oakville Street, also has problem with height, liveability for people needs to be considered, limited green space. Shouldn't be six storeys. Likes concept of commercial space. Northern Gateway can be made aesthetically pleasing while meeting densification. Applicant should consider comments and ideas raised.
- Ann Darby, Power Street, concerned with height and density. Resembles an office building, looks exclusively commercial, mix wood and concrete, use different types of materials. Concerned about timing and management or construction with all other proposed development in area.
- Blake Laven responded bylaws are in place to control how construction occurs, Good Neighbour Bylaw controls timing to provide restful periods for residents. If road closures are required, notices are provided.
- James Brown, Brunswick Street, six storeys can be a nightmare to look at, blocks trees and sky cape. Street parking is a nightmare, driving on streets is concerning, no sidewalk network on portion of Power street. From wheel chair accessibility standpoint, could be a nightmare, applicant should take this into consideration. How is site going to be navigated by those in wheel chairs?
- Lori Goldman, via Zoom, Dauphin Avenue, speaking on behalf first is first Okanagan, concerned about fossil fuel hook-ups in area, concerned building like this will be hooked on fossil fuels, not reach goals for 2030-2050. Inquired if building will be heat pumps or geothermal.

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

- Lyn Kelsey, Oakville Street, concerned about construction, safety is priority.
- LeAnne Hansen, via Zoom, Westminster Avenue, concerns with height, would be nice to see changes. Daycare and greenery would be appreciated. Concerned about affordable housing, disability access and handicap access. Would like to see greenery and mountains. Inquired if current residents will have opportunity to apply for affordable housing and if notice will be provided.
- Linda Bergstrom, Power Street, how does density fit in with Northern Gateway Plan. Power street looks like wide boulevard, not consistent with proposal, six storey boxes seem different than artist rendering of area.
- Bert Sandie, Power Street, street parking will become an issue, parking permits will be required, street parking is not being addressed, needs to be taken into

consideration. Supports intelligent and responsible density. Zoned for six storeys, doesn't mean that many need to be built, should build to context of neighbourhood. Proposal is not thoughtful of neighbourhood.

- Jordan Shade, Backstreet Blvd, inquired if transit stops will be replaced, where current residents will go and will compensation be provided to current el rancho tenants.
- Mr. Haddad responded transit capacity will be increased and will be a high priority.
- Mr. Laven responded current ownership group understands responsibilities, working on phasing strategy should zoning be approved, plan in place to keep people there as long as possible. Responsibility to provide proper notice under tenancy act.
- Ann Darby, Power Street, inquired how service vehicles will be handled in this development.
- Dennis Scooter, Applicant, responded lots of time has been spent at property, lived in area since 1990, it's about getting the mix, project, blend and harmony right. Sensitive to comments made. Been in development business for 60 years, all faucets. Sensitive to transition and growth. Transitional area, not template for family. No renderings offered, only computer concepts to identify shadowing and footprints, not actual design. Encourages residents to study built developments, how vertical has been handled. Responded parking is always a problem, offering enough stalls is key, 380 covered parking, site will be landscaped with trees and greenery around entire complex, greenery on floor level with amenities throughout. Will be working with City to preserve elm trees. More canopy will be added. No heat pumps, not a successful component to use, product, repairs and replacement not supported by industry, maintenance nightmare. Construction safety is always a concern, run a clean site, cognisant of everyone around. With Northern Gateway project, initiative is to reduce car traffic in area, offering 170 bike stalls. Electrical vehicle charging stations will be included. Regarding affordable housing, providing entry level homes. El rancho at end of tenure, built in the 60s, spending a lot of money on maintenance. Building will take place in phases and provide residents with time to relocate, appropriate notices will be provided. Sensitive to all comments, will be considered.

The public hearing for "Zoning Amendment Bylaw No. 2022-21" was terminated at 7:18 p.m. and no new information can be received on this matter.

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
Judy Sentes
Acting Mayor

Minutes

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Community Sustainability Advisory Committee Meeting

to be held via Zoom
Wednesday, May 18, 2022
at 9:00 a.m.

Present: Chris Allen, Chair
Randy Boras, Vice Chair
Anne Hargrave
Philip Hawkes
Margaret Holm
Nicolas Stulberg

Council Liaison: Julius Bloomfield, Councillor

Staff: Kristen Dixon, General Manager of Infrastructure
David Kassian, Community Sustainability Coordinator
Hayley Anderson, Legislative Assistant

Regrets: Lyndie Hill
Tracy Van Raes

1. **Call to Order**

The Chair called the Community Sustainability Advisory Committee meeting to order at 9:01 a.m.

Randy Boras joined the meeting.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee adopt the agenda for the meeting held on May 18, 2022 as amended

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of April 20, 2022 Community Sustainability Advisory Committee

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee adopt the minutes of the April 20, 2022 meeting as presented.

CARRIED UNANIMOUSLY

DRAFT

4. **New Business**

4.1 2022 Corporate Energy and Emissions Plan

The Community Sustainability Coordinator provided the Committee with an update on the outcome of the May 17, 2022 Council meeting including, that Council adopted the 2022 Corporate Energy and Emissions Plan.

4.2 Corporate Emissions Update

The Community Sustainability Coordinator provided the Committee with a verbal update on where the City is currently at with reduction in corporate emissions. He noted background, where we are now as well as the new targets. Current targets are reducing net emissions by 30% by 2025, 45% by 2030 and net 0 by 2050, based on 2009 levels.

4.3 2022 CleanBC Communities Fund Grant Application

The Community Sustainability Coordinator provided the Committee with a presentation on the 2022 CleanBC Communities Fund Grant Application, noting previous applications, background and steps previously taken to determine the best fit for this grant.

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee recommend Council direct staff to apply to the Clean BC Communities Fund to retrofit the Community Recreation Centre to lower greenhouse gas emissions and energy consumption.

CARRIED UNANIMOUSLY

5. **Next Meeting**

The next Community Sustainability Advisory Committee meeting date is tentatively scheduled for June 22, 2022.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee meeting held on Wednesday, May 18, 2022 adjourn at 10:30 am.

CARRIED UNANIMOUSLY

Certified Correct:

_____

Hayley Anderson
Legislative Assistant

Minutes

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Agriculture Advisory Committee Meeting

To be held via Zoom
Wednesday, May 18, 2022
at 3:00 p.m.

Present:	Rod King, Chair Doug Mathias, Vice Chair Jesse Chapman Paul Gardner Nick Ibuki Darshan Jassar Annelise Simonsen Kristi Tatebe
Council Liaison:	Julius Bloomfield, Councillor
Staff:	Audrey Tanguay, Planning Manager Len Robson, Public Works Manager Nicole Capewell, Planner II Steven Collyer, Planner II Hayley Anderson, Legislative Assistant
Regrets:	Chris Holler Erica Stewart
Applicants:	Bruce Rupert Neil Rupert

1. **Call to Order**

The Agriculture Advisory Committee was called to order by the Chair at 3:00 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on May 18, 2022 as presented.

CARRIED UNANIMOUSLY

DRAFT

3. **Adoption of Minutes**

3.1 Minutes of the January 19, 2022 Agriculture Advisory Committee Meeting

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the minutes of the January 19, 2022 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

Kristi Tatebe joined the meeting at 3:08pm.

4.1 ALC Non-Farm Use – 127 Upper Bench Road South, Nicole Capewell, Planner II

The Planner provided the Committee with a presentation on 127 Upper Bench Road South noting, why the applicant is seeking exemption of the covenant, application history, City policy affecting the application and the staff recommendation.

The applicant had the opportunity to address the Committee and did so.

Main Motion:
It was MOVED and SECONDED
THAT the Agriculture Advisory Committee support "ALR Non-Farm Use PL2022-9300", for Lot 1 District Lot 88 and 155 Similkameen Division Yale District Plan KAP91714, located at 127 Upper Bench Road South, to allow one dwelling unit, limited to a maximum floor area of 1,925 sq. ft. and located above a farm building, to be permitted on the subject property.

Amendment:
It was MOVED and SECONDED
THAT the existing covenant remain.

CARRIED UNANIMOUSLY

Main Motion as Amended:
It was MOVED and SECONDED
THAT the Agriculture Advisory Committee support "ALR Non-Farm Use PL2022-9300", for Lot 1 District Lot 88 and 155 Similkameen Division Yale District Plan KAP91714, located at 127 Upper Bench Road South, to allow one dwelling unit, limited to a maximum floor area of 1,925 sq. ft. and located above a farm building, to be permitted on the subject property;
AND THAT the existing covenant remain.

CARRIED UNANIMOUSLY

4.2 OCP and Zoning Bylaw Amendment Applications for 850 Wiltse Blvd & 160 Crow Pl, Steven Collyer, Planner II

The Planner provided the Committee with a presentation on the development applications of 850 Wiltse Boulevard and 160 Crow Place noting, background, history of the OCP and its relation to this property, current proposal, agricultural context, a technical review and the staff recommendation.

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee does not object to the OCP Amendment and Zoning Amendment applications for 850 Wiltse Blvd and 160 Crow Place to enable future residential development.

CARRIED UNANIMOUSLY

4.3 Water Update, Len Robson, Public Works Manager

The Public Works Manager provided the Committee with an update on the water supply levels of the Greyback Dam, Ellis 2 Dam, and Ellis 4 Dam. He also provided an update on existing and future projects.

Annalise Simonsen left the meeting.
Jesse Chapman left the meeting.
Quorum was lost at 4:04pm.

5. **Adjournment**

The Agriculture Advisory Committee meeting of May 18, 2022 ended at 4:04pm.

Certified Correct:

_____

Hayley Anderson
Legislative Assistant

Council Report

penticton.ca

Date: June 7, 2022 File No: N\city\Address\Wiltse Pl\162
To: Donny van Dyk, Chief Administrative Officer
From: Marc Vere, Lead Building Official
Address: 162 Wiltse Place

Subject: **162 Wiltse Place: Request for Notice on Title**

Staff Recommendation

THAT the owners of 162 Wiltse Place (the *Property*) be notified that Council will consider passing a resolution to place a Notice on Title under section 57 of the *Community Charter* with respect to contraventions of the City of Penticton *Building Bylaw No. 2021-21* on Lot 9, District Lot 2710 Similkameen Division Yale District, Plan 31303, located at 162 Wiltse Place, stating the following:

> "Failure to complete and obtain building permits, which is a violation of the City of Penticton *Building Bylaw No. 2021-21*. Further information about it may be inspected at the municipal hall."

AND THAT the owners be notified of the proposed Notice on Title report, and given the opportunity to speak to the matter at the regular Council meeting of July 5, 2022.

Strategic Priority Objective

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

Background

Between the years of 1996 and 2000, Building Permits No. 4916-96, No. 5808-97, and No. 6969-00 were issued for an in-ground pool and fence, an addition to the single-family dwelling, and a second addition to the single-family dwelling at the Property, respectively. All of the aforementioned building permits did have the benefits of final inspections and the issuance of subsequent Completion and/or Occupancy Certificates. The current owners submitted a building permit application, on September 1, 2021, for the addition of a third bedroom and bathroom to the single-family dwelling. During staff's review of the building permit application, staff identified that two other unpermitted additions had been completed to the single-family dwelling between the years of 2004 and 2008. Staff conducted four inspections of the Property between September of 2021 and November of 2021, and held a meeting with the owner's agent on October 27, 2021. Although staff offered to prioritize the list of requirements and have the works completed in phases, based on health and life safety, over six months, one of the owners informed staff, on March 7, 2022, that the owners would not be proceeding with obtaining remedial building permits.

As outlined within the Chronology of Events (Attachment A), the Property has expended a considerable amount of staff time, and staff are now recommending escalating enforcement action as outlined in Council's *Building Compliance Policy* (Resolution No. 437/2018) - to ensure compliance, and requesting that

Council consider that the owners be notified that Council will consider passing a resolution for the placement of a Notice on the Title of the Property, via section 57 of the *Community Charter*.

City of Penticton – Building Bylaw No. 2021-21

As outlined in division 1 of the *Community Charter*, local governments have the authority to regulate construction. In the City of Penticton, the power to regulate construction is exercised through the *Building Bylaw No. 2021-21*, and the failure to obtain or complete a building permit falls under the *Building Bylaw No. 2021-21* as well.

Financial implication

The City's expenditure will be further staff time to notify the owners, and to prepare the resolution.

Analysis

During the course of this enforcement action, staff have followed Council's approved *Building Compliance Policy,* as well as section 57(1) of the *Community Charter*, which allows for a building inspector to recommend that Council consider a resolution to notify the owners that Council will consider placing a Notice on the Title of the Property.

At the time of this report, the Property remains in violation of the City's *Building Bylaw No. 2021-21* and the *British Columbia Building Code,* because of the expired building permits for the two additions to the single-family dwelling and the in-ground pool, and the two unpermitted additions to the single-family dwelling on the Property. Due to current enforcement efforts having not brought the Property into compliance with the City's Bylaws, staff are recommending the registration of a Notice on the Title of the Property. In addition, staff would like for Council to consider the following information when contemplating this action:

- That potential buyers of the Property should be informed of construction that is not compliant with the *British Columbia Building Code* and the City's Bylaws;
- If the City should choose not to enforce, then the potential for legal claims as a result of possible damages to surrounding properties;
- A reputation of not enforcing bylaws to ensure compliance with the City's pertinent regulations;
- The Chronology of Events that details staff's efforts to bring the Property into compliance (Attachment A).

Under the authority of the section 57(1) of the *Community Charter,* it is appropriate for Council to consider a resolution to notify the owners that Council will consider placing a Notice on Title for the failure to obtain and complete building permits. Due to the many opportunities that staff have provided the owners to obtain a building permit, staff are recommending the Council support staff in notifying the owners of the possible registration of the Notice on the Title of the Property.

Attachments

Attachment A – Chronology of Events
Attachment B – Site Plan for 162 Wiltse Place
Attachment C – September 22, 2021 Inspection Photographs

Respectfully submitted,

Marc Vere RBO, FI1, CTech
Lead Building Official

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

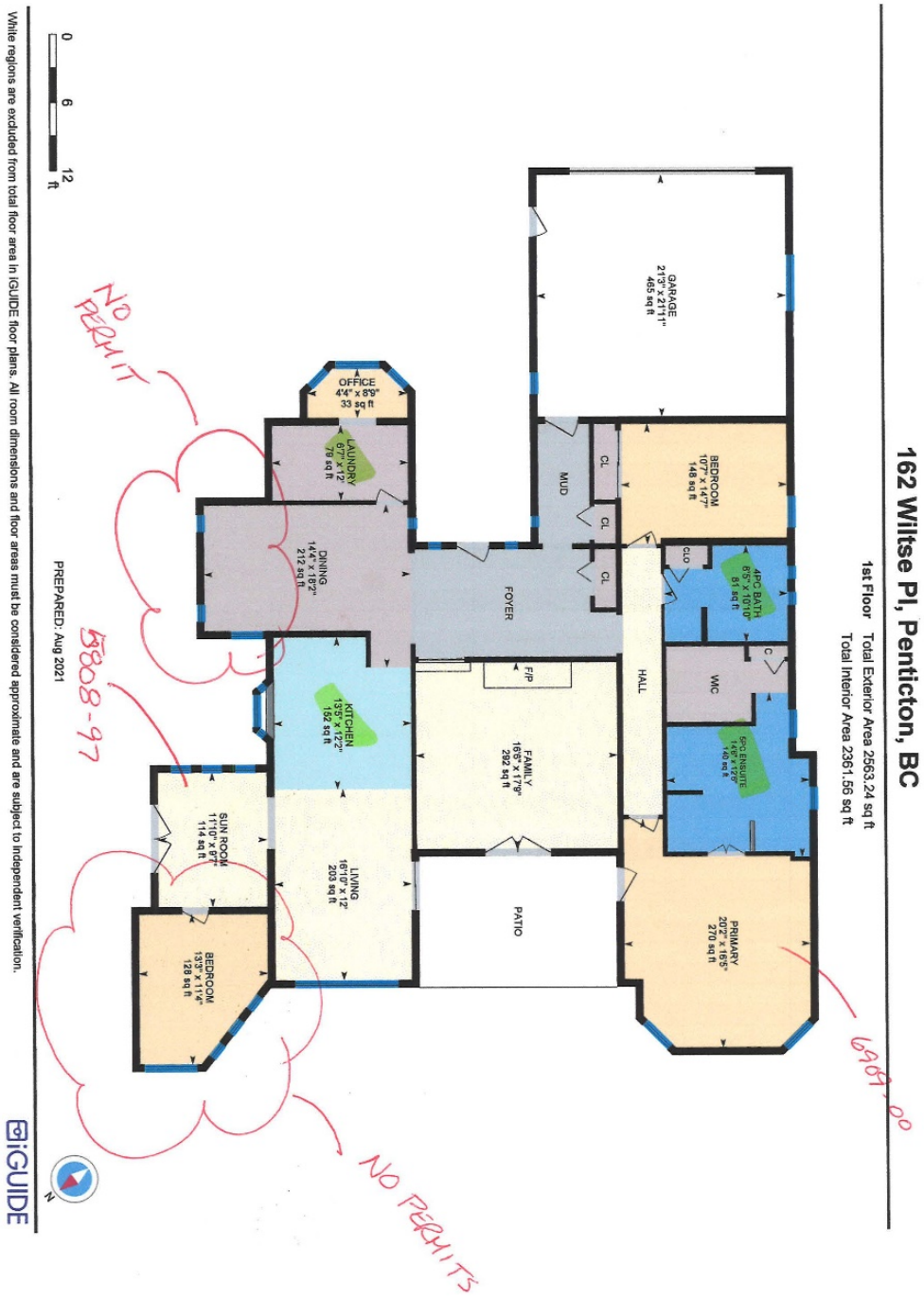
Attachment A – Chronology of Events

Chronology of Events

162 Wiltse Place

Date of Documentation	Description	Associated Document
March 7, 2022	An owner informed staff that the owners did not intend to obtain remedial building permits.	
March 2, 2022	Staff contacted the agent regarding the building permit application and unpermitted construction.	
March 2, 2022	Staff contacted the owners about not having received a building permit application and warned of a Notice on the Title of the Property.	
February 22, 2022	Staff contacted the agent about the status of the unpermitted construction.	
November 22, 2021	Plumbing Permit BP012994 was issued for the addition of a half-bathroom to the single-family dwelling (SFD).	
November 17, 2021	Staff offered to prioritize the list of requirements and have the owners complete the remedial works in phases over six months.	
November 3, 2021	Staff informed the agent that an Alternative Solution Application and a structural engineer would be required for the SFD.	
November 3, 2021	Staff conducted a plumbing inspection of the Property.	
October 27, 2021	Staff had a meeting with the agent to discuss deficiencies and options for the unpermitted additions.	
October 21, 2021	Staff conducted an on-site conditions inspection of the Property.	
October 20, 2021	Staff conducted an on-site conditions inspection of the Property.	
October 14, 2021	The current owners became the registered owners on the Title of the Property.	
September 22, 2021	Staff conducted an on-site conditions inspection of the Property.	
September 1, 2021	Staff informed the owners of the two unpermitted additions to the SFD.	
September 1, 2021	The current owners submitted a building permit application for the addition of a third bedroom and bathroom to the SFD.	
October 10, 2000	A framing, insulation, vapour barrier, and monitoring inspection was completed for Building Permit No. 6969-00.	
August 24, 2000	Building Permit No. 6969-00 was issued for an addition to the SFD.	
November 20, 1997	An insulation and vapour barrier inspection was completed for Building Permit No. 5808-97.	
September 24, 1997	Building Permit No. 5808-97 was issued for an addition to the SFD.	
February 20, 1996	Building Permit No. 4915-96 was issued for the construction of a pool and fence at the Property.	

Attachment B – Site Plan for 162 Wiltse Place



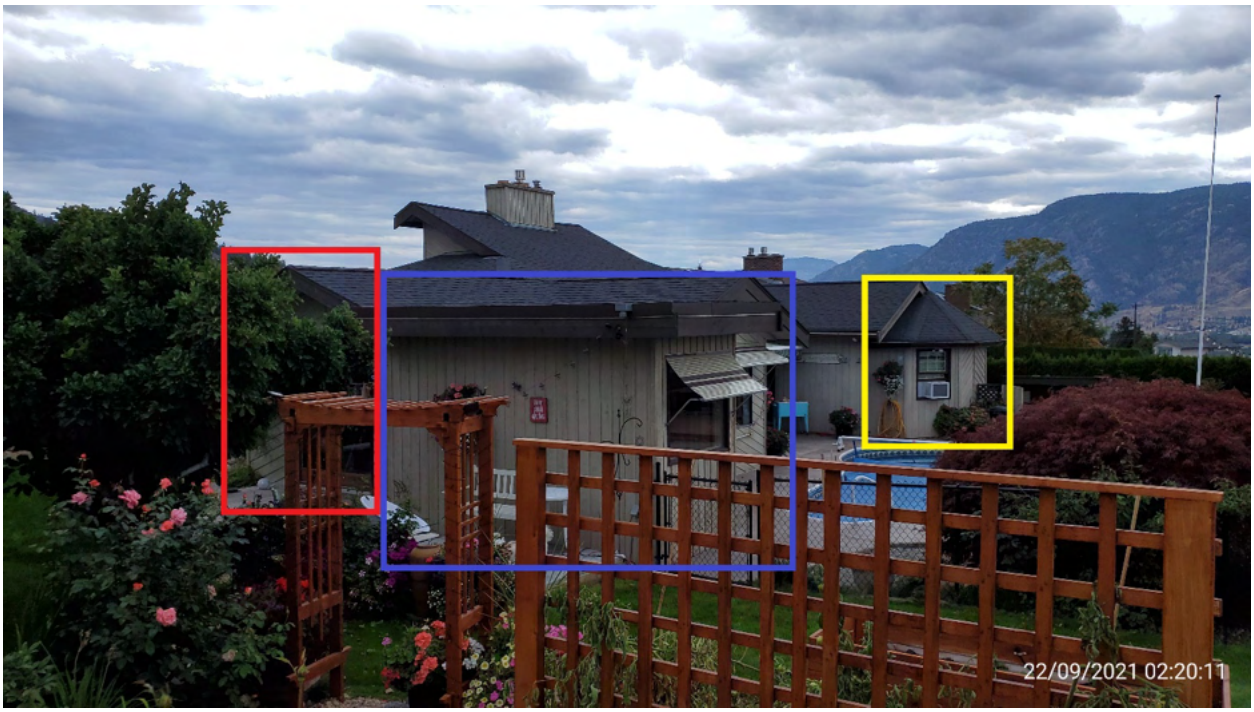
Attachment C - September 22, 2021 Inspection Photographs



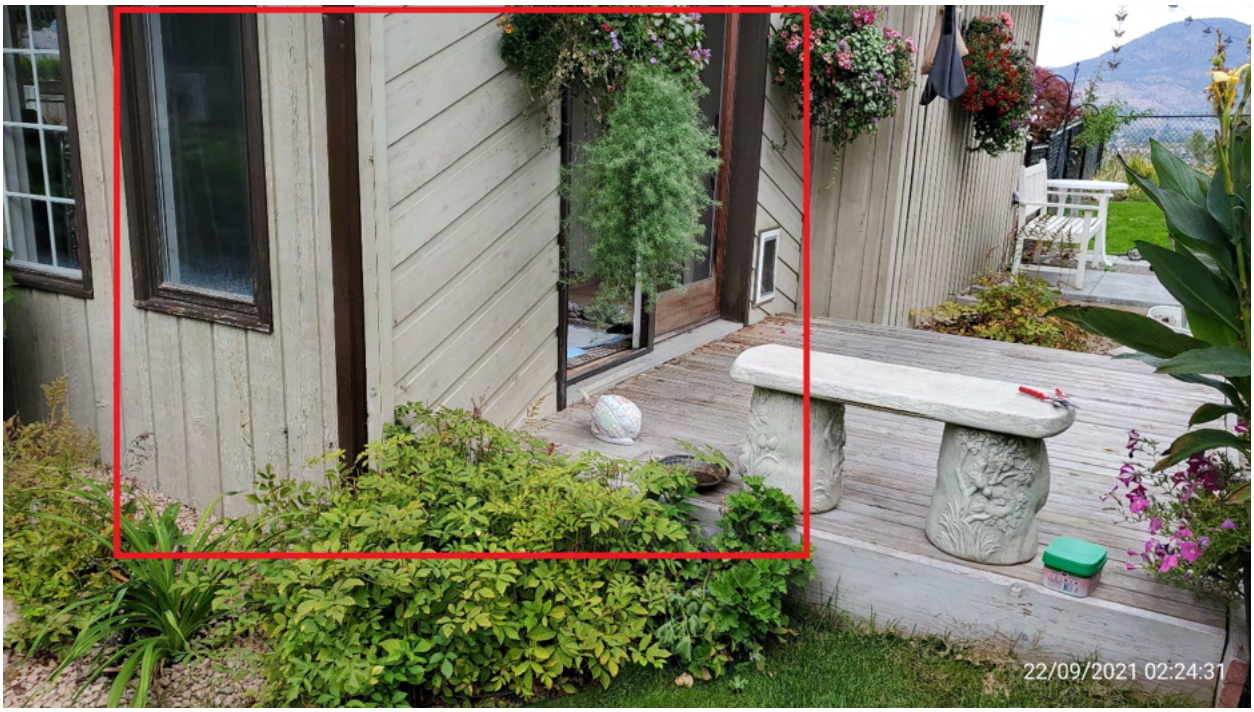
The first of the two unpermitted additions to the single-family dwelling at the Property is pictured within the red-coloured box of the above photograph.



The first of the two unpermitted additions to the single-family dwelling is pictured within the red-coloured box of the above photograph.



In the above photograph, the addition constructed under Building Permit No. 5808-97 is pictured within the red-coloured box, the second unpermitted addition is pictured within the blue-coloured box, and the addition constructed under Building Permit 6969-00 is pictured in the yellow-coloured box.



The addition constructed under Building Permit No. 5808-97 is pictured within the red-coloured box of the above photograph.



The second of the two unpermitted additions to the single-family dwelling is pictured within the red-coloured box of the above photograph.



In the above photograph, the second of the two unpermitted additions to the single-family dwelling is pictured within the red-coloured box and the in-ground pool constructed under Building Permit No. 4916-96 is pictured within the blue-coloured box.



The in-ground pool constructed under Building Permit No. 4916-96 is pictured within the red-coloured box of the above photograph.



The second of the two unpermitted additions to the single-family dwelling is pictured within the red-coloured box of the above photograph.

Council Report

penticton.ca

Date: June 7, 2022 **File No.:** RMS/Address/Penticton Ave/1090
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 1090 Penticton Avenue

Subject: **1090 Penticton Avenue: Request for Notice on Title**

Staff Recommendation

THAT the owners of 1090 Penticton Avenue (the *Property*) be notified that Council will consider passing a resolution to place a Notice on Title, under section 57 of the *Community Charter,* with respect to contraventions of the City of Penticton *Building Bylaw No. 2021-21* on Lot 5, District Lot 250 Similkameen Division Yale District, Plan 6748, located at 1090 Penticton Avenue, stating the following:

> "Failure to complete a building permit and to obtain a building permit, which is a violation of the City of Penticton *Building Bylaw No. 2021-21*. Further information about it may be inspected at the municipal hall."

AND THAT the owners be notified of the proposed Notice on Title report, and be given the opportunity to speak to the matter at the regular Council meeting on July 5, 2022.

Strategic Priority Objective

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

Background

On June 27, 2019, staff issued building permit BP010852 for a basement renovation in the single-family dwelling at the Property, after a building permit application had been submitted by one of the owners on June 14, 2019. BP010852 then expired, on June 28, 2021, without an occupancy inspection having been completed nor a request for an extension submitted. Three times, staff contacted the owner before the owner agreed to an occupancy inspection for BP010852 on March 9, 2022; it was during this occupancy inspection that staff identified that an illegal accessory suite had been constructed in the basement. Despite staff having provided the owners with options for compliance, the opportunity to meet with staff, and the issuance of three fines by staff, no building permit applications have been submitted for the accessory suite. In addition, BP010852 remains expired without a Completion Certificate having been issued for the basement renovation at the Property.

As outlined within the Chronology of Events (Attachment A), the Property has expended a considerable amount of staff time, and staff are now recommending escalating enforcement action as outlined in Council's *Building Compliance Policy* (Resolution No. 437/2018) - to ensure compliance, and requesting that Council consider that the owners be notified that Council will consider passing a resolution for the placement of a Notice on the Title of the property, via section 57 of the *Community Charter*.

Should the works not be brought into compliance within 60 days of the registration of the Notice on the Title of the property, staff will also look at further enforcement action, such as the posting of a Do Not Occupy Notice to the affected portion of the single-family dwelling or through seeking an injunction in the Supreme Court of British Columbia. Section 14.58 of the *Building Bylaw No. 2021-21* enables a building official to post a Do Not Occupy Notice on the affected part of the building. The City is also empowered, through section 274 of the *Community Charter,* to enforce its Bylaws by the way of an injunction.

City of Penticton – Building Bylaw No. 2021-21

As outlined in division 1 of the *Community Charter*, local governments have the authority to regulate construction. In the City of Penticton, the power to regulate construction is exercised through the *Building Bylaw No. 2021-21*, and the failure to both obtain and complete building permits correspondingly falls under the *Building Bylaw No. 2021-21* as well.

Financial implication

The City's expenditure will be further staff time to notify the owners and to prepare the resolution.

Analysis

During the course of this enforcement action, staff have followed Council's approved *Building Compliance Policy,* as well as section 57(1) of the *Community Charter*, which allows for a building inspector to recommend that Council consider a resolution to notify the owners that Council will consider placing a Notice on the Title of the property.

At the time of this report, the Property remains in violation of the City's *Building Bylaw No. 2021-21* and the *British Columbia Building Code,* because of the expired building permit BP010852 and the illegal accessory suite in the basement of the single-family dwelling on the Property. Due to current enforcement efforts having not brought the Property into compliance with the City's Bylaws, staff are recommending the registration of a Notice on the Title of the Property. In addition, staff would like for Council to consider the following information when contemplating this action:

- The potential safety risks for occupants and users of the single-family dwelling, as a result of construction that is non-compliant with the *British Columbia Building Code*;
- If the City should choose not to enforce, then the potential for legal claims as a result of possible damages to surrounding properties;
- A reputation of not enforcing bylaws to ensure compliance with the City's pertinent regulations;
- The Chronology of Events that details staff's efforts to bring the Property into compliance (Attachment A).

Under the authority of the section 57(1) of the *Community Charter,* it is appropriate for Council to consider a resolution to notify the owners that Council will consider placing a Notice on Title for the failure to both complete a building permit and to obtain a building permit. Due to the many opportunities that staff have provided the owners to complete the issued building permit BP010852 and to obtain a building permit for the illegal accessory dwelling unit, staff are recommending the Council support staff in notifying the owners of the possible registration of the Notice on the Title of the property.

Attachments

Attachment A – Chronology of Events
Attachment B – Inspection Letter dated April 5, 2022

Respectfully submitted,

Ken Kunka, AScT RBO
Building and Permitting Manager

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Chronology of Events

Chronology of Events

1090 Penticton Avenue

Date of Documentation	Description	Associated Document
May 24, 2022	Staff informed the owners that the Property would be introduced to Council for a proposed Notice on Title.	
April 26, 2022	A Notice was placed on the Tax Certificate for the Property.	
April 25, 2022	Staff sent letters about the accessory suite to the owners and issued fines to both owners.	
April 5, 2022	Staff sent letters about the accessory suite to the owners and issued a fine to one owner.	Attachment B
March 30, 2022	Staff requested that the owner meet with staff to discuss options for the accessory suite.	
March 15, 2022	Staff provided options to the owner to bring the accessory suite into compliance.	
March 9, 2022	A 'Fail' was issued for an occupancy inspection for the building permit BP010852 and an illegal accessory suite was identified in the basement by staff.	
February 15, 2022	The owner requested an inspection to complete BP010852.	
February 9, 2022	Staff informed the owner and the agent that BP010852 had expired and would proceed to enforcement.	
January 21, 2022	Staff sent a letter regarding the expiry of BP010852 to the owner and the agent.	
October 8, 2021	Staff informed the owner and the agent that BP010852 had expired.	
June 28, 2021	BP010852 expired without completion.	
July 25, 2019	A scheduled occupancy inspection for BP010852 was cancelled by the owner.	
July 22, 2019	A 'Pass' was issued for a framing inspection for BP010852.	
August 12, 2019	A 'Pass' was issued for a plumbing rough-in inspection for BP010852.	
July 29, 20219	A 'Partial Pass' was issued for a plumbing rough-in inspection for BP010852.	
June 27, 2019	BP010852 was issued for the basement renovation at the Property.	
June 14, 2019	The owner submitted an application for a basement renovation at the Property.	

Attachment B – Inspection Letter dated April 5, 2022

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

Ref. No.: CFS 204696

April 5, 2022

[redacted]

[redacted]

Dear Owners,

Re: Illegal Accessory Suite – 1090 Penticton Avenue - LT 5, DL 250 SDYD, Plan 6748

On March 9, 2022, City of Penticton Building and Permitting staff conducted an occupancy inspection for the building permit BP010852 at the above noted property. The building permit BP010852 was issued, on June 27, 2019, for a basement renovation to the single-family dwelling at the noted property. During the recent inspection in the basement of the single-family dwelling, staff identified that an accessory suite had been constructed without the benefit of the appropriate building permits. Section 7.1 of *Building Bylaw No. 2021-21* provides the following:



The kitchen in the illegal accessory suite is pictured in this photograph from the inspection on March 9, 2022 of the property.

> "A person must not commence or continue any construction, alteration, excavation, reconstruction, demolition, removal, relocation or change the use or occupancy of any building or structure, including other work related to construction
> (a) except in conformity with the requirements of the Building Code and this bylaw; and
> (b) unless a building official has issued a valid and subsisting permit for the work under this bylaw."

Please be aware that *Zoning Bylaw No. 2021-01* only permits two types of accessory suites, either a secondary suite in a single detached dwelling unit or a carriage house (accessory dwelling unit). From the definition of a secondary suite in the *Zoning Bylaw No. 2021-01*, a secondary suite must have "direct access to the open air, without passing through any part of the principal building". As the entrance to the accessory suite at the property is within the basement of the single-family dwelling, the accessory suite cannot be considered to be a secondary suite and is, therefore, not a permitted used at the property.

In order to bring the illegal accessory suite into compliance, please follow the provided direction below.

Directions to meet City of Penticton Regulations:

1. **Decommission the Accessory Suite:**
   - **a.** Submit a building permit application for the decommissioning of the accessory suite, with the immediate safety improvements, as listed below, applying.
   - **b.** Remove the kitchen in the accessory suite, which involves the removal of all of the following:
     - i. All cooking equipment;
     - ii. Exhaust fans; and
     - iii. 220-volt wiring.
   - **c.** Provide confirmation of electrical, and plumbing safety compliance from certified tradespersons.



A photograph of the entrance to the illegal secondary suite from the inspection on March 9, 2022 of the property.

Enclosed with the letter to Mr. Macevicius is Bylaw Offence Notice (BON) TP00126 that is being issued to Mr. Macevicius for a violation of section 7.1 of the *Building Bylaw No. 2021-21*: No Permit. The Building and Permitting Department still intends to work with both owners through the permit process to obtain compliance through the decommissioning of the illegal accessory suite. As well, the main goal of staff is to ensure the safety of occupants and the protection of surrounding properties. However, unpermitted construction will not be condoned, and is considered to be a serious matter by the City of Penticton.

Failure to follow the provided directions, complete an application for the corresponding permit, and arrange for an application meeting by **April 22, 2022** will result in escalating enforcement action. For every 24 hours that the property remains in non-compliance, fines may be issued. Fines that are issued will be done so pursuant to the *Building Bylaw No. 2021-21*. As per section 57 of the *Community Charter*, a Notice on the Title of the property may also occur. Please be aware that a Notice on the Tax Certificate has been posted for Bylaw infractions and will remain until compliance is obtained.

The City of Penticton trusts that you will take corrective measures in response to this letter. You may contact me directly at [redacted] Office hours are Monday through Friday from 8:30 AM to 4:30 PM.

Thank you in advance for your cooperation.

[redacted]

City of Penticton

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Council Report

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Date: June 7, 2022 File No: N\city\Address\Lakeshore Dr W\434
To: Donny van Dyk, Chief Administrative Officer
From: Duncan Scandrett, Licensing and Property Use Inspector
Address: 434 Lakeshore Drive West

Subject: **434 Lakeshore Drive West: Request for Remedial Action Requirements**

Staff Recommendation

THAT Council, under the authority provided in section 73 of the *Community Charter*, declare the Property at 434 Lakeshore Drive West, (the *Property*) having a legal description of: Lot 1, District Lot 4 Group 7 Similkameen Division Yale District Plan 35081 Except Plan EPP91648 (Parcel Identifier: 002-898-331) is an unsafe condition that requires remedial action to demolish and remove the fire-damaged structure and level the site, in order to eliminate the unsafe condition;

AND FURTHER THAT Council, under the authority provided in section 74 of the *Community Charter*, declare the Property to be so unsightly and untidy as to be offensive to the community and, as a result, is a declared nuisance that requires remedial action to remediate the property and demolish and remove the damaged structure and level the site, in order to eliminate the nuisance;

AND FURTHER THAT Council, under the authority provided in section 72 of the *Community Charter*, impose the following remedial action requirements on the registered owners of the Property with respect to the structure and property noted above in Recommendations 1 and 2 in order to eliminate the unsafe condition and the declared nuisance:

a) to demolish the damaged structure;
b) to remove all debris from the yards, which includes those trees damaged by the fire and the remnants of the structure to an appropriate disposal site; and
c) level the site.

AND FUTHER THAT Council, pursuant to section 76 of the *Community Charter*, set the time limit for completion of all the remedial action requirements described in Recommendation 3, to be no later than 4:30 p.m. on July 11, 2022;

AND FURTHER THAT Council, pursuant to section 78 of the *Community Charter*, set a time limit for giving a written notice of a request for Council to reconsider the remedial action requirements described in Recommendation 3, to be no later than 4:30 p.m. on June 27, 2022;

AND FURTHER THAT Council, under the authority provided in section 17 of the *Community Charter,* authorize staff to take appropriate actions to ensure that Property is brought into compliance with all the remedial action requirements described in Recommendation 3, provided that:

a. The owners have not fully completed the remedial action requirements on or before the time limit specified in this Council resolution; and
b. All costs incurred by the City to bring the property into compliance shall be at the expense of the owners and, pursuant to section 17 of the *Community Charter*, such costs shall be recovered from the owners as a debt owed to the City of Penticton.

Executive Summary

This report provides Council with the information pertaining to violations of the City of Penticton's *Good Neighbour Bylaw No. 2012-5030* at the Property and seeks Council's authorization to impose remedial action requirements on the Property to obtain compliance. Staff are also seeking Council's authority to proceed with action on the Property should compliance not be achieved by the owners within the required time limit set by Council.

Strategic Priority Objective

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

Background

The chronology of events related to the Property are as follows:

March 7, 2022 – The Penticton Fire Department attended to a structure fire at the Property that was declared a 'three-alarm fire' and would involve 35 firefighters and five pieces of equipment to control the blaze. The cause of the fire was determined to be a gas explosion that resulted in the total loss of the heritage home at the Property. The structure sustained extensive damage, such that only approximately 1.5 metres of the norther exterior wall and the concrete foundation were left standing.

May 3, 2022 – The Building and Permitting Department sent a standard fire-damaged building letter to owners to inform of the requirement for a building permit for repairs or alterations to the structure. The letter dated May 3, 2022 also encouraged the owners to contact a Building Official to discuss the requirements for obtaining a building permit for the structure.

May 16, 2022 – A complaint was received by Bylaw Services that alleged that the structure fire at the Property had not been remediated and that the Property was unsightly. The complainant also had concerns that the exposed materials may be hazardous to the health of the neighbouring residents.

May 19, 2022 – Staff attended to the Property and determined that the Property was unsightly due to the several mounds of fire-damaged debris, blackened trees, and exposed concrete foundation of the structure. Staff did not find evidence that further remediation to the Property had been attempted since the fire on March 7, 2022.

May 20, 2022; Staff contacted the owners regarding the condition of the Property and the owners' intentions for the Property. Staff were informed that the owners had been awaiting approval of an insurance claim for eight weeks and were unwilling to spend additional funds on the Property until that process has concluded. The owners advised that there were currently no re-development plans for the property at this time.

Given the uncertainty on when the site will be cleaned up and the deemed hazards identified, staff are proposing to utilize powers in the *Community Charter* to ensure the property is brought into a conforming state as soon as possible, by passing resolutions deeming the property a nuisance and a hazard and passing a remedial action order requiring the clean up to occur within a specified time period.

Financial implication

If the owners fail to complete the remedial action requirements within the time set by the Council resolution, section 17(1) of the *Community Charter* allows for a municipality to proceed with the works to do the remedial action at the City's initial cost and then recover the costs incurred as a debt. The City will collect the amount incurred from the owners in the same manner and remedies as property taxes. Therefore, the taxes, if unpaid, are deemed to be in arrears. Furthermore, the unpaid taxes would constitute a charge on the land and have priority over any other claim, lien, privilege, or encumbrance of any person (except the Crown).

The 2021 BC Assessment provides that the land is valued at $1,142,000 and the Building was valued at $567,000, however, because of the fire, staff estimates the total value of the property to only be equal to that that of the land at $1,420,000. Regardless, should it be necessary for the City to act on the remedial action requirements, sufficient equity in the Property exists for the recovery of the City's incurred expenses.

Staff have not yet solicited any quotes to complete the remedial actions, but given the property value, staff are confident in the ability to recover any expenses incurred.

Conclusion

The recommendations in this report meet the requirements of the relevant sections of the *Community Charter* and outline the process by which the violations of the City's Bylaws at the Property may be resolved. If approved, the recommendations provide staff with the authority to bring Bylaw violations at the Property into compliance.

Attachments

Attachment A – May 19, 2022 Inspection Photographs

Respectfully submitted,

Duncan Scandrett
Licensing and Property Use Inspector

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – May 19, 2022 Inspection Photographs








Local:May 19, 2022 at 2:41:15 PM PDT
BC,Penticton,Lakeshore Dr W


Local:May 19, 2022 at 2:42:27 PM PDT
BC,Penticton,Lakeshore Dr W


BC,Penticton,Lakeshore Dr W

Council Report

penticton.ca

Date: June 7, 2022 File No: RMS 4000-02
To: Donny van Dyk, Chief Administrative Officer
From: Tina Mercier, Bylaw Services Manager

Subject: **Animal Control Bylaw No. 2021-02**

Staff Recommendation

THAT Council rescind third reading of "Animal Control Bylaw No. 2021-02" and give third reading as amended to "Animal Control Bylaw No. 2021-02".

Background

City Council gave first, second and third reading to Animal Control Bylaw 2021-02 in September 2021. The Bylaw, intended to replace the current Dog Control Bylaw, is considered a modern animal control bylaw, built off of legislation contained in the *Local Government Act* and other modern bylaws adopted elsewhere in the province (ie. BC SPCA Model Bylaw). The Bylaw was developed in consultation with the City's Dog Control contractor, legal counsel and associated professional agencies.

Prior to adoption, the bylaw requires approval from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. After consideration from Council, the Bylaw was referred to the Ministry. The Ministry wanted to see some minor changes. Those changes have now occurred and the amended bylaw is now back before Council for a re-reading of the amended bylaw.

Changes to the bylaw include: an exemption for hens and bees on farm land, clarity around wildlife impacts of the bylaw, and definition of the word "distress".

Analysis

The proposal before Council is just to accept the changes made based on Ministry feedback. For a full detailed analysis of the Bylaw, staff refer Council to the previous staff report to Council from September 7, 2021. Staff are recommending that Council rescind third reading of the Bylaw and re-read the Bylaw as amended. The Bylaw, along with the associated fee amendments Bylaws, will be back for adoption upon approval from the Ministry.

Attachments

Attachment A – Animal Control Bylaw No. 2021-02 as amended

Respectfully submitted,

Tina Mercier
Bylaw Services Manager

Concurrence

General Manager/ Director	Chief Administrative Officer
BL	DvD

The Corporation of the City of Penticton

Bylaw No. 2021-02

A bylaw to provide for the regulation, licensing and control of animals within the City of Penticton.

WHEREAS it is deemed expedient to regulate the keeping of dogs and other animals within the City of Penticton and to provide for the fixing, imposing and collection of licence fees from and the issuance of licenses to a person who owns, possesses, harbours or who has charge of an animal;

AND WHEREAS the *Community Charter* provides general authority to regulate, prohibit and impose requirements by bylaw in relation to animals;

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

1. Title

1.1 This bylaw may be cited for all purposes as the "Animal Control Bylaw No. 2021-02".

2. Interpretation and Scope

2.1 The headings contained in this bylaw are for convenience only and shall not be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

2.2 This bylaw does not apply to the government of British Columbia.

2.3 This bylaw does not apply to a Police Service Dog while under active duty.

2.4 This bylaw does not apply to the keeping of Bees or the keeping of Hens on land on which Agricultural Use is a permitted use pursuant to Zoning Bylaw No. 2021-01.

2.5 This Bylaw does not apply to an activity or conduct that is authorized by a permit or license issued under the Wildlife Act or the Animal Health Act.

2.~~4~~6 A reference in this bylaw to a bylaw of the City or an act or regulation adopted by the government of British Columbia or Canada shall be construed as a reference to the bylaw, act or regulation as amended or replaced.

3. Definitions

In this bylaw, unless the context otherwise requires, the following words have the following meanings:

"Aggressive Behaviour" means any behaviour by a Dog that intimidates a person or Animal and includes snarling, growling or pursuing a person or Animal in a threatening manner;

"Aggressive Dog" means a dog which:

a) has displayed Aggressive Behavior toward a person or animal; or
b) has caused Minor Injury to a person or animal;

"Allowable Animals" means an animal that may be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to Cats, Dogs, domestic ferrets, domestic mice, domestic rats, rabbits, chinchillas, gerbils, hamsters, guinea pigs, hedgehogs, freshwater and saltwater fish, small and medium birds including budgies, canaries, cockatiels, lovebirds, parrots, macaws and small reptiles and amphibians under two (2) metres including snakes, bearded dragons, frogs, and salamanders;

"Animal" has the same meaning as defined in the *Community Charter*;

"Animal Control Officer" means the person(s) appointed as an Animal Control Officer, or Bylaw Enforcement Officer, and includes a Peace Officer;

"Animal Control Facility" means the City Facility established by Council for the holding of impounded Animals pursuant to this bylaw, located at 2330 Dartmouth Drive.

"Animal Shelter Manager" means the person(s) appointed to assume the responsibilities of the Animal Shelter Manager pursuant to this bylaw, and includes the delegates of this person;

"Attack" means an incident in which a person or Animal sustains a Minor Injury or Serious Injury;

"At Large" means a Domestic Animal that is in a public place or on private property other than the premises of its Owner, while not contained or on a leash or under immediate control by a Competent Handler;

"Bee" means any insect of the species Apis mellitera;

"Beehive" means a structure which houses a colony of worker Bees with queen and drones;

"Biting Dog" means a dog that has bitten a person or Animal;

"Bylaw Services Manager" means the supervisor of the bylaw enforcement division for the City, or their designate;

"Cat" means a member of the *felis catus* family and commonly known as the domestic house cat;

"Choke Collar" means a slip collar or chain that may constrict around the Animal's neck as a result of pulling on one end of the collar or chain, and includes pinch or prong collars but does not include a martingale collar;

"Code of Practice" means A Code of Practice for Canadian Kennel Operations published by Canadian Veterinary Medical Association, 2018 as amended or updated from time to time;

"Commercial Kennel" means a facility or property where dogs are kept, trained, cared for, bred, treated or boarded for remuneration or purposes of sale, and for certainty excludes Indoor Animal Daycare And Grooming as defined in the City's Zoning Bylaw;

"Community Cat Caregiver" means a person who, in accordance with a good faith effort to conduct Trap-Neuter- Return, provides care, including food, shelter or medical care, to a community cat.

"Companion Animal" means an Animal kept for companionship to a person rather than utility, profit or burden and which is lawfully kept upon residential property;

"City" means the City of Penticton;

"Competent Handler" means a person of sufficient capacity to ensure a Domestic Animal under their care and control will obey commands and can be physically restrained if required;

"Council" means the municipal council of the City of Penticton;
"Dangerous Dog" has the same meaning as in the *Community Charter*;

"Distress" means a severe negative affected physical or psychological state;

"Dog" means an Animal of the canine species irrespective of sex or age;

"Dog Behaviour Specialist" means a person who works in modifying or changing behaviour in dogs;

"Domestic Animal" means any Animal which is regularly and customarily sheltered, fed, and cared for by an Owner;

"Enclosure" means a fence or structure suitable to prevent unauthorized entry and suitable to confine a Domestic Animal and prevent its escape;

"Fighting Dog" means a dog that has been bred, conditioned or trained to fight or that engages in pre-arranged fights with one or more spectators;

"Guard Dog" means a Dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property;

"Hen" means a female domestic chicken kept for the purposes of egg production;

"Identification" means:

a) a collar or tag worn by an Animal which includes the name, current address and contact information of the owner;

b) a traceable tattoo;

c) a traceable microchip; or

d) a valid licence tag issued by the City;

"Impounded" means seized, delivered, received, or taken into the Animal Control Facility or in the custody of the Animal Control Officer or the Animal Shelter Manager;

"Leash" means a rope, chain, cord, leather strip, or other device attached to the collar of a Dog that is capable of controlling and restraining the activity of the Dog and that does not exceed 2 metres in length;

"Licence Year" means the time period from January 1 to December 31 inclusive, in each and every year;

"Minor Injury" means a physical injury to a person or Animal that consists of pinches, localized bruising, or scratches;

"Mitigating Factor" means a circumstance that may excuse the Aggressive Behaviour or Attack by a Dog and includes: a) responding to an attack by a person or aggressive Animal or Cat; b) responding to an attack by a person or aggressive Animal or Cat on the Dog's offspring; c) responding to teasing, provocation or torment; d) protecting its Owner from physical harm; or e) defending the real or personal property of its Owner from trespass, damage or theft;

"Muzzle" in reference to a Dog means a humane basket style fastening or covering device that is strong enough and well-fitted enough to prevent the Dog from biting, without interfering with its breathing, panting, vision or its ability to drink;

"Neuter" means the sterilization of a male Animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

"Off Leash Area" means an area designated by the City permitting Dogs to be off leash;

"Owner" means any person owning, possessing, harbouring or having charge of an Animal or permitting an Animal to remain about the person's house or premises or to whom a licence for an Animal has been issued pursuant to this bylaw and where the Owner is a minor, the person who is the legal guardian of or has custody of the minor;

"Permanent Identification" means identification for an Animal in the form of a traceable tattoo or a microchip that contains the current contact information of the Owner;

"Police Service Dog" means any Dog owned by the Royal Canadian Mounted Police or any municipal police department;

"Public Place" includes any highway, sidewalk, boulevard, public space, park or any other real property owned, held, operated or administered by the City or by a school district;

"Rooster" means a male chicken;

"Seize" includes impound and detain;

"Serious Injury" means a physical injury to a person or Animal that consists of punctures, lacerations in more than one direction, broken bones or injury requiring stitches or surgery;

"Shelter" means something beneath or within which a Domestic Animal is provided refuge from weather events, extreme temperatures, or adverse conditions;

"Spay" means the sterilization of a female Animal by removing the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

"Tether" means to fasten a Dog to a fixed object with a rope, chain, or the like, so as to limit the Dog's range of movement;

"Unlicensed Dog" means a dog for which the licence for the current year has not been issued;

"Urban Beekeeping" means the keeping, owning, or maintaining of beehives on a parcel of land occupied by a resident keeper;

"Wildlife" has the same meaning as in the *Wildlife Act*.

4. Powers of an Animal Control Officer

4.1 Pursuant to the *Community Charter*, an Animal Control Officer may, at all reasonable times, enter on and inspect private property within the City in order to ascertain whether the provisions of this bylaw are being observed.

4.2 Where the Animal Control Officer identifies a Dog that is not licensed as required by this bylaw, the Animal Control Officer may impound the Dog or exercise any other authority granted to the Animal Control Officer by this bylaw.

4.3 An Animal Control Officer may, on behalf of the City, exercise the authorities in the *Community Charter* regarding Dangerous Dogs.

4.4 Where an Animal Control Officer determines that a Dog is an Aggressive Dog, Biting Dog, or a Dangerous Dog, the Animal Control Officer may by written notice direct the Owner to comply with the requirements of this bylaw regarding Aggressive Dogs, Biting Dogs or Dangerous Dogs.

4.5 The Animal Control Officer may, where necessary, employ the use of lures, baits, nets, live traps, sonic and mechanical devices or any other means of apprehending Domestic Animals At Large other than Wildlife.

4.6 If a person fails to take any action required pursuant to this bylaw, the Animal Control Officer may issue an order to comply with this bylaw within the time frame stipulated in the order.

4.7 If the obligations stipulated in an order to comply are not performed by the date set out therein, the City by its employees and others may enter on real property and perform the obligations at the expense of the person defaulting and such costs shall constitute a debt due and owing. If the costs remain unpaid on December 31 in the year in which they were imposed, the costs shall be added to and form part of the taxes payable on the parcel as taxes in arrears.

5. Possession of Animals

5.1 No person shall keep or allow to be kept on any real property, including any premise that contains a suite, a boarder or tenant, more than six (6) Companion Animals, subject to the follow further limitations:

a) Not more than three (3) Dogs over the age of eight (8) weeks;
b) Not more than five (5) Cats over the age of twelve (12) weeks;
c) Not more than five (5) rabbits.

6. Prohibited Animals

6.1 No person shall possess, breed, exhibit for entertainment or educational purposes or display in public either on a temporary basis or permanent basis, any Animal that is not an Allowable Animal, Bee or Hen.

6.2 Section 6.1 does not apply to:

a) The premises of the City facility used for keeping Impounded Animals;

b) The premises of any police department;

c) Premises operated by the British Columbia Society for the Prevention of Cruelty to Animals;

d) The premises of a veterinarian licensed by the college of Veterinarians of BC; providing the veterinarian is providing temporary care for a prohibited Animal;

e) Premises that keep prohibited Animals for which a valid permit is in place pursuant to the Wildlife Act, RSBC 1996, c. 488;

f) Premises that keep Animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care.

7. Animal Responsibility Regulations and Prohibitions

7.1 No Owner shall allow any Animal to howl, bark or cry so as to unduly disturb the quiet, peace, rest, tranquility of two or more persons residing within a 50 metre radius of the parcel where the Animal is kept.

7.2 No Owner or person having the custody, care or control of an Animal other than a Cat, shall allow or permit the Animal to be At Large in the City.

7.3 An Owner of a Cat that permits the Cat to be At Large shall assume all risks associated with the Cat being At Large.

7.4 No Owner shall permit or allow an Animal to:

a) suffer from ~~thermal~~ distress, dehydration, discomfort or exertion causing unnecessary pain, suffering or injury;

b) bite a person or other Animal;

c) cause Minor Injury to a person or other Animal;

d) cause Serious Injury to a person or other Animal; or

e) cause the death of a person, wildlife or another Domestic Animal.

7.5 Every Owner of a diseased Animal must, where the disease poses a threat to the health or safety of a person or Animal, ensure that the diseased Animal does not leave the property or premises of the Owner other than for the purpose of a visit to a veterinarian, and the Animal must be transported in a manner so as to ensure that it does not come into contact with another person or Animal.

7.6 Notwithstanding any other provision of this Bylaw, no person shall:

a) abandon any Animal;

b) tease, torment, or provoke an Animal;

c) cause, permit or allow an Animal to suffer;

d) use choke, prong or shock collars or harsh physical or verbal corrections to train or restrain any Animal;

e) use poison, air pellet guns, bows and arrows, sling shots and the like on any Animal; or

f) breed, condition, train or allow any Dog to be a Fighting Dog.

7.7 No person, other than an Animal Control Officer, licensed pest control service provider, Community Cat Caregiver or accredited and licensed animal welfare organization, shall deploy a trap, snare, net or other device for the purpose of capturing a Cat.

7.8 No person shall bury an animal carcass on any parcel in the City.

8. Keeping and Licensing of Dogs

8.1 Every person who owns a Dog and resides in the City for more than 30 days shall obtain a licence before the Dog reaches the age of (3) months.

8.2 The Owner of a Dog for which a licence and corresponding licence tag have been issued under this bylaw shall affix, and keep affixed, the licence tag on the Dog by a collar, harness, or other suitable device.

8.3 Every licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.

8.4 The licence fees set out in the Fees and Charges Bylaw shall be reduced by one-half in respect of an application for a licence made on or after June 30.

8.5 Where an Owner seeks a reduced licence fee for a Dog that is Neutered or Spayed, the application shall be accompanied by a certificate signed by a qualified veterinarian indicating that the Dog has been Neutered or Spayed.

8.6 Where an Owner of a licensed Dog has a change of address within the City, the owner must promptly notify the City of their new address.

8.7 A Dog licence will be provided at no charge to the Owner of a registered guide Dog or service Dog upon presentation of a certificate issued pursuant to the provincial *Guide Dog and Service Dog Act.*

8.8 Every person applying for a licence shall pay the licence fee as set out in the City's Fees and Charges Bylaw.

9. Aggressive Dog

9.1 Where a Dog meets the definition of an Aggressive Dog, an Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the designation

and of the requirements of this bylaw with respect to Aggressive Dogs.

9.2 Every Owner of an Aggressive Dog shall:

a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;

b) ensure that the Dog is not At Large within the City at any time;

c) keep the Dog Muzzled when in a designated Off-Leash Area;

d) within thirty (30) calendar days of the notice that the Dog is an Aggressive Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the City;

e) within seven (7) calendar days of the notice that the Dog is an Aggressive Dog, provide a photograph of the Aggressive Dog to the Animal Shelter for identification purposes.

9.3 No person shall own or keep any Aggressive Dog unless the Dog is licensed as an Aggressive Dog by an Owner who is over nineteen (19) years of age and who keeps the Dog in compliance with all applicable requirements of this bylaw.

10. Biting Dog

10.1 Where a Dog meets the definition of a Biting Dog, and Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the designation and of the requirements of this Bylaw with respect to Biting Dogs.

10.2 Every Owner of a Biting Dog shall:

a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;

b) ensure that the Dog is not At Large within the City at any time;

c) ensure that the Dog is not in a designated Off-Leash Area in the City at any time;

d) keep the Dog Muzzled when not on the Owner's property to prevent it from biting another Animal or human;

e) within thirty (30) calendar days of the notice that the Dog is a Biting Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the City;

f) within seven (7) calendar days of the notice that the Dog is a Biting Dog, provide a photograph of the Biting Dog to the Animal Shelter for identification purposes.

10.3 No person shall own or keep any Biting Dog unless the Dog is licensed as a Biting Dog by an Owner who is over nineteen (19) years of age and who keeps the Dog in compliance with all applicable requirements of this bylaw.

11. Dangerous Dogs

11.1 Where a Dog meets the definition of a Dangerous Dog, an Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the designation and of the requirements of this Bylaw with respect to Dangerous Dogs.

11.2 Every Owner of a Dangerous Dog shall:

a) secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the Owner's property;

b) ensure that the Dog is not At Large within the City at any time;

c) ensure that the Dog is not in a designated Off-Leash Area in the City at any time;

d) keep the Dog Muzzled when not on the Owner's property to prevent it from biting another Animal or human;

e) post a clearly visible sign at all points of entry onto any premises where the Dog is being kept, temporarily or permanently, warning that there is a Dangerous Dog on the premises;

f) at all times while the Dog is on a person's premises, keep the Dog securely confined indoors or confined outdoors in an Enclosure;

g) within thirty (30) calendar days of the notice that their dog is a Dangerous Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the Animal Shelter Manager; and

h) within seven (7) calendar days of the notice that the Dog is a Dangerous Dog, provide a photograph of the Dangerous Dog to the Animal Shelter for identification purposes.

11.3 The Owner of a Dangerous Dog shall promptly notify the City's Animal Shelter Manager if:

a) the Dog is At Large; or

b) the Dog dies, is given away, or its place of residence changes.

11.4 No person shall own or keep any Dangerous Dog unless this Dog is licensed as a Dangerous Dog by an Owner who is over nineteen (19) years of age and who keeps the Dog in compliance with all applicable requirements of this bylaw.

11.5 In order to obtain a licence for a Dangerous Dog, an Owner of a Dangerous Dog shall supply the following documentation to the City:

a) complete Dog licence application;

b) written confirmation from a licensed veterinarian that the Dog has been Neutered or Spayed;

c) written confirmation that the Dog has Permanent Identification with the Permanent Identification information outlined on the application; and

d) payment of the Dangerous Dog licence fee as outlined in the Fees and Charges Bylaw.

11.6 If the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of this bylaw, ownership of the Dog may be surrendered to the City upon execution of the surrender form and paying any applicable fees.

12. Reconsideration and Re-Designation

12.1 An Owner of any Dog that has been designated as an Aggressive Dog, Biting Dog or Dangerous Dog by the Animal Control Officer may, within fourteen (14) calendar days of the notice, request in writing that the Bylaw Services Manager reconsider the decision. The request for reconsideration must be accompanied by;

a) written reasons why the Owner of the Dog believes the Dog is not an Aggressive Dog, Biting Dog or Dangerous Dog, as applicable; and

b) discussion of any Mitigating Factors, if applicable.

12.2 If a request for reconsideration is made, the Bylaw Services Manager may provide the Owner and any complainant with an opportunity to make representations regarding the designation. The Bylaw Services Manager may confirm, reverse or amend the designation decision and may cancel or modify any restrictions, requirements or conditions imposed by an Animal Control Officer and impose any new or additional restrictions, requirements or conditions as they deem necessary or appropriate in the circumstances.

12.3 Without limiting the generality of s. 12.2, the Bylaw Services Manager may require:

a) written confirmation from a Dog Behaviour Specialist that they have been retained and paid to provide behavioural remediation services for the Dog;

b) a written assessment of the Dog prepared by a Dog Behaviour Specialist within the last three (3) months.

12.4 After a period of at least one year from the date stated on a written notice designating a Dog as an Aggressive Dog, Biting Dog or Dangerous Dog, an Owner may apply to the City for relief from the requirements of this bylaw with respect to the applicable designation, provided that:

a) the City has received no further complaints in regard to that Dog's behaviour; and

b) documentation that is acceptable to the Animal Control Officer in their sole discretion is provided to certify that the Owner and the Dog have successfully completed a course to address the Dog's behaviour.

12.5 If a Dog is re-designated as an Aggressive Dog, Biting Dog or Dangerous Dog after relief has been granted, the requirements of the designation shall apply in perpetuity.

13. Guard Dogs

13.1 Every owner of a Guard Dog must prevent the Guard Dog from leaving the property being guarded by ensuring:

a) the Guard Dog is confined within the premises and the premises are secure against unauthorized entry;

b) the premises are completely enclosed by means of fence of the maximum height permitted by the City's Zoning Bylaw and any gates in such fence are secured against unauthorized entry;

c) the Guard Dog is securely confined in an area within the premises that is adequate to ensure that the dog cannot escape;

13.2 Every owner of a Guard Dog must post warning signs advising of the presence of a Guard Dog on the property, at each driveway or entrance way to the property and at all exterior doors and gates of the premises. The sign must be reflective, kept in good condition and free of weathering, with lettering clearly visible at all times.

13.3 Every owner of a Guard Dog, before bringing the Guard Dog onto the premises under control of the Owner, must notify the Animal Shelter Manager, Fire Department, Bylaw Enforcement and Police of:

a) the address of the property which the Guard Dog will be guarding;

b) the approximate hours during which the Guard Dog will be performing guard duties;

c) the breed, age, sex and the licence number of the Guard Dog; and

d) the full names, addresses and telephone numbers of the Owner and any other individual who will be responsible for the Guard Dog while it is on guard duty.

14. Basic Care Requirements

14.1 The Owner of an Animal must ensure that the Animal is provided with:

a) clean, potable drinking water and food in sufficient quantity and of recognized nutritional quality to allow for the Animal's normal growth and the maintenance of the Animal's normal body weight;

b) clean food and water receptacles so as to avoid contamination by excrement or other contaminants;

c) the opportunity for regular exercise sufficient to maintain the Animal's good health; including daily opportunities to be free of an Enclosure and exercised under appropriate control; and

d) necessary veterinary care when the Animal exhibits signs of pain, injury, illness, suffering or disease.

15. Outdoor Shelter Requirements

15.1 No Owner shall leave an Animal unattended outside unless the Animal is provided with outside Shelter that:

a) ensures protection from heat, cold, water and wet that is appropriate to the Animal's weight and type of coat;

b) provides sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; is at least two (2) times the length of the Animal in all directions, and is at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position plus 10%;

c) contains dry bedding that will assist with maintaining normal body temperature;

d) is secured so as to prevent the escape of the animal; and

e) is regularly cleaned and sanitized with all excreta removed and properly disposed of at least once a day.

15.2 No Owner of any Dog shall keep a Dog in an Enclosure unless all of the following requirements are met:

a) the Enclosure must be at least 2 metres in height and 2 metres in width;

b) the Enclosure must have secure sides, top and bottom and be capable of preventing the Dog from escaping;

c) the location of the Enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the City's Zoning Bylaw;

d) the Enclosure shall include an outside Shelter that conforms with this Bylaw;

e) the Owner of any Dog shall ensure that such Dog is not confined to an Enclosure in excess of ten (10) hours within any twenty-four (24) hour period;

f) enclosure is regularly cleaned and sanitized with all the excreta removed and properly disposed of at least once daily.

15.3 No Owner shall cause, permit or allow a Dog to be:

a) left unattended at any time while tied, hitched or fastened to a fixed object in such a way that the Dog is able to leave the boundaries of the Owner's property;

b) tied, hitched or Tethered with a choke collar, pinch, or prong collar;

c) tied, secured, tethered or penned in a front yard or within 1.5m of any side or backyard property line;

d) hitched, tied, or fastened to a fixed object except with a tether or sufficient length to enable the full and unrestricted movement of the Dog;

e) hitched, tied, or fastened to a fixed object for longer than four (4) hours within a 24-hour period; or

f) exercised by allowing it to run next to a motor vehicle.

16. Off-Leash Areas

16.1 Every person who utilizes an Off- Leash Area for their Dog shall comply with the requirements of this bylaw and with the applicable regulations established and posted by the City at the Off- Leash Area and:

a) When in an Off Leash Area, a Dog shall at all times be under the care and control of a person responsible for the Dog;

b) No person shall at any time have custody of more than three (3) Dogs in an Off-Leash Area;

c) Feces shall immediately be removed and disposed of appropriately;

d) No Owner shall permit a female Dog that is in heat to be in an Off- Leash Area;

e) No Owner shall permit a Biting Dog or a Dangerous Dog to be in an Off- Leash area;

f) No person shall leave a Dog unattended;

g) If a Dog displays Aggressive Behaviour toward a person or another Dog while in an Off- Leash Area, the Owner of the Dog shall immediately secure the Dog to a leash and remove the Dog from the Off- Leash Area; and

h) The Animal Control Officer may impound from an Off- Leash area any Dog that is not under the care and control of its Owner.

17. Parks

17.1 No Animal is permitted in a playground or sports field area belonging to the City, except in the case of a registered guide dog or service Dog, or where express written permission has been given for the use of a playground or sports field for the purpose of an event sanctioned by the City.

18. Animal Waste

18.1 Every Owner shall, at all times when his or her Animal is off the premises of the Owner, immediately remove or cause to be removed any feces deposited by the Animal and dispose of the feces in a sanitary manner.

18.2 Every Owner shall remove and dispose of any excrement left by their Dog on the premises owned or occupied by the Owner in a timely manner.

19. Animal in Vehicle

19.1 No Owner shall cause or allow an Animal to be confined in an Enclosure, or an enclosed space including, but not limited to a motor vehicle, without sufficient ventilation to prevent the Animal from suffering discomfort or heat or cold related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the Animal from direct rays of the sun at all times.

19.2 No Owner may transport a living Animal on the running board, fender, hood, truck bed or other exterior part of a motor vehicle unless a suitable cage, carrier or guard rail is provided and is attached adequately to protect that Animal from falling or being thrown from the vehicle or otherwise injuring itself.

19.3 No Owner shall leave a Dog unattended in the open box area of a truck or open trailer while the truck or trailer is parked.

20. Standard of Care During Impoundment

20.1 The Animal Shelter Manager will ensure that all Animals Seized under this Bylaw receive sufficient food, water, shelter, and, if necessary, reasonable veterinary attention, and that the Animals are not mistreated during Seizure and Impoundment.

20.2 During the Impoundment period, the Animal Shelter Manager may:

a) provide such veterinary care for an injured or ill Impounded Animal as may be necessary to sustain its life; and

b) be entitled to recover the cost of veterinary care provided while the Animal was Impounded, in addition to any other fees due to the City for the redemption of the Animal, from the Owner.

20.3 If an Animal Shelter Manager considers that an Impounded Animal requires:

a) flea and tick treatment;

b) worm treatment;

c) vaccination;

d) examination by a veterinarian; or

e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian,

the Animal Shelter Manager may cause such care to be provided at the sole cost and expense of the Animal's Owner.

20.4 The Animal Shelter Manager shall be entitled to demand and receive the daily boarding fees found in the Fees and Charges Bylaw.

20.5 The Animal Shelter Manager may authorize the euthanasia of any Domestic Animal other than Wildlife subject to suffering that a veterinarian considers cannot be otherwise reasonably addressed.

21. Retention of Impounded Animal

21.1 Subject to s. 21.2, the Animal Shelter Manager shall retain an impounded Domestic Animal other than Wildlife for a period of not less than ninety six (96) hours prior to its adoption, euthanasia, or disposal pursuant to this Bylaw.

21.2 Notwithstanding s. 21.1, ownership of an impounded Domestic Animal other than Wildlife may be surrendered to the City with immediate effect, upon execution of the surrender form and paying any applicable fees.

22. Redemption and Costs

22.1 An Owner of an Animal seized under this bylaw, or any person authorized in writing on the Owner's behalf, may redeem the Animal at any time prior to its adoption, euthanasia, or disposal under this Bylaw upon:

a) delivery to the Animal Shelter Manager of evidence satisfactory to the Animal Shelter Manager of Ownership of the Animal and compliance with all applicable provisions of this bylaw;

b) payment of the Impoundment and maintenance fees, costs, and charges incurred in respect of the Seizure and boarding of the Animal as set out in the Fees and Charges Bylaw;

c) the payment of the actual costs incurred for the veterinary care of the Animal; and

d) licensing or registration of the Animal with the City and payment of the current requisite licence or registration fee if the Animal is required to be licensed or registered pursuant to this Bylaw and is not licensed or registered.

23. Failure to Redeem

23.1 After a Domestic Animal, other than Wildlife, has been Impounded for ninety six (96) hours, the Animal Shelter Manager may direct that the Animal:

a) be offered to the general public for adoption;

b) be placed with any person or organization deemed acceptable by the Animal Shelter Manager; or

c) be euthanized.

23.2 The Animal Shelter Manager may, pursuant to this Bylaw, put up for adoption any Domestic Animal, other than Wildlife, Impounded under the following conditions:

a) no dog, cat or rabbit shall be adopted unless it is vaccinated and has an acceptable form of Permanent Identification;

b) no Domestic Animal shall be adopted unless a current year's licence is purchased, if applicable.

23.3 Where the Owner of an Animal does not claim an Impounded Animal, the Owner remains responsible for payment of all applicable fees.

23.4 No person shall take or release any Animal from the Animal Shelter without the consent of the Animal Shelter Manager.

24. Commercial Kennels

24.1 Every person who operates a Commercial Kennel shall:

a) obtain an annual Business Licence and pay an annual Business Licence fee as required under the City's Business Licence Bylaw;

b) locate the Commercial Kennel in a zone permitting kennel use pursuant to the City's Zoning Bylaw; and

c) at all times comply with the Code of Practice.

24.2 An Animal Control Officer may inspect the Commercial Kennel to ensure the requirements of this bylaw and the Code of Practice are being met.

24.3 If a Commercial Kennel fails to meet the requirements of this bylaw, the owner may be given fourteen (14) days' written notice to bring the non-conformity into compliance. If after the fourteen (14) day period, the Commercial Kennel is not compliant, the Animal Control Officer may recommend that the owner's business licence be suspended or cancelled.

24.4 Every owner or operator of a Commercial Kennel shall keep dogs inside a secure building between the hours of 8:00 p.m. and 7:00 a.m.

25. Cat Regulation and Identification

25.1 Every Owner of a Cat must cause that Cat to bear sufficient identification to allow any person finding the Cat to identify and contact the Owner. For clarity, but without limiting the identification options open to an Owner, Cat identification may take the form of a collar and phone number tag worn by the Cat, or a tattoo or microchip traceable to the Owner of the Cat.

25.2 If an Animal Control Officer is unsure whether a Cat has been spayed or neutered, he or she may require the owner to provide proof in the form of a certificate from a Veterinarian.

25.3 Every Owner of a Cat that is unspayed or unneutered must ensure the Cat is not permitted to be At Large.

26. Hen Permits

26.1 Any person who keeps Hens must possess a valid Hen permit, which must be issued prior to any Hens arriving on the property.

26.2 The application process for a Hen permit shall include:

a) submitting a complete Hen permit application to the City in the form attached as Schedule "A" to this bylaw to the Animal Control Officer;

b) the applicant obtaining and providing the City with written consent from the property owner, if applicable; and

c) paying the one-time application fee as found in the Fees and Charges Bylaw.

26.3 Applications will be reviewed by an Animal Control Officer to ensure that all Bylaw requirements are satisfied. If the Animal Control Officer has refused to issue a Hen permit, the applicant may, within fourteen (14) calendar days, request in writing that the Bylaw Services Manager reconsider the decision. The request for reconsideration must be accompanied by written reasons why the applicant seeks to overturn the decision of the Animal Control Officer.

26.4 Permits issued under this provision are subject to the following conditions:

a) permits may be revoked by the Animal Shelter Manager or the Bylaw Services Manager where three (3) or more substantiated complaints from the public have been received and upon the recommendation of an Animal Control Officer;

b) only one (1) permit per residence will be issued; and

c) Hen permits are not transferable.

26.5 Applications must be submitted by the permit holder annually by December 31 to renew a Hen permit. Lapsed permits will require reapplication with consent from the property owner if applicable.

27. Hen Regulations

27.1 A property owner or occupant may only keep Hens in accordance with the following provisions:

a) a minimum of two (2) and a maximum of six (6) Hens may be kept on any property;

b) Hens may only be kept on properties with a single detached dwelling or in association with a permitted Education Service use as per the City's Zoning Bylaw;

c) any Enclosure housing Hens, whether portable or stationary, shall always be located at least 1.5 metres from any property line;

d) any Enclosure containing Hens, whether that Shelter is portable or stationary, must not be located within the front yard;

e) Hens shall not be kept in a structure used for human habitation;

f) only one Enclosure containing Hens is permitted on a parcel;

g) Hens shall be kept secured within their Enclosure from sunset to 7:00 A.M;

h) any Enclosure housing Hens and the accompanying run must be fenced in such a manner to prevent the entry of vermin or predators and to confine the Hens;

i) Enclosures housing Hens shall be kept clean and free of odours;

j) all Hens shall be provided with consistent access to a nesting box, food, water, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing and roosting;

k) poultry manure and waste products shall be composted or disposed of to prevent odours;

l) any diseased Hen shall be killed and the carcass destroyed;

m) no slaughtering of Hens may occur on the property;

n) a deceased Hen may only be disposed of by delivering it to a veterinarian, a landfill in a sealed bag, an abattoir or other facility with the ability to lawfully dispose of the carcass;

o) no Hen shall be buried on the property;

p) eggs are only permitted for personal consumption not for sale;

q) the Owner of a Hen shall follow biosecurity procedures recommended by Canadian Food Inspection Agency; and

r) the Owner of a Hen must not allow or permit the Hen to be At Large.

28. Hen Enclosures

28.1 All Hen Enclosures must have:

a) a run consisting of any combination of vegetated or bare earth;

b) a minimum enclosed floor area of 0.4 square metres (4 square feet) per Hen;

c) a wooden floor at least 0.3 metres above grade, or a concrete floor;

d) at least two (2) nest boxes; and

e) for each Hen, a minimum of eight (8) inches of perching space.

29. Bees

29.1 Any person who engages in Urban Beekeeping must:

a) adhere to all provincial Beekeeping regulations and possess a valid beekeeping permit, which must be procured prior to any bees arriving on the property; and

b) Be a resident of the property where the bees are kept.

29.2 The application process for a Bee permit shall include:

a) submitting a complete beekeeping permit application in the form attached as Schedule "B" to this bylaw to the Animal Shelter Manager;

b) the applicant obtaining and providing the Animal Shelter Manager with written consent from the property owner, if applicable, and

c) paying the application fee as found in the Fees and Charges Bylaw.

29.3 Applications will be reviewed by an Animal Control Officer to ensure that all bylaw requirements are satisfied. If the Animal Control Officer has refused to issue a Bee permit, the applicant may, within fourteen (14) calendar days, request in writing that the Bylaw Services Manager reconsider the decision. The request for reconsideration must be accompanied by written reasons why the applicant seeks to overturn the decision of the Animal Control Officer.

29.4 Permits issued under this provision are subject to the following conditions:

a) permits may be revoked by the Animal Shelter Manager or the Bylaw Services Manager where three (3) or more substantiate complaints from the public have been received and upon recommendation of an Animal Control Officer;

b) only one (1) permit per residence will be issued; and

c) permits are not transferable.

29.5 Applications must be submitted by the permit holder annually by December 31 to renew a beekeeping permit. Lapsed permits will require reapplication with consent from the property owner if applicable.

29.6 Bees may only be kept on properties with a single detached dwelling.

29.7 Every person keeping Bees, and the owner of a parcel on which bees are kept, must ensure that there are no more than:

a) two (2) Beehives on a parcel of less than 1000 square metres (0.25 acres);

b) four (4) Beehives on a parcel that is between 1,000 square metres (0.25 acres) and 2,000 square metres (0.5 acres);

c) six (6) Beehives on a parcel that is over 2,000 square metres (0.5 acres).

29.8 Every person who engages in Urban Beekeeping, and the owner of a parcel on which Bees are kept, must ensure that:

a) All Beehives are located in a rear yard;

b) All Beehives are oriented to face away from adjacent properties, lanes, and streets; and

c) All Beehives allow a clear flight path of at least 7.5 metres straight ahead from the front of the Beehive to any property line.

29.9 Every person who engages in Urban Beekeeping and the owner of any parcel on which Bees are kept must:

a) Provide adequate water to prevent the Bees from seeking water from other sources, such as neighbourhood swimming pools, birdbaths, ponds, or other community bodies of water;

b) Take all reasonable measures to prevent swarming and aggressive behaviour;

c) If Bees swarm or show signs of aggressive behaviour, ensure that the Bees are requeened as soon as possible; and

d) Ensure that the entrances to the Beehives are facing away from the closest neighbouring property.

30. Obstruction

30.1 No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer in carrying out the duties and powers of an Animal Control Officer under this bylaw.

31. Offences and Penalties

31.1 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of the bylaw shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than two thousand dollars ($2000.00) and not more than fifty thousand dollars ($50,000.00) or to imprisonment for not more than six months or to both. If the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. Nothing in this section shall restrict the City's ability to enforce this bylaw in any other manner permitted by law.

31.2 Any written notice issued by the City as provided for in this bylaw shall be considered delivered seven (7) calendar days after the written notice was sent by the City via regular mail.

32. Severability

32.1 If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed, and the remainder of this bylaw shall be deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

33. Repeal

33.1 The "Responsible Dog Owner Bylaw No. 2015-27" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this	7 day of	September, 2021
READ A SECOND time this	7 day of	September, 2021
READ A THIRD time this	7 day of	September, 2021
RESCIND THIRD reading and give THIRD reading as amended	day of	,2022
RECEIVED the approval of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development	day of	, 2022
ADOPTED this	day of	, 2022

_____
John Vassilaki, Mayor

_____
Angie Collison, Corporate Officer

Certified a true copy of "Animal Control Bylaw No. 2021-02"
at third reading as amended DATED this __ day of __, 2022.

_____
Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: June 7, 2022 File No: 8500-05
To: Donny van Dyk, Chief Administrative Officer
From: Kristen Dixon, GM Infrastructure

Subject: **BC Transit & City of Penticton Annual Operating Agreement 2022-2023**

Staff Recommendation

THAT Council authorize the Chief Financial Officer and Corporate Officer to execute the 2022 - 2023 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".

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.

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

On April 5, 2022, the City received a copy of the 2022 - 2023 Annual Operating Agreement from BC Transit. The agreement sets out how BC Transit and the City of Penticton will work together to provide Conventional and Custom Transit services to the citizens of Penticton and the financial implications, for the remainder of 2022 and the first quarter of 2023.

The highlights of the agreement are as follows:

1) The Agreement reflects service levels, revenues and costs for BC Transits fiscal, April 2022 to March 2023;
2) Should the municipality make any changes to service, the Annual Operating Agreement will be amended to reflect the new service level;
3) BC Transit will apply the use of all available operating reserves to assist in mitigating fare revenue shortfalls;
4) Either party to the agreement can terminate it with 180 days' notice;
5) Dispute Resolution includes mediation, then arbitration;
6) Eligible Expenses include operating costs, lease costs and municipal administration costs;

7) The agreement maintains the existing fare structure - these are consistent with Fees and Charges Bylaw 2014-07;
8) Conventional Transit Annual Service Hours and exception days: 23,300 hours;
9) Custom Transit Annual Service Hours and exception days: 4,100 hours;
10) Conventional Transit Budget: Total Cost: $3,146,317; Revenue: $556,629; and Net Local Government Share $1,196,535; and
11) Custom Transit Budget: Total Cost: $432,154; Revenue: $21,741; and Net Local Government Share $134,303.

In 2021, the City received a provincial and federal contribution of $465,975 for the Conventional Transit System and $29,265 for the Custom Transit System to offset revenue losses resulting from the COVID-19 pandemic. The City has been provided an additional contribution for 2022, valued at $86,044 for the Conventional Transit System, and $7,313 for the Custom Transit System. A key expectation in receiving these funds is that the City will continue to support BC Transit to maintain transit service and maintain affordability by limiting fare increases. These additional contributions for 2022 have not yet been applied to the budget.

It is also worth noting that fuel accounts for approximately 6% of BC Transits total budget, and they are monitoring the volatility of fuel prices on an almost daily basis. This also underlines the importance of their transition to a low-carbon fleet, by introducing Compressed Natural Gas buses to their fleet, along with the delivery of their first 10-battery electric buses in Victoria in the very near future. More information on the implementation schedule for a low carbon fleet for Penticton is expected from BC Transit this year.

In terms of other items of interest, work is also underway for BC Transit to deliver on key initiatives as part of their "Smart Bus Program" which includes the expansion of Automatic Vehicle Location technology (the ability to see in real time where the bus is), as well as the launch of Umo, their new electronic fare system. More information on these programs, and their implementation in the South Okanagan Similkameen Transit System, will be coming soon. This next calendar year will also include the continuation of the Free Transit 12 and Under program.

Financial implication

The Annual Operating Agreement amount of $1,196,535 for the Net Local Government Share for Conventional Transit is approximately $60,000 less than the City has budgeted for this contract for 2022. However, with the volatility of fuel (and other items), this budget will be monitored and no amendment is proposed at this time.

The Annual Operating Agreement amount of $134,303 for the Net Local Government Share for Custom Transit aligns with the City's budgeted amount for this service.

Analysis

Entering into the Annual Operating Agreement with BC Transit will ensure that the public is provided with the same level of transit service as 2021.

The City will have the opportunity to explore service level changes as part of the Transit Future Planning process. While this process was re-launched in 2021, it has not yet been completed due to multiple

challenges, primarily relating to the pandemic. Additional engagement is planned for later this spring, which will allow the work to be completed this year.

The detailed agreement was reviewed by the General Manager of Infrastructure and is now ready for the consideration of Council.

Alternate recommendations

THAT Council instruct staff to explore cost or service level changes with BC Transit.

Attachments

Attachment A – 2022 / 2023 Annual Operating Agreement Conventional and Custom Transit

Respectfully submitted,

Kristen Dixon, P.Eng, MBA
GM of Infrastructure

Concurrence

Director of Finance and Administration	Chief Administrative Officer
AMC	DvD

ANNUAL OPERATING AGREEMENT

between

City of Penticton

and

British Columbia Transit

Effective
April 1, 2022

Information contained in this agreement is subject to the *Freedom of Information & Protection of Privacy Act*. Consult with BC Transit prior to releasing information in these schedules to individuals or companies other than those who are party to this agreement.

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ANNUAL OPERATING AGREEMENT

April 1, 2022 – March 31, 2023

BETWEEN: **City of Penticton**
(the "Municipality")

AND: **British Columbia Transit**
(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

SECTION 1: DEFINITIONS

Unless agreed to otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

a) *"Annual Operating Agreement"* shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;

b) *"Transit Service Agreement"* shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;

c) *"Incurred"* means an event or transaction has taken place for which an obligation to pay exists, even if an invoice has not been received, such that the underlying evidence indicates there is little or no discretion to avoid the obligation. The value of the obligation is to be calculated in accordance with recognized Canadian accounting standards.

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter, the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

a) The parties agree that the effective date of this agreement is to be April 1, 2022, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.

b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2023, except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.

c) Either party may terminate this agreement as follows:

   i. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.

   ii. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension, the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIPPA). Any information developed in the performance of this Agreement, or any personal information obtained, collected, or stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to the provisions of FOIPPA, including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

a) Amendment: This agreement may only be amended in writing as signed by the Municipality and the Authority and specifying the effective date of the amendment.

b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.

c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.

d) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: LOCAL CONTRIBUTIONS AND RESERVES

British Columbia Transit service is provided using a cost-sharing model. Where any transit-related contributions are received and/or third-party revenues are earned that are in excess of expenses, the Authority is required to hold these excess funds in a reserve account for use against transit-related expenditures in future years. When unanticipated expenditures occur that were not included in the budget and cannot be covered by reserves, the Authority will seek to recover these based on the cost-sharing ratios between the Municipality and the Authority.

Eligible Operating Expenses

The Authority will invoice the Municipality and collect on monthly invoices based on incurred eligible operating expenses to provide Transit Service. Eligible operating expenses are comprised of the following costs of providing Public Passenger Transportation Systems:

a) For *Conventional Transit Service:*
   i. the operating costs for providing Conventional Transit Service excluding interest and amortization;
   i. the amount of any operating lease costs of BC Transit for Conventional Transit Services;
   ii. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement;
   iii. an amount of the Annual Operating Costs of the Authority not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement.

b) For *Custom and Paratransit Transit Service:*
   i. the operating costs for providing Custom Transit Service excluding interest and amortization, but including the amount paid by the Authority to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
   i. the amount of any operating lease costs of the Authority for Custom Transit Service;
   ii. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement; and
   iii. an amount of the Annual Operating Costs of the Authority not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement.

c) Eligible operating expenses exclude the costs of providing third-party 100%-funded services.

d) Annual operating costs of the Authority are operations, maintenance and administration costs that are for the shared benefit of all transit systems operated by the Authority. These costs are allocated to each transit system on a pro rata basis, based on the nature of the costs.

Lease Fees

The Authority will invoice the Municipality and collect on monthly invoices for lease fees on tangible capital assets owned by the Authority that are used in the provision of transit service. Lease fees are comprised of the following:

a) The Municipality's fee for use of the asset, including for the costs of acquisition, construction, development and betterment of the asset and the costs of installing the asset at the location and condition necessary for its intended use;

b) Debt financing and risk-related charges or costs payable on assets;

c) Payment into a reserve fund for preventative maintenance and major repair of assets owned or leased by the authority;

d) Amounts sufficient for the Authority to recover all other costs relating to the asset, including, but not limited to taxes and administrative charges.

Where lease fees are received that exceed actual asset-related expenses in any given period, these will be placed in a pooled reserve. This reserve will be used to offset against future lease fees as outlined above.

Reserve Funds

The Authority will establish the following for each transit system to record the contributions that have been received but not yet earned as follows:

a) **Local Transit Fund:** Contributions by the Municipality towards eligible operating expenses that have been received but not matched with a Provincial share contribution will be deferred in the Local Transit Fund.
   i. Any expenditure of monies from the Local Transit Fund will:
      1. only be credited towards the Municipality's share of expenses for the transit system for which it was collected.
      1. be applied to reduce Municipal invoices at the discretion of the Municipality as agreed to under the Annual Operating Agreement or amendments as required.
   i. The Local Transit Fund may be used towards lease fees.
   ii. The Authority will provide a quarterly statement of account of the Local Transit Fund balance including contributions, amounts utilized and interest earned.

SECTION 9: SAFE RESTART CONTRIBUTION

Under the Safe Restart Program, the federal and provincial governments provided a joint one-time contribution to transit systems in British Columbia (the "Safe Restart Contribution") in 2020/21.

The Authority applied the Safe Restart Contribution as follows:

a) As a one-time allocation towards the Municipality's share of 2020/21 eligible operating expenses;

b) After applying the allocation of Safe Restart Contribution, any excess contributions received from the Municipality were deferred to the Local Transit Fund;

c) The Authority will apply the remaining Local Transit Fund balance to reduce 2022/23 and future municipal invoices at the discretion of the Municipality as agreed to under an Annual Operating Agreement or amendments as required.

It is expected that by receiving the Safe Restart contribution, the Municipality will work with the Authority to maintain targeted essential transit service levels by not reducing transit service below existing planned service levels and maintain affordability by limiting annual fare increases to an average of 2.3% from April 1, 2020 through March 31, 2024.

SECTION 10: GOVERNING LAW

This agreement is governed by, and shall be construed in accordance with, the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the Government of Canada.

SECTION 11: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or PDF copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 12: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed where an electronic signed document is emailed to the parties or if mailed by prepaid registered mail to the Authority at:

British Columbia Transit
c/o Executive Assistant, Business Development
PO Box 9861
520 Gorge Road East
Victoria, BC V8W 9T5

and to the Municipality at:

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

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this _____ day of _____, 2022.

City of Penticton

_____

_____

British Columbia Transit

_____
Vice President, Business Development

_____
Vice President, Finance and Chief Financial Officer

SCHEDULE "A": TARIFF AND FARES

Effective as of September 1, 2021

Fare Zones:
The boundaries of fare zones for this Tariff are described as the corporate boundaries of the City of Penticton.

	Local*	**Regional***
a) **Cash:**		
All Fares	$2.25	$4.00
b) **Tickets (sheet of 10):**		
i) All Fares	$20.25	$36.00
c) **Monthly Bus Pass**:		
i) Adult	$45.00	$60.00
ii) Senior/Students**	$35.00	$40.00
d) **DayPASS**	$4.50	$8.00
e) **Child**, 12 and under	Free	Free

f) **BC Bus Pass** valid for the current calendar year and available through the Government of British Columbia BC Bus Pass Program.

g) **CNIB** Identification Card available from the local office of the CNIB.

h) **BC Transit Employee** Bus Pass

* Local refers to trips within the community
* Regional refers to trips between larger communities. Route numbers end in “0”
** Discounted Fares apply to: Seniors over 65 years of age with valid ID, Students 20 or under in full-time attendance to Grade 12 with valid ID, Post-Secondary with proof of attendance. Post-Secondary institution refers to universities, vocational universities, community colleges, liberal arts colleges, institutes of technology and other collegiate level institution, such as vocational schools and career colleges that award academic degrees or professional certifications.

APPENDIX 2: TARIFF AND FARES

Custom Transit Fares:

Effective as of September 1, 2021

i) Registered User $2.25
ii) Registered User – Children 12 and under - Free
ii) Companion accompanying registered user $2.25
iii) Attendant accompanying registered user Free

SCHEDULE "B": SERVICE SPECIFICATIONS

Conventional Transit Service

Transit Service Area: The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

Annual Service Level: for City of Penticton shall be **23,300** Revenue Service Hours

Exception Days recognized annually for City of Penticton are:

Exception Days	**Service Level**
Good Friday	Sunday Service
Easter Monday	Regular Service
Victoria Day	Sunday Service
Canada Day	Sunday Service
BC Day	Sunday Service
Labour Day	Sunday Service
Thanksgiving Day	Sunday Service
Remembrance Day	Sunday Service
Christmas Day	No Service
Boxing Day	Sunday Service
New Year's Day	Sunday Service
Family Day	Sunday Service

Custom Transit Service

Transit Service Area: The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

Annual Service Level: for the City of Penticton shall be **4,100** Revenue Service Hours

Exception Days recognized annually for the City of Penticton are:

Exception Days	**Service Level**
Good Friday	No Service
Easter Monday	Regular Service
Victoria Day	No Service
Canada Day	No Service
BC Day	No Service
Labour Day	No Service
Thanksgiving Day	No Service
Remembrance Day	No Service
Christmas Day	No Service
Boxing Day	No Service
New Year's Day	No Service
Family Day	No Service

SCHEDULE C: BUDGET

PENTICTON CONVENTIONAL

	OFFICIAL AOA 2022/23
TOTAL REVENUE	556,629
TOTAL OPERATING COSTS	2,881,056
TOTAL COSTS (including Local Government Share of Lease Fees)	3,146,317
NET LOCAL GOVERNMENT SHARE OF COSTS	**1,196,535**

PENTICTON CUSTOM

	OFFICIAL AOA 2022/23
TOTAL REVENUE	21,741
TOTAL OPERATING COSTS	408,492
TOTAL COSTS (including Local Government Share of Lease Fees)	432,154
NET LOCAL GOVERNMENT SHARE OF COSTS	**134,303**

Council Report

penticton.ca

Date: June 7, 2022 File No: 8500-05
To: Donny van Dyk, Chief Administrative Officer
From: Kristen Dixon, GM of Infrastructure

Subject: **Transit Future Action Plan Update and Three Year Transit Expansion Plan**

Staff Recommendation

THAT Council support the following Transit Service Additions as part of the City's Three-Year Transit Expansion Plan:

- Conventional Transit System
  - 2024/2025 - Expand service to upper Wiltse and Sendero Canyon;
  - 2024/2025 – Increase frequency of route 5 (20 minute frequency throughout the day);
- Custom Transit
  - 2023/2024 - Introduce service on Saturdays by means of Taxi Supplement to better align with Conventional Service days.

Strategic priority objective

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.

Background

Each year, the City is provided with opportunities to support Transit Expansion on a three year rolling basis. This allows BC Transit sufficient time to plan for any resource increases, including purchase of fleet and to align the required matching provincial funding. Not every request that is supported by the City is implemented however, if there is not adequate provincial funding, or if appropriate equipment cannot be procured. This is particularly challenging (particularly the matching provincial funding) with the focus on increasing transit access across the Province.

In order to evaluate and prioritize municipal requests, of which there are always more than matching provincial dollars, BC Transit follows an expansion evaluation process. It considers a variety of factors

through a performance based multiple account evaluation, using a mixture of qualitative and quantitative criteria. A summary of this process has been provided as Attachment B to this report.

In 2019, Council authorized a number of expansions to be included in the City's three-year plan, and also supported an update to the Penticton Transit Plan. However the bulk of these plans were put on hold as a result of the COVID-19 pandemic. Not only was there a significant decrease in ridership and resulting funding challenges, but it was difficult for BC Transit to conduct adequate engagement to advance the Transit Future Action Plan. As the community recovers from the pandemic impacts, ridership is slowly recovering, and public health orders now allow for more traditional engagement opportunities. This report provides an update on the Transit Future Action Planning process (and what is necessary to complete it), as well as makes recommendations relating to three-year expansion plans, while this work is completed.

Analysis

Transit Future Action Plan:

The largest barrier to completion of the Transit Future Action Plan has been the ability of BC Transit to complete meaningful community engagement during COVID-19. In addition, the Penticton network re-design was originally going to be completed as part of the Transit Future Action Plan. However, this task has not yet been started and now would delay the completion of the Transit Future Action Plan, which covers the larger regional area of the South Okanagan Similkameen.

To address this later issue, BC Transit has proposed to separate the Penticton network redesign from the Transit Future Action Plan. This will both allow for a more prompt completion of the Transit Future Action Plan (at a broader and more strategic level), and will provide a more focused approach, involving comprehensive stakeholder engagement, for the Penticton network re-design. It will also allow for more detailed consideration of innovative solutions such as on-demand service, which may make sense for certain areas of the Penticton. By separating these two processes, it is anticipated that the Transit Future Action Plan will be finalized by the end of this year, and the network re-design will be completed early next year.

Three-Year Transit Expansion Plans:

The two documents noted above, once complete, will significantly guide future transit expansion plans. As a result, all three of the proposed conventional transit expansions (which were previously supported), are proposed to be pushed back to 2024/2025. While they are still desired, how they are delivered may look different upon completion of the network redesign and the Transit Future Action Plan.

Changes and expansion to Custom transit are not specifically covered in the above noted plans. Currently however, there is an existing gap in service delivery, whereby custom transit is not provided over the same service span as conventional transit (evenings and weekends). A custom service expansion to progress towards matching conventional transit service span was supported for the 2022/2023 year as part of the previous year's planning process, however, provincial funding was not available for any expansions in the 2022/23 fiscal year. In subsequent conversations with BC Transit and Berry and Smith, it has been recommended that the City prioritize introducing custom transit service on weekends rather than extending the weekday service span (evenings). Staff are therefore recommending that custom service be introduced on Saturdays in 2023/2024 instead.

There are two options that the City can consider for introducing Saturday service for custom transit. The first is through the Taxi Supplement program, while the second is by expanding the handyDART service. In discussions with BC Transit and Berry and Smith, it is recommended that the expansion be pursued via the Taxi Supplement program first. This cost effective program (annual budget of approximately 13k) has worked well in Penticton to meet the gaps in demand when a handyDART bus is not available, with a relatively high number of accessible taxis available in Penticton (which is not always the case in other communities). Expanding the service in this way would allow the City and BC Transit to assess the uptake on this new Saturday service, and evaluate expansion of dedicated handyDART service (which would require an additional bus be purchased) at a future date.

As an alternative to the staff recommendation, two alternate options are provided below. The first would expand custom transit via the addition of a new handyDART vehicle (as opposed to the Taxi Supplement program), and the second is to defer the custom transit expansions to 2024/2025 along with the conventional transit expansions.

Financial implication

The financial implication of the proposed three-year expansion plans are included in the table below, all of which have previously been included in the long term budget for the City.

Service Expansion	**Implementation Date**	**Estimated Annual Municipal Share***
Conventional – Route 5 Frequency	September 2024	$185,319
Conventional – Expansion to Upper Wiltse and Sendero	September 2024	$65,671
Custom – Taxi Supplement expansion by introducing Saturday service	April 2023	$12,034

*The above estimates are for a full BC Transit fiscal, and would spread multiple municipal budget years when implemented.

In both 2021 and 2022 the City received funds from the Provincial government to assist with the cost of delivering transit as a result of reduced ridership associated with COVID-19. A condition of this funding was that bus fares would be held flat until at least 2024. As a result, the additional costs for the custom transit expansion would need to be funded by taxation (the City could not contemplate a fare increase).

The conventional service expansions costs will be refined once the network re-design is completed, and the City will have the opportunity to re-evaluate this expansion next year (the City only formally commits one-year in advance - the additional 2-years are for BC Transit planning purposes only). In addition, as part of the 2024/2025 transit budget process, staff and BC Transit will be reviewing the fare structure and assessing if fare adjustments should be made to offset increased costs to both conventional and custom transit.

Under the second alternative provided below, the cost to provide handyDART rather than Taxi Supplement is approximately $30,000, which would be included in the 2023 budget.

Alternate recommendations

Alternative 1: THAT Council support the following Transit Service Additions as part of the City's Three-Year Transit Expansion Plan:

- Conventional Transit System
    - 2024/2025 - Expand service to upper Wiltse and Sendero Canyon;
    - 2024/2025 – Increase frequency of route 5 (20 minute frequency throughout the day);
- Custom Transit
    - 2024/2025 - Introduce custom service on Saturday by means of handyDART to better align with conventional service span;

Alternative 2: THAT all service expansions be deferred until 2024/2025.

Attachments

Attachment A – Three-Year Transit Expansion Plan

Attachment B – Transit Expansion Process Overview

Respectfully submitted,

Kristen Dixon, P.Eng, MBA

GM of Infrastructure

Director of Finance and Administration	Chief Administrative Officer
AMC	DvD

Attachment A

Three-Year Transit Expansion Plan

PROPOSED CONVENTIONAL EXPANSION INITIATIVES						
AOA Period	**In Service**	**Annual Hours**	**Vehicle Requirements**	**Estimated Annual Revenue**	**Estimated Annual Total Costs**	**Estimated Annual Net Municipal Share**
2024/25	September	**2,700**	**1**	**$40,316**	**$393,793**	**$185,319**
		Description	Increase frequency of route 5 (20 minute frequency throughout the day).			
2024/25	September	**725**	**1**	**$10,825**	**$117,317**	**$65,671**
		Description	Expanded service to upper Wiltse (400 hours) and Sendero Canyon (325 hours).			

PROPOSED CUSTOM EXPANSION INITIATIVES						
AOA Period	**In Service**	**Annual Hours**	**Vehicle Requirements**	**Estimated Annual Revenue**	**Estimated Annual Total Costs**	**Estimated Annual Net Municipal Share**
2023/24	April			**$3,622**	**$47,000**	**$12,034**
		Description	Introduce Taxi Supplement service on Saturdays to align with Conventional service hours.			
2023/24	April	**470**	**1**	**$1,417**	**$67,607**	**$29,593**
		Description	Introduce handyDART service on Saturdays to align with Conventional service hours.			

Attachment B

Transit Expansion Process Overview

June 2021

TIP & Expansion Evaluation Process Overview

The Transit Improvement Program (TIP) and Expansion Evaluation Process is conducted each year. The process is led by the BC Transit Business Development Division and is completed in collaboration with the Finance & Asset Management Divisions and in consultation with Local Government Partners.

The program provides adequate lead-in time for the development and confirmation of provincial and municipal transit expansion budgets. It also includes information to inform the procurement and delivery of new transit vehicles well in advance (approx. 18 months) of the desired service implementation date. The program also highlights capital projects required to support service expansion initiatives.

Transit Improvement Program (TIP) – Description

The TIP tracks the expansion requests from local government partners for the next three fiscal years. These expansion requests are informed by priorities identified within planning documents such as Transit Future Plans, Service Reviews, Local Area Transit Plans, Service Discussion Documents or major capital initiatives necessary for the development of a transit system[1].

The TIP process seeks local government partner commitment to their expansion requests, thereby allowing BC Transit to proceed with securing sufficient funding within the Provincial Budget to support the expansion, and sufficient lead time to procure new transit vehicles[2].

The TIP is communicated to local government partners through an Expansion Memorandum of Understanding (MOU) letter that is issued to partners each year. The MOU ensures that there is alignment with local governments on their 3 year expansion priorities, and also seeks a local funding commitment on the year 1 expansion request in order to move forward with Provincial funding approval, vehicle procurement and any additional operational needs that may be required to support the expansion. **The MOU includes:**

- **Service expansion description**
- **Total annual hours**
- **Estimated costs, including Local Government contribution**
- **Estimated in service date (establishes part year hours and date is determined by scheduled delivery of new vehicles)**
- **Vehicle requirements**

---

[1] Priorities can often be included where plan development or review is underway during the TIP process time and the local partner would like to include future investment for draft service expansion initiatives that will be finalized before the following fiscal.

[2] The shift to Battery Electric Buses and the development of the Provincial wide Electrification roll out strategy is taking shape in 2021/22. Business Case and procurement timelines for new vehicle purchases may lead to a modification of the TIP timeline approval process.

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Expansion hours are for increased service levels (increased frequency, service span or coverage), and/ or addressing issues of reliability and on-time performance where additional service hours are required to add travel and recovery time to a system.

When planning for expanded transit service, corresponding investments in new transit infrastructure are often required. Once identified in a planning document, potential infrastructure projects are incorporated into the BC Transit Long-Term Capital Plan. It is BC Transit's intention to also begin incorporating these potential projects into the TIP process. In coming years, local governments can expect to begin seeing infrastructure projects in their TIP MOU, as well as the forecasted year of delivery and estimated lease fee.

Expansion Evaluation Process – Description

BC Transit is often faced with municipal requests for expansion of transit service that exceed the availability of matching Provincial funds. As a result, it is necessary to evaluate all year 1 expansion requests and determine where available Provincial expansion funding should be allocated. An expansion evaluation process based on standard transit measures and alignment with provincial strategic objectives allows BC Transit to:

- Monitor, compare, and prioritize expansion requests
- Address value for investment by being performance focussed
- Reduce unpredictability regarding new service requests
- Ensure funding availability is better aligned with local needs and provincial funding
- Develop a three year plan with confidence

The process is a performance based multiple account evaluation (MAE). The evaluation uses a mixture of qualitative and quantitative criteria to measure the proposed service expansion. Each criteria are allocated a value and weight. The evaluation is specific to the expansion request, not the system-wide performance. **The MAE considers the following when allocating provincial expansion funds:**

- **Alignment to the goals and objectives in the Mandate Letter**
- **Identification in a transit planning document, such as a Transit Future Plan or service review**
- **Ridership productivity**
- **Operational performance**
- **Planning, land use and environmental context**
- **Vehicle and facility capacity, utilization and availability**
- **Social and economic value**

The quantitative indices focused on ridership productivity include the following:

- ***Boardings per service hour*** - (a boarding is an entry to a transit vehicle. A trip may consist of several boardings where transfers are used). This measures the effectiveness of a service.
- ***Boardings per service kilometre*** - monitors the level of productivity of a route. Longer regional services or systems that have a spread out urban form will not perform as well compared to compact urban communities.

- ***Cost per Passenger trip*** - is a measure of how expensive a service is to operate relative to the volume of people using the service.
- ***Cost Recovery*** - is a measure of the cost of providing the service versus the rate of return through the fare box.
- ***Passengers per Capita*** – this is a relative measure of the overall service level.

Each expansion has a maximum number of available points and each expansion request is evaluated against others regardless of system or community size[3]. Regardless of score, **some factors can prevent expansion from being feasible. These may include:**

- **Capacity of the operational facility**
- **Unfunded critical infrastructure** - requirements to enable the expansion to occur (for instance a new exchange)
- **Vehicle availability**

The expansion evaluation process flags these issues so that consideration can be given as to whether they can be addressed in time to enable expansion to occur within the fiscal year being evaluated. If not, the expansion request would be passed over in favour of the next highest rated expansion request and the priority would be moved to the following fiscal year TIP process. This then allows time for the factors preventing expansion to be suitably addressed.

The intent is to provide municipalities with the information regarding their expansion requests in early fall each year in order to allow for insertion into the municipal or regional budgeting process. This is the same information that BC Transit includes into the draft Service Plan each September to solicit matching provincial funding.

During the year of implementation, there is the possibility that not all provincial expansion hours and budget are fulfilled. This could be due to a number of factors, including:

- The development of schedules resulting in less hours being required than originally projected
- A local partner can no longer commit to the expansion hours and budget agreed to

Should this occur, provincial expansion funding would be offered to the next highest rated expansion request. **However, any expansion within the first budget year requiring additional vehicles where the local partner determines that expansion is no longer required, will result in the local partner being billed the lease fees related to the new buses for a minimum of a one year period.**

[3] Depending on the scope of the expansion requests, BC Transit may do mutually exclusive evaluation processes for conventional and custom services.

7 Step TIP & Expansion Evaluation Process[4]

- **Step 1: Identify**
  February to March – In collaboration with local governments, BC Transit identifies appropriate and approved expansions for each transit system. Asset Management commences the draft business case for vehicle purchase based on the early estimates from the initial TIP list.
- **Step 2: Costing and MOU Letters**
  April – The BC Transit Finance Department forecasts costs associated with each expansion request and this information is incorporated into the MOU letter. BC Transit then distributes the Expansion MOU letters to local partners.
- **Step 3: Review & Approve**
  June to August – Amendments to the MOU's (if required), presentation to Committees/Boards or Councils for official approval/commitment and signing.
- **Step 4: Draft 3 Year Service Plan**
  Mid-August to December – Signed MOU's inform the:
  - Draft 3-year Service Plan to present to the province for budget commitment of their share.
  - 3-year BC Transit Capital Plan
  - Confirm the fleet business cases for vehicle procurement
  - Confirm capital business cases to secure funds for infrastructure needed to support the expansions.
- **Step 5: Expansion Evaluation**
  September – Year 1 expansion requests identified in the signed MOU's are evaluated using the MAE to prioritize the local government partner requests for expansion.
- **Step 6: Final service Plan**
  December – Amendments are usually made to the draft 3-year Service Plan following information provided by the Province regarding available funding. Should the local expansion requests exceed the funding identified in the provincial budget, the completed MAE process is used to identify those expansion requests that will be funded in the following year.
- **Step 7 : Confirmation**
  - February – Provincial budget finalized and the Service Plan Budget & Prioritized Expansion Projects are communicated with Local Partners. Service implementation planning commences and critical paths determined for confirmed service priorities[5].

[4] Months specified against each step are the typical process undertaken prior to 2019. The TIP and evaluation process has been augmented in 2020 & 2021 due to the planning and funding impacts of the pandemic.

[5] Implementation for approved expansions typically occurs in the fall or January of the following year to allow sufficient time for detailed service planning and vehicle delivery.

Council Report

penticton.ca

Date: June 7, 2022 File No: 8500-05
To: Donny van Dyk, Chief Administrative Officer
From: Kristen Dixon, GM of Infrastructure

Subject: **BC Transit Route Changes**

Staff Recommendation

THAT Council receive into the record the report dated June 7, 2022 titled "BC Transit Route Changes".

Strategic priority objective

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.

Background

There are two key capital projects underway for 2022 which will impact existing transit routes. The first is the naturalization of Penticton Creek (reach 3a/3b), which will include the removal of the Nanaimo Street Bridge. The second is the closure of the short stretch of Kinney Ave, connecting South Main and Skaha Lake Road, as part of the construction of the point intersection project.

Both projects have been planned for a number of years, including appropriate public engagement opportunities, and this report summarizes the changes to transit which will result from these projects.

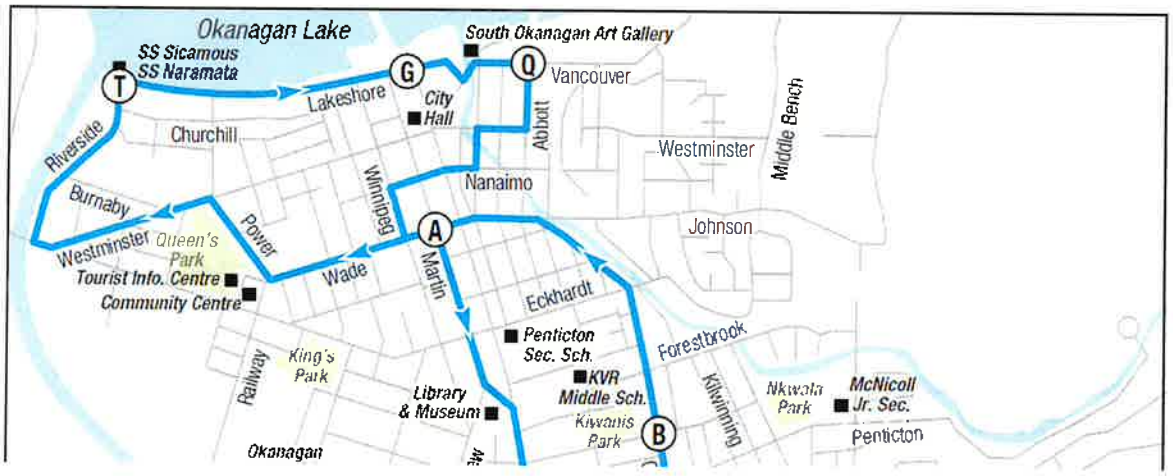
Analysis

The removal of the Nanaimo Street Bridge will have a minor impact on transit routes 3 and 16. The adjusted routes are shown below, and result in the elimination of one stop at Nanaimo and Abbott (west bound). In discussions with both BC Transit and the operator Berry and Smith, this stop does not require replacement, and notification at the impacted stop will be provided in early June. The route change will take effect June 13, 2022, to allow for the removal of the bridge in July to coincide with the project timelines.

3 Uplands/Skaha Lake



16 Lake to Lake



The closure of Kinney Avenue, from South Main to Skaha Lake Road/Main Street, will impact routes 1, 5, 15, 16 and the School Route. While these changes are certainly more extensive, they largely align with the longer term goal of moving routes from South Main to Skaha Lake Road, to support the increased density and development along the corridor (as well as commercial opportunities). They also utilize Green Avenue, which will provide improved accessibility to the two schools in this area.

These changes are seen as an interim step while the Transit Future Action Plan and Penticton Network Restructure Plan are being completed, and it is anticipated that further changes (and improvements) will follow, including improving route 5 to a frequent transit network and "straightening out" a number of the local routes. As an impact of the interim step, some of the bus stops along South Main Street will no longer be required, and some stop locations will be adjusted to better align with the new routes and to integrate more appropriately with the last section of the lake-to-lake all ages and abilities bike route.

The full changes for these routes are provided as Attachment A to this report, and are scheduled to take effect September 19. BC Transit will begin to advertise these route adjustments, including the bus stop closures and changes, later this summer.

Financial implication

There are no financial implications associated with these route changes.

Alternate recommendations

None.

Attachments

Attachment A – Realigned service maps for routes 1, 5, 15, 16 and School Route.

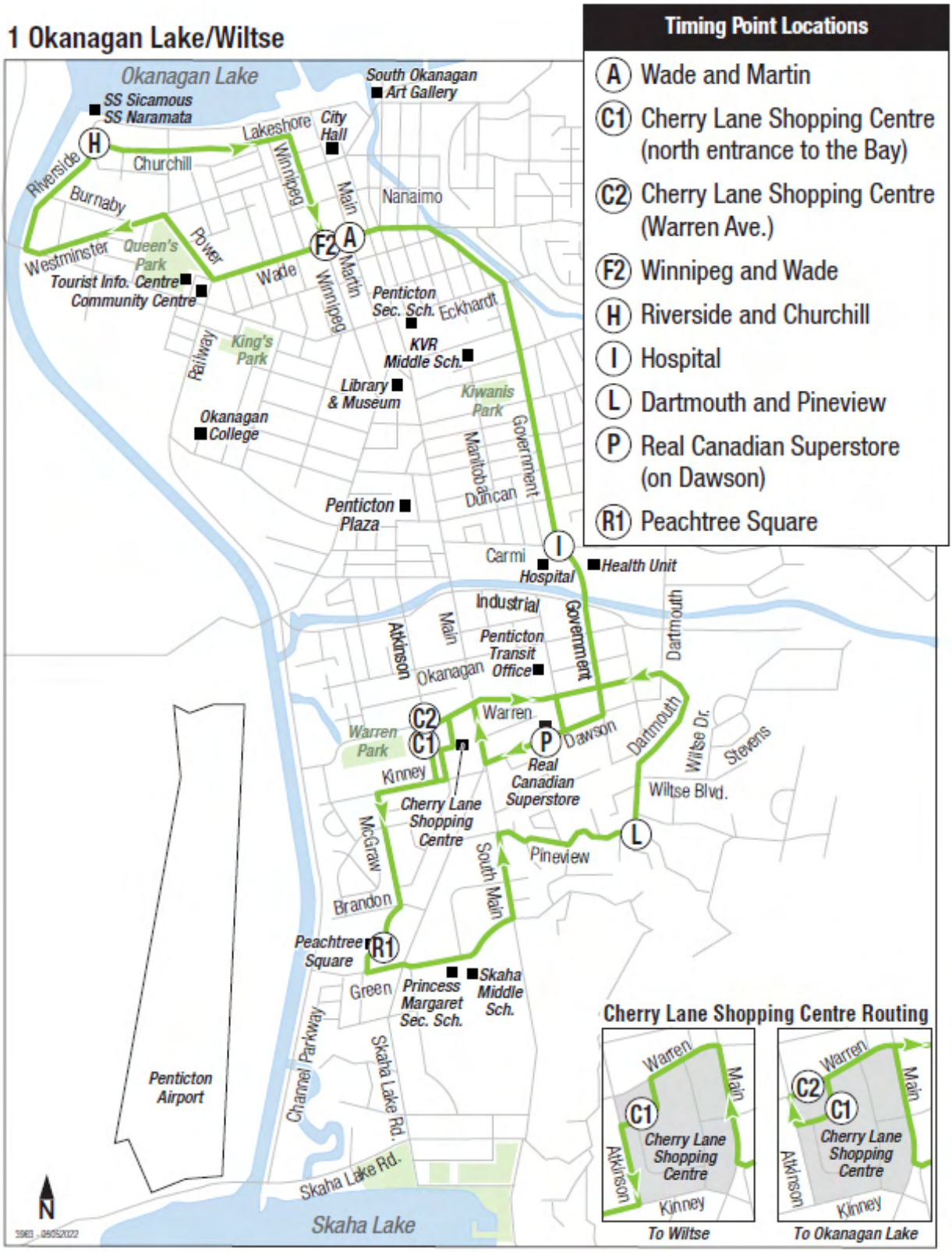
Respectfully submitted,

Kristen Dixon, P.Eng, MBA
GM of Infrastructure

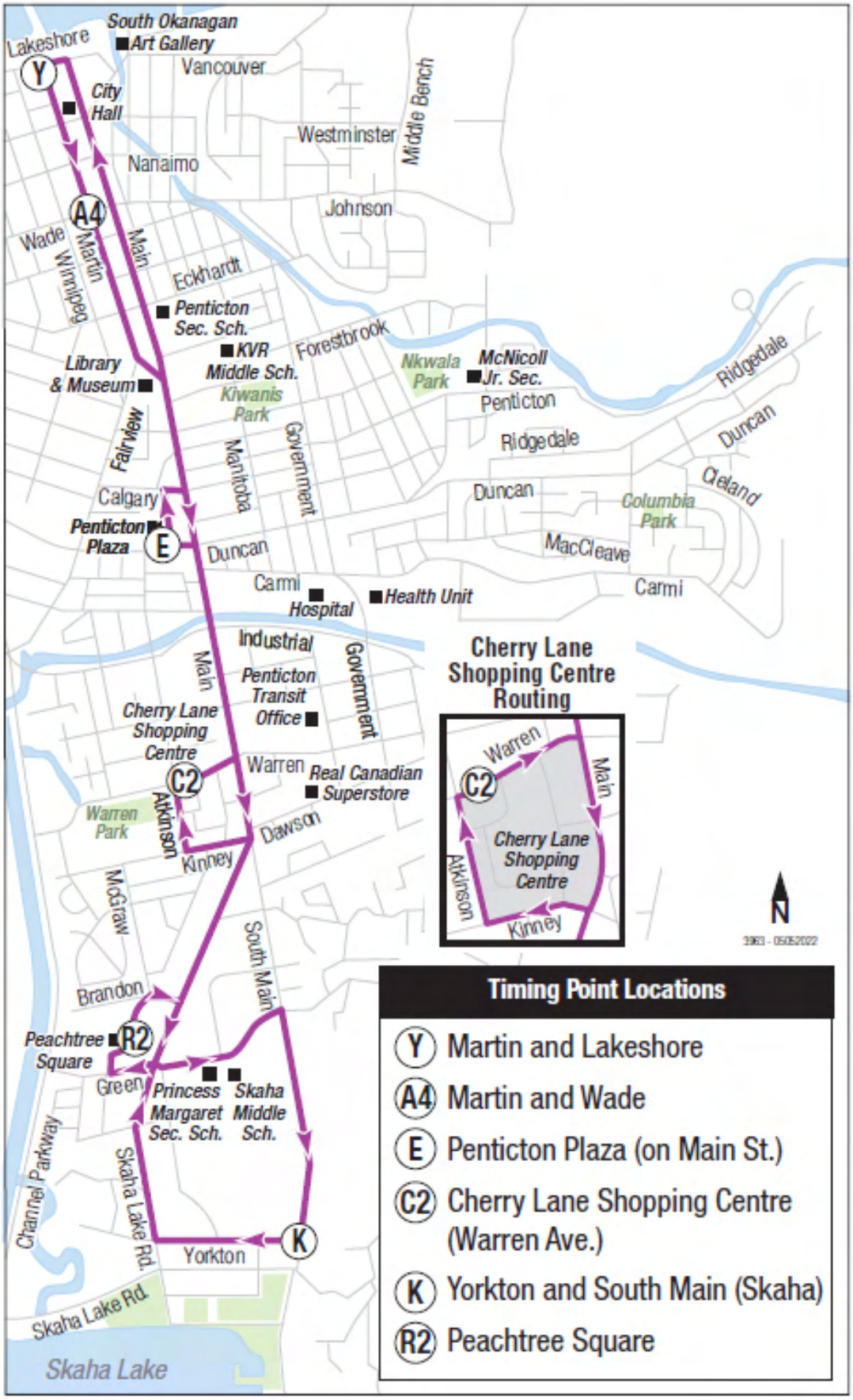
Concurrence

Chief Administrative Officer
DvD

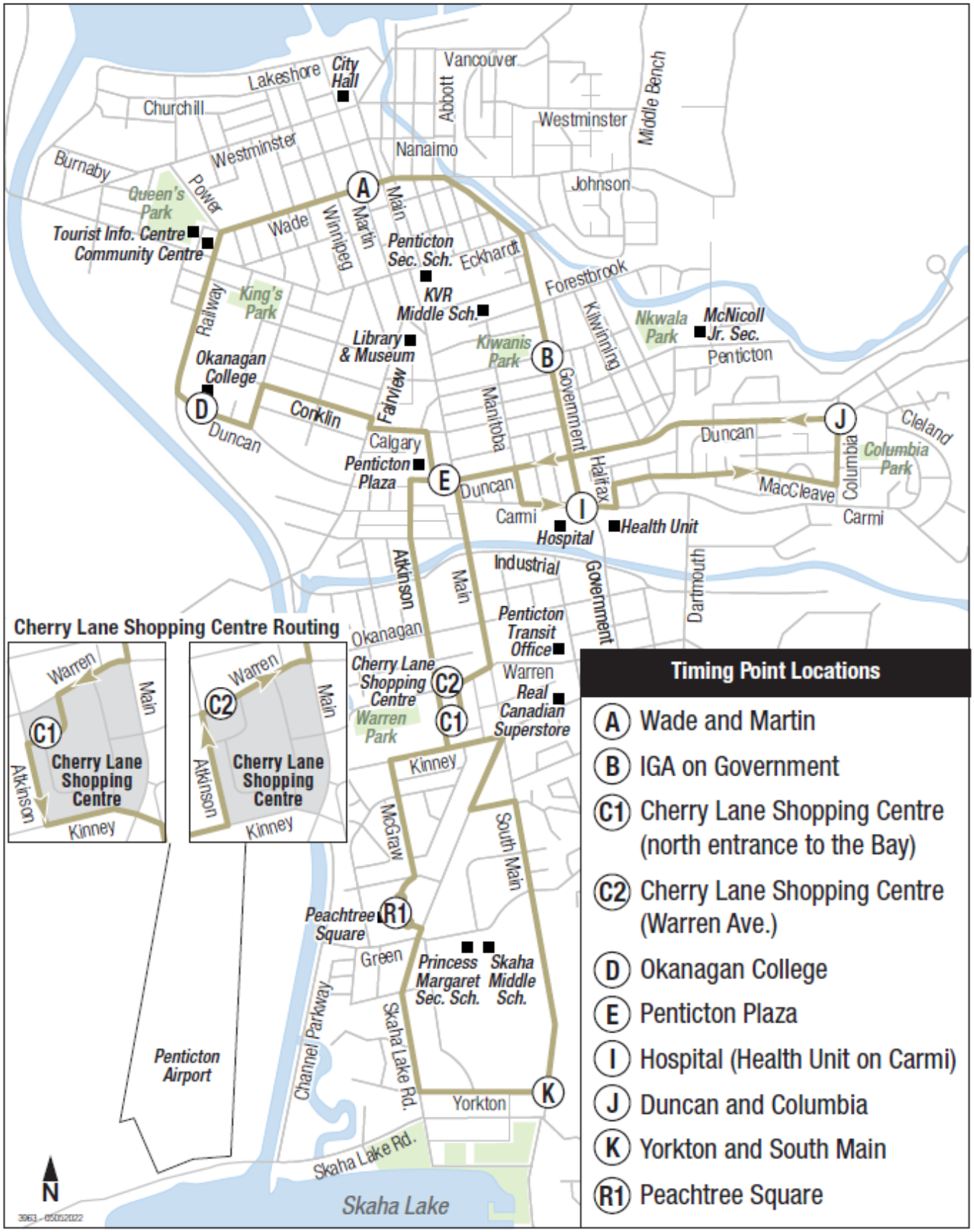
Attachment A – Revised Routes



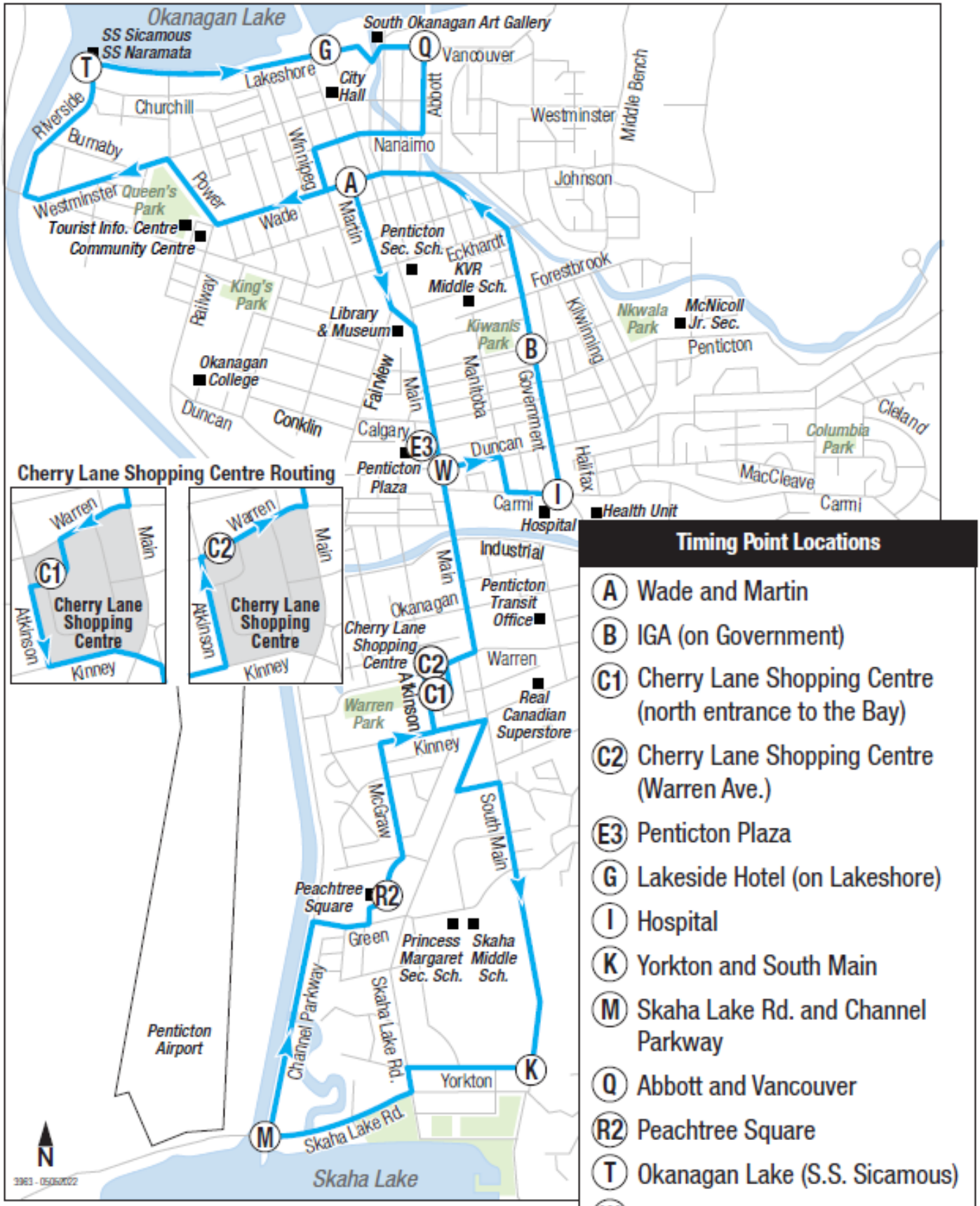
5 Main Street



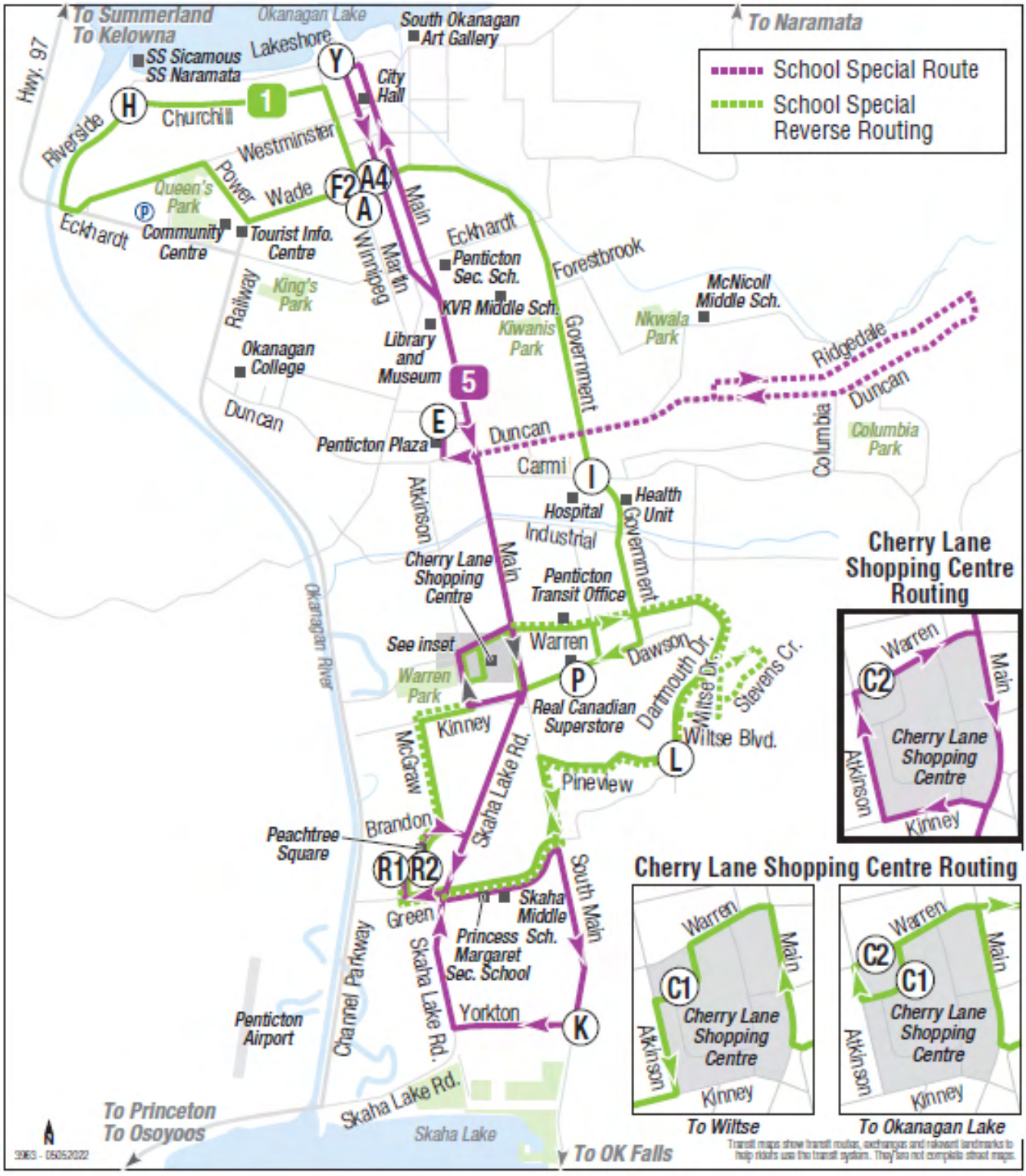
15 Night Route



16 Lake to Lake



School Special



Council Report

penticton.ca

Date: June 7, 2022 File No: 0550-20
To: Donny van Dyk, Chief Administrative Officer
From: Angie Collison, Corporate Officer

Subject: **Election and Assent Voting Bylaw No. 2022-27 & Political Signage Regulations Bylaw No. 2022-28**

Staff Recommendation

THAT Council give first, second and third reading to "Election and Assent Voting Bylaw No. 2022-27";

AND THAT Council give first, second and third reading to "Political Signage Regulations Bylaw No. 2022-28".

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

Election and Assent Voting Bylaw No. 2022-27

With the pending Local Government Election to take place October 15, 2022, it was an opportune time to review our current applicable bylaws. The *Local Government Act* is the authorizing legislation for local elections and assent voting and it was recently amended with the specific criteria on who can vote by mail ballot being removed. As it now available to any eligible voter, Election and Assent Voting Bylaw No. 2022-27 has been written to reflect the new provisions of the legislation. The other key change from the previous Bylaw 2018-32 is including the use of the provincial voters list, prepared under the *Election Act,* as the register of resident electors.

In order for the Election and Assent Voting Bylaw to apply to the upcoming election, it must be adopted at least 42 days before the first day of the nomination period.

Political Signage Regulations Bylaw No. 2022-28

Based on candidate feedback from past elections, the Political Signage Regulations Bylaw No. 2022-28 has been amended to include improved language on the maximum sign size permitted by a candidate on the permitted public lands. The bylaw also includes greater clarity around the use of fences, it now outlines that political signage must not be attached in any way to a City or publicly owned fence. Political signage is permitted to be attached to a fence on private land.

Alternate recommendations

Council may want to make further changes before giving readings to the bylaws.

Attachments

Attachment A – Election and Assent Voting Bylaw No. 2022-27

Attachment B – Political Signage Regulations Bylaw No. 2022-28

Respectfully submitted,

Angie Collison
Corporate Officer

Concurrence

Director of Finance and Administration	Chief Administrative Officer
AMC	DvD

The Corporation of the City of Penticton

Bylaw No. 2022-27

A Bylaw to establish various procedures for the conduct of elections.

WHEREAS under the *Local Government Act,* Council may, by bylaw, determine various procedures and requirements to be applied to the conduct of elections and assent voting;

AND WHEREAS Council wishes to establish voting procedures and requirements under that authority;

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

1. Title

This Bylaw may be cited for all purposes as "Election and Assent Voting Bylaw No. 2022-27".

2. Definitions

In this Bylaw the following terms have the following meanings:

Acceptable mark means a completed mark which the **vote counting unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either 'yes' or 'no' on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election or any voting results which comprises:

(a) a number of **ballot** scan **vote counting units** used with **ballot** retention boxes;
(b) a number of **portable ballot boxes** into which voted **ballots** are deposited where a **vote counting unit** is not functioning or being used.

Ballot means a single ballot card designed for use in an **automated vote counting system**, which shows:

(a) the names of all of the candidates for each of the offices to be filled; and
(b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot return override procedure means the use, by an election official, of a device on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Chief Election Officer means the person appointed by Council for that election, or their designate.

Election headquarters means the location determined by the **Chief Election Officer** for that purpose.

Memory card means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of "yes" or "no" for each question on the **ballot**, and which records and retains information on the number of **acceptable marks** made for each.

Portable ballot box means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

Results tape means the printed record generated from a **vote counting unit** at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices to be filled, and the number of votes for and against each bylaw or other matters on which the opinion or assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted, or in the instance of a mail ballot the **ballot** has not been accepted into the machine and is then considered a spoiled ballot and is not counted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each question on which the opinion or assent of the electors is sought.

3. Minimum Number of Nominators

The minimum number of qualified nominators required to make a nomination for office as a member of council shall be 10.

4. Access to Nomination and Endorsement Documents

(a) The **Chief Election Officer** must give public access to nomination documents to persons at City Hall for review during its regular office hours, but not to copy or photograph. The **Chief Election Officer** may provide access to nomination documents by Internet through the City website, and these documents may be redacted to remove personal information at the discretion of the **Chief Election Officer**. Nomination documents will be publically available from the time of delivery until 30 days after the declaration of the election results;

(b) The **Chief Election Officer** must give public access to elector organization endorsement documents as specified in 4 (a) above.

5. Elector Registration

The current available Provincial list of voters prepared under the *Election Act* shall form the register of resident electors and shall become the register of electors on the 52nd day prior to general voting day.

6. General Voting Opportunities

As authorized under section 105 of the *Local Government Act*, as soon as practicable after the declaration of an election by voting, the **Chief Election Officer** will designate voting place(s) for general voting day. The voting place(s) on general voting day will be open from 8:00 a.m. to 8:00 p.m.

7. Advance Voting Opportunities

7.1 Required Advance Voting

(a) In addition to the required advance voting opportunity on the 10th day before general voting day, the second advance voting opportunity date and place will be established by the **Chief Election Officer**.

7.2 Additional Advance Voting

(a) The **Chief Election Officer** may:
   i. establish additional voting opportunities to be held in advance of general voting day; and
   ii. designate the voting places and set the voting hours for these voting opportunities.

8. Special Voting Opportunities

(a) The **Chief Election Officer** may establish the dates, locations, and voting hours within the limits set out in the *Local Government Act*, for the special voting opportunities.

(b) Only electors who are patients, residents, students of the college, or workers at special voting opportunity locations may vote at this special voting opportunity, unless otherwise determined by the Presiding Election Official at the special voting opportunity.

(c) The **Chief Election Officer** may limit the number of candidate representatives who may be present at the special voting opportunities. The facility where the special voting opportunity is being held may also limit the number of candidate representatives who may be present.

9. Additional General Voting Opportunities

As authorized under section 106 of the *Local Government Act*, the **Chief Election Officer** may designate the voting places and set the voting hours within the limits set out in the *Local Government Act* for additional general voting opportunities.

10. Mail Ballot Voting

(a) The **Chief Election Officer** will establish procedures to allow for mail ballot voting (including elector registration) as authorized under section 110 of the *Local Government Act*.

(b) The **Chief Election Officer** shall keep sufficient records so that challenges of the elector's right to vote may be made in accordance with the intent of section 126 of the *Local Government Act.*

(c) The **Chief Election Officer** shall determine the time limits in relation to voting by mail ballot.

(d) As provided in the *Local Government Act*, to be counted, a mail ballot must be received by the **Chief Election Officer** before the close of voting on general voting day according to the procedures set out by the **Chief Election Officer**.

11. Order Of Names On Ballot

The order of names of candidates on the **ballot** will be alphabetical in accordance with section 116 of the *Local Government Act*.

12. Use of Voting Machines

Council hereby provides for the use of an **automated vote counting system** for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.

12.1 Automated Voting Procedures

(a) The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting unit** is provided to an elector, as soon as such elector enters the voting place and before a **ballot** is issued.

(b) Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing **ballots**, who, upon fulfilment of the requirements of the *Local Government Act*, shall then provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, the **ballot** marking instrument, and any further instructions the elector requests.

(c) Upon receiving a **ballot** the elector shall immediately proceed to a voting compartment to vote.

(d) The elector may vote only by making an **acceptable mark** on the **ballot**:
   i. beside the name of each candidate of choice, up to the maximum number of candidates to be elected for each of the offices to be filled; and
   ii. beside either 'yes' or 'no' in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.

(e) Once the elector has finished marking the **ballot**, the elector should either place the **ballot** into the **secrecy sleeve**, if one has been requested, or turn the **ballot** upside down and proceed to the **vote counting unit**, and under the supervision of the election official in attendance, insert the **ballot** directly or from the **secrecy sleeve**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.

(f) If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot**, or if the **ballot** is returned by the **vote counting unit**, the elector may return to the voting compartment (booth) to correct the **ballot** or request a replacement **ballot** by informing the election official in attendance.

(g) Upon being informed of the replacement **ballot** request, the presiding election official shall issue a replacement **ballot** to the elector and mark the **returned ballot** "spoiled" and shall retain all such spoiled **ballots** separately from all other **ballots**, and they shall not be counted.

(h) If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote counting unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** which have been made correctly.

(i) Any **ballot** counted by the **vote counting unit** is valid and any **acceptable marks** contained on such **ballots** will be counted, subject to any determination made under a judicial recount.

(j) Once the **ballot** has been inserted into the **vote counting unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place, unless they are required to remain within the voting place and approved to remain by the presiding election official.

(k) During any period that a **vote counting unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during this time, into a **portable ballot box**, on the understanding that if the **vote counting unit**:

i. becomes operational; or
ii. is replaced with another **vote counting unit**;

the **ballots** in the **portable ballot box** shall, as soon as reasonably possible, be removed by an election official and, under the supervision of the presiding election official, shall be inserted into the **vote counting unit** to be counted.

(l) Any **ballots** which were temporarily stored in the **portable ballot box** during a period when the **vote counting unit** was not functioning, which are returned by the **vote counting unit** when being counted shall, through the use of the **ballot return override procedure** and under the supervision of the presiding election official, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

12.2 Automated Voting Procedures - Advance Voting Opportunity

(a) **Vote counting units** shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in this Bylaw.

(b) At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:

i. no additional **ballots** are inserted in the **vote counting unit**;
ii. the **portable ballot box** is secured to prevent insertion of any additional **ballots**;
iii. the **results tapes** in the **vote counting unit** are not generated;
iv. the **memory card** of the **vote counting unit** is secured; and
v. the **vote counting unit** together with the **memory card** and all other materials used in the election are delivered to the **Chief Election Officer** at **election headquarters**.

(c) At the close of voting at the final advance voting opportunity, the presiding election official shall:

i. ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote counting unit**;
ii. secure the **vote counting unit** so that no more **ballots** can be inserted;
iii. ensure the **portable ballot box** is secured to prevent insertion of any additional **ballots**;
iv. ensure the **results tapes** in the **vote counting unit** are not generated; and
v. deliver the **vote counting unit** together with the **memory card** and all other materials used in the election to the **Chief Election Officer** at **election headquarters**.

12.3 Automated Voting Procedures - Special Voting Opportunity

(a) Unless the **Chief Election Officer** determines it is practical to use a **vote counting unit**, a **portable ballot box** as defined herein, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with this Bylaw so far as applicable, except that the voted **ballots** shall be deposited into the **portable ballot box** supplied by the presiding election official.

(b) The presiding election official at a special voting opportunity shall ensure that the **portable ballot box** is secured when not in use and at the close of voting at the final special voting opportunity, the presiding election official shall seal the **portable ballot box** and return it together with all other election materials to the custody of the **Chief Election Officer**.

(c) If a **vote counting unit** is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in this Bylaw as if it were an advance voting opportunity.

12.4 Procedures After Close of Voting on General Voting Day

(a) After the close of voting on general voting day, each presiding election official shall undertake all of the following, generally in the order stipulated:

i. ensure that any remaining **ballots** in the **portable ballot box** are inserted into a **vote counting unit**;
ii. secure the **vote counting unit** so that no more **ballots** can be inserted;
iii. generate three copies of the **results tape** from the **vote counting unit**, and at the main polling station generate three copies of the **results tape** from the **vote counting unit** for each **memory card** used in advance or other voting opportunities;
iv. communicate the result to **election headquarters** immediately;
v. account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, together with the **memory card(s)** from the **vote counting unit** and one copy of the **results tape**, into the **ballots** and results box;
vi. seal the ballot boxes;
vii. place the voting books, list of electors, the original copy of the ballot account, one copy of the **results tape**, completed registration cards, keys and all completed forms into the election materials box; and
viii. deliver, or have available for pick-up, the sealed **ballots** and results box, **vote counting unit** and the election materials box, to the **Chief Election Officer** at **election headquarters**;
ix. Except where **vote counting units** have been used under Sections 12.2 and 12.3, all **portable ballot boxes** used in the election will be opened, under the direction of the **Chief Election Officer**, at or before the close of voting on general voting day and all **ballots** shall be removed and inserted into a **vote counting unit** to be counted, after which the provision of Sections 12.4 (i) to (viii), so far as applicable, shall apply.

12.5 Election Results

Upon the fulfilment of the provisions of section 12, the **Chief Election Officer** shall, to obtain the election results, direct an election official to place the results in a spreadsheet, which may be used for display indicating the total results.

13. Number of Scrutineers at Voting Places

The number of scrutineers for each candidate that may attend at an election polling station at the same time is one (1) scrutineer for each ballot box in use.

14. Number of Scrutineers For Assent Voting

As authorized under section 181 of the *Local Government Act*, for assent voting, the number of scrutineers for the question and the number of scrutineers against the question that may attend at each voting place at the same time is 1 (one) scrutineer for each side of the question.

15. Judicial Recount

If a judicial recount is requested after the preliminary election results are announced, it shall be conducted under the direction of the **Chief Election Officer** using the **automated vote counting system** and generally in accordance with the following procedure:

(a) the **memory cards** of all **vote counting units** will be cleared, or a new zero **memory card(s)** may be used;
(b) a zero **memory card**, and if available **a vote counting unit,** will be designated for each voting place;
(c) all voted **ballots** will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate **vote counting unit** under the supervision of the **Chief Election Officer**;
(d) any **ballots** returned by the **vote counting unit** during the recount process shall, through the use of the **ballot return override procedure**, be reinserted in the **vote counting unit** to ensure that any **acceptable marks** are counted; and
(e) to obtain election results, the Chief or Deputy **Chief Election Officer** shall place the results of each voting place on spreadsheets so as to tally the total election results.

16. Resolution of Tie Vote After Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with section 151 of the *Local Government Act*.

17. General

(a) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

(b) If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

22. Repeal

"Election and Assent Voting Bylaw No. 2018-34" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this	day of	, 2022
READ A SECOND time this	day of	, 2022
READ A THIRD time as amended this	day of	, 2022
ADOPTED this	day of	, 2022

John Vassilaki, Mayor

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2022-28

A Bylaw to regulate the size, appearance and location of political signage within the City of Penticton.

WHEREAS under the *Local Government Act,* Council may, by bylaw, regulate political signage within the City of Penticton;

AND WHEREAS Council wishes to establish regulations under that authority;

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

1. Title

This Bylaw may be cited for all purposes as "Political Signage Regulations Bylaw No. 2022-28".

2. Definitions

"POLITICAL SIGNAGE" Means a sign(s) that pertains to an election by the voters in the City of Penticton for City Council, School Board, Provincial and Federal Government or assent voting.

"SIGN LOCATIONS" Means the areas permitted within this Bylaw as shown in orange on Schedule A attached to and forming part of this Bylaw that have been dedicated as the only authorized areas, besides private property, where election signs may be located within the boundaries of the City of Penticton.

"GENERAL VOTING DAY" Means polling day under the *Canada Elections Act* or 'general voting day' under the *Local Government Act*, *School Act* (BC) or *Election Act* (BC), whichever is applicable.

3. Location

(a) Political signage is permitted on public lands within the orange areas identified in Schedule A - Sign Locations.

(b) Political signage is only permitted on Provincial lands where authorized or allowed through Provincial legislation or policy.

(c) Political signage is permitted on private lands, but does not include the public boulevard fronting private lands.

4. Restrictions

Political signage must not:

(a) Be installed prior to the end of the nomination period for a local election or prior to a federal or provincial election being called;

(b) Remain on public or private land for longer than 7 days after General Voting Day;

(c) exceed a maximum of 16 square feet per permitted location identified in Schedule A – Sign Locations. For clarity, this measurement reflects the sign size overall per candidate, if a sign is double sided there is no additional measurement added (4 x 4 sign, one sided = 16 ft^2 AND a 4 x 4 sign that is two-sided = 16ft^2). Measurements of both panels on a free standing sign that is 'V' shaped count towards square footage;

(d) be supported by pins or anchors that penetrate deeper than 6 inches into the ground without first obtaining a utility locate from BC One Call;

(e) be located within 1 metre of a fire hydrant;

(f) Be unsightly or dilapidated;

(g) Be placed so as to interfere with traffic sightlines at street intersections or with the safety of vehicles, pedestrians or cyclists;

(h) Be placed so as to obstruct, simulate or detract from any traffic control device;

(i) Be attached in any way to a City or publicly owned fence, tree, bush, planter, waste or recycling receptacle, newspaper box, mail box, sign post, bridge or overpass structure (including private railway/bridge overpass), or any city infrastructure;

(j) Be erected within 100 metres of a polling station on the day of an advance poll or General Voting Day;

(k) Unless authorized in writing by the City, no political sign shall display a logo, trademark or official mark in whole or in part owned or licensed by the City.

5. Candidate Responsibility

(a) It is the responsibility of each candidate and elector organization who place election signs in the City to ensure compliance with this bylaw.

(b) It is the responsibility of each candidate and elector organization to ensure there is no damage to City property or infrastructure, and if there is damage, the candidate or elector organization will be responsible for the cost of repairs.

6. Enforcement

Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

7. Severability

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

8. General

Schedule A – Sign Locations Appendices 1 – 13 attached hereto form part of this bylaw.

9. Repeal

"Political Signage Regulations Bylaw No. 2018-32" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this	day of	, 2022
READ A SECOND time this	day of	, 2022
READ A THIRD time this	day of	, 2022
ADOPTED this	day of	, 2022

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: June 7, 2022 File No: RMS/152 Westminster Pl
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 152 Westminster Place

Subject: **Development Variance Permit PL2022-9252**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9252" for Lot 11 District Lot 3821S Similkameen Division Yale District Plan 37490, located at 152 Westminster Place, a permit to vary Section 8.2.3.5.i of Zoning Bylaw 2021-01 to increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor, to 6.5m and two floors.

Background

The subject property is located on the south side of Westminster Place, in a primarily residential neighbourhood. The property currently contains a single detached dwelling, which is planned to be demolished and rebuilt. The applicants intend to build the carriage house first and live in it while they rebuild the principal dwelling.

Notification for the meeting went out to all properties within a 100m radius of the subject property. 45 letters were mailed and notice was posted on the City's website. 12 letters were received, with a petition against approval with approximately 30 signatures. The concerns raised by the petition and the letters against, included protecting the character and feel of the neighbourhood, concerns about precedent, concerns about the architectural style of the proposed house, concerns about views being blocked and not feeling that enough notice was given to adequately respond to the development notice.

Council considered the application at the May 3rd, 2022 Council meeting. After some discussion, Council failed to pass a motion to deny the application. Council invited the applicants, who were in the audience, to speak regarding the property and answer questions on their intentions for the carriage house and property in general. The applicants explained that they have lived on the property for 12 years and are long term Penticton residents. They have always intended to upgrade the house and include an accessory building for their business and accessory suite. They outlined that through the design process, neighbouring views were taking into consideration and they want to fit in with the neighbourhood. The variance, according to them, was required to create a plan the protected views as opposed to building one large building, which is what they would be required to do if the variance fails. They also outlined that they spoke with and received letters of support from many of the neighbours.

Based on the answers to the questions from the applicants. Council made a motion to re-advertise the notice for DVP PL2022-9252 and that the permit be considered again at a future meeting.

Staff are still supportive of the variance request for the reasons listed in the May 3rd Report to Council (attached herein) and recommend Council, approve the permit.

Attachments

Attachment A – May 3rd Council Report

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Council Report

penticton.ca

Date: May 3, 2022 File No: RMS/152 Westminster Pl
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 152 Westminster Place

Subject: **Development Variance Permit PL2022-9252**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9252" for Lot 11 District Lot 3821S Similkameen Division Yale District Plan 37490, located at 152 Westminster Place, a permit to vary Section 8.2.3.5.i of Zoning Bylaw 2021-01 to increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor, to 6.5m and two floors.

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9252".

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to construct a two-storey carriage house (Figure 1) on the subject property. As there is no lane to the property, the Zoning Bylaw limits the carriage house height to 5.0 m and one floor. The preliminary plans submitted shows a building height of 6.43 m and two floors. As such, the applicant has requested a variance to allow the carriage house as proposed.



Figure 1 – Proposed Carriage House

Carriage houses are considered within the Intensive Residential Development Permit Area, and a development permit will be required for approval of the form and character of the proposed carriage house. The Development Permit will be processed and issued by Staff should Council approve the requested variance.

Background

The subject property is located on the south side of Westminster Place, in a primarily residential neighbourhood (Figure 2). The property currently contains a single detached dwelling, which is planned to be demolished and rebuilt. The applicants intend to build the carriage house first and live in it while they rebuild the principal dwelling. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R1 (Large Lot Residential)' in the Zoning Bylaw.



Figure 2 – Property Location Map

Carriage houses are considered within the Intensive Residential Development Permit Area in the OCP. The applicant has applied for a development permit for approval of the form and character of the proposed carriage house prior to construction. Staff have delegated authority to process the development permit, should Council approve the requested variance.

Technical Review

This application was reviewed by the Technical Planning Committee, a group of City staff from various departments who review development applications. Staff requested additional details regarding the parking space dimensions, and updating labels on plans. This information was submitted by the applicant. Building permit requirements were sent to the applicant in order to expedite the future building permit process. Staff also noted the grade and slope issues, which will be addressed through the Building Permit review process should Council approve the variance.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application:

	Carriage House Requirement (Section 8.2)	Provided on Plans
Minimum Lot Area:	370 m^2	1,254.52 m^2
Maximum Building Footprint	90 m^2	57 m^2
Maximum Lot Coverage of carriage house:	15%	4.3%
Siting	No closer to the street than the principal dwelling	Located behind the principal dwelling
Required Setbacks Front Yard (north): Side Yard (east): Side Yard (west): Rear Yard:	 6.0 m 1.5 m 1.5 m 1.5 m	 18.7 m 12.1 m 21.4 m 1.7 m

Maximum Building Height	5.0 m and one floor	6.43 m and two floors – Variance Requested
Parking:	Total Spaces Required - 3 2 – single family dwelling 1 – carriage house	Total Spaces Provided - 3 2 - single detached dwelling 1 - carriage house

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would cause a negative impact on neighbouring properties; and, if the variance request is reasonable. Staff have reviewed the requested variance to increase the height of the carriage house to 6.5m and two floors and are recommending support for the following reasons:

1. Property location.

   The proposed two-storey carriage house is located next to the KVR Trail and on a bank below Cambie Street. The elevation difference between Cambie St and Wesminster Pl is significant enough that the neighbouring properties on Cambie St would be looking down at the proposed carriage house (Figure 3). The intent of the Zoning Bylaw is to limit the height of carriage houses on properties without lanes so that the carriage house does not create a situation of 'overlook' into rear yard and side yards of properties that share a property line.



Figure 3 – Subject property and 1 m contour lines

2. The design of the carriage house meets all other carriage house regulations of the Zoning Bylaw.

   The proposed carriage house meets all other carriage house Zoning Bylaw regulations including setbacks, building footprint, and lot coverage regulations.

3. Support from neighbours.

   The applicant has provided letters of support from immediate neighbours for the proposed carriage house, including those properties on Cambie St, and Nanaimo Ave E (Figure 4). Neighbours signed letters of support, which were submitted by the applicant with their variance application. The letters of support submitted are included in Attachment 'E'.



Figure 4 – Letters of support submitted by owners of four properties (yellow).

Given the reasons above, staff consider the variance requests are reasonable in this instance. As such, staff are recommending that Council approve the variance and direct staff to issue the permit.

Should Council approve the variance, staff would proceed with processing the required Development Permit prior to construction occurring.

Alternate Recommendations

Council may consider the requested variance is undesirable and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2022-9252". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw carriage house regulations, which would result in the removal of the basement. If the applicant revises their plans to meet the Zoning Bylaw regulations, staff have delegated approval authority to process the Development Permit on its own. Staff are recommending against this option, as the requested variance is considered reasonable in this instance and the letters of support from neighbours indicate there will be minimal impacts on surrounding properties.

1. THAT Council deny "Development Variance Permit PL2022-9252".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – Letters of Support from Neighbours
Attachment F – Draft Development Variance Permit PL2022-9252

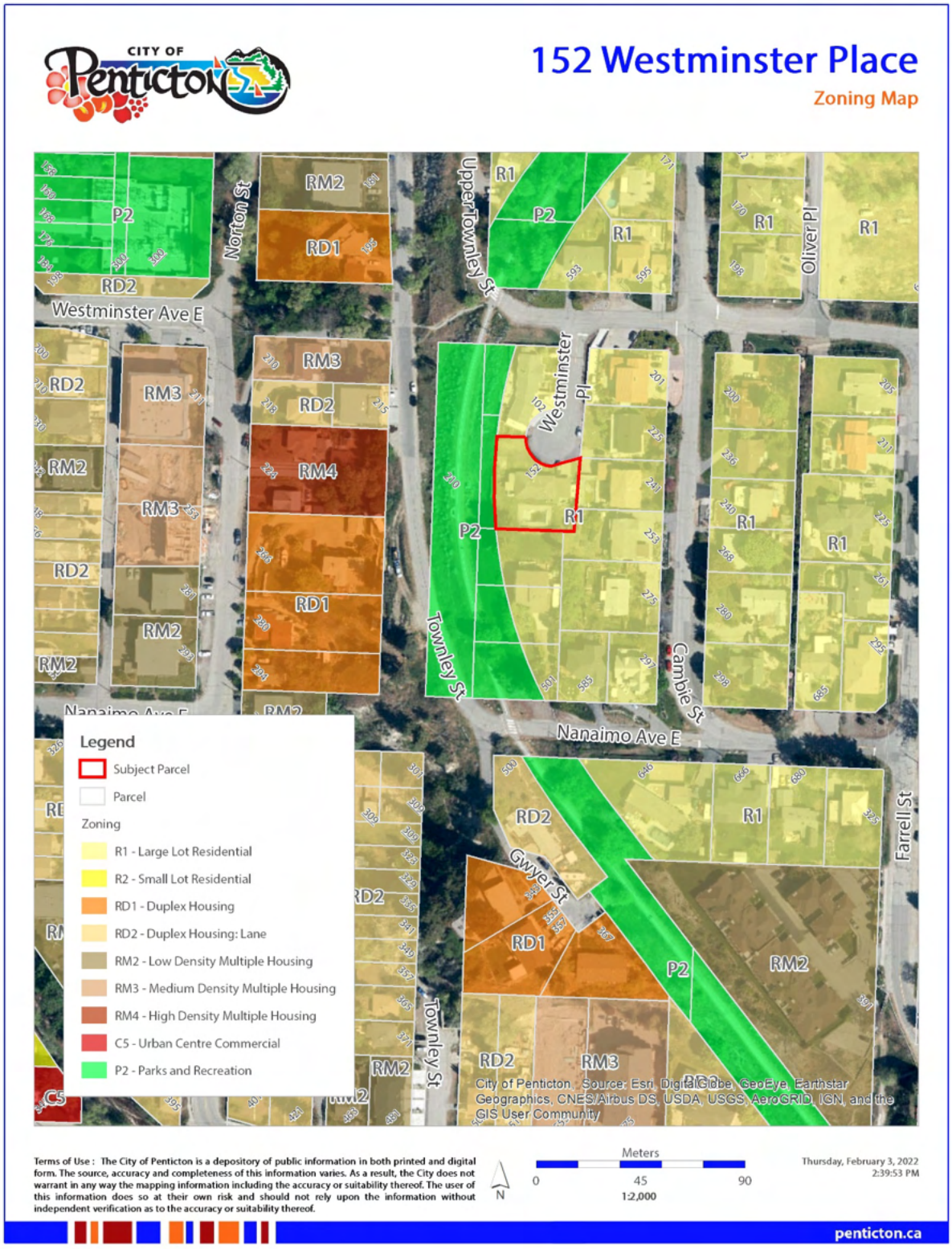
Respectfully submitted,

Jordan Hallam
Planner I

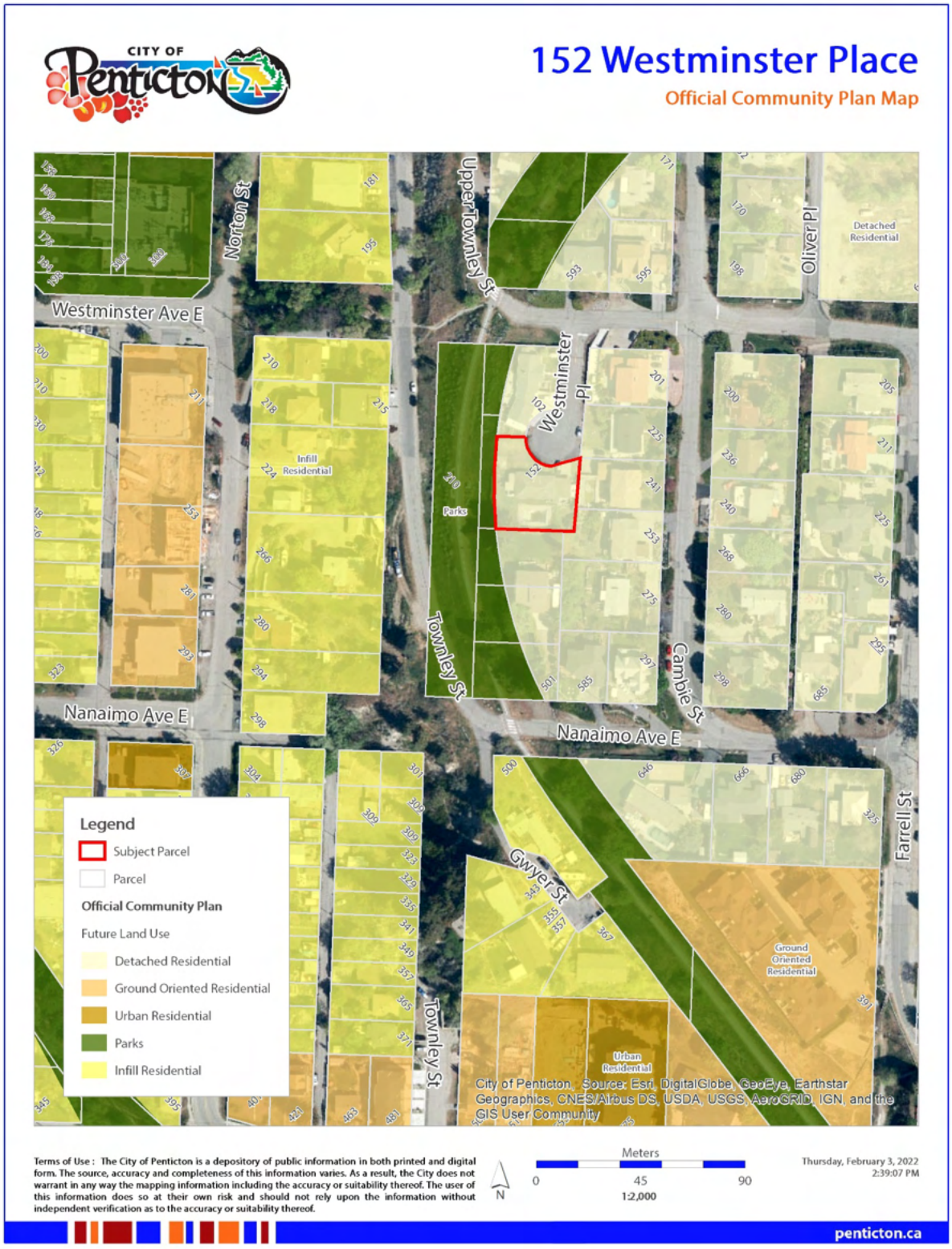
Concurrence

Director of Development Services	Acting Chief Administrative Officer
BL	KD

Attachment A – Zoning Map



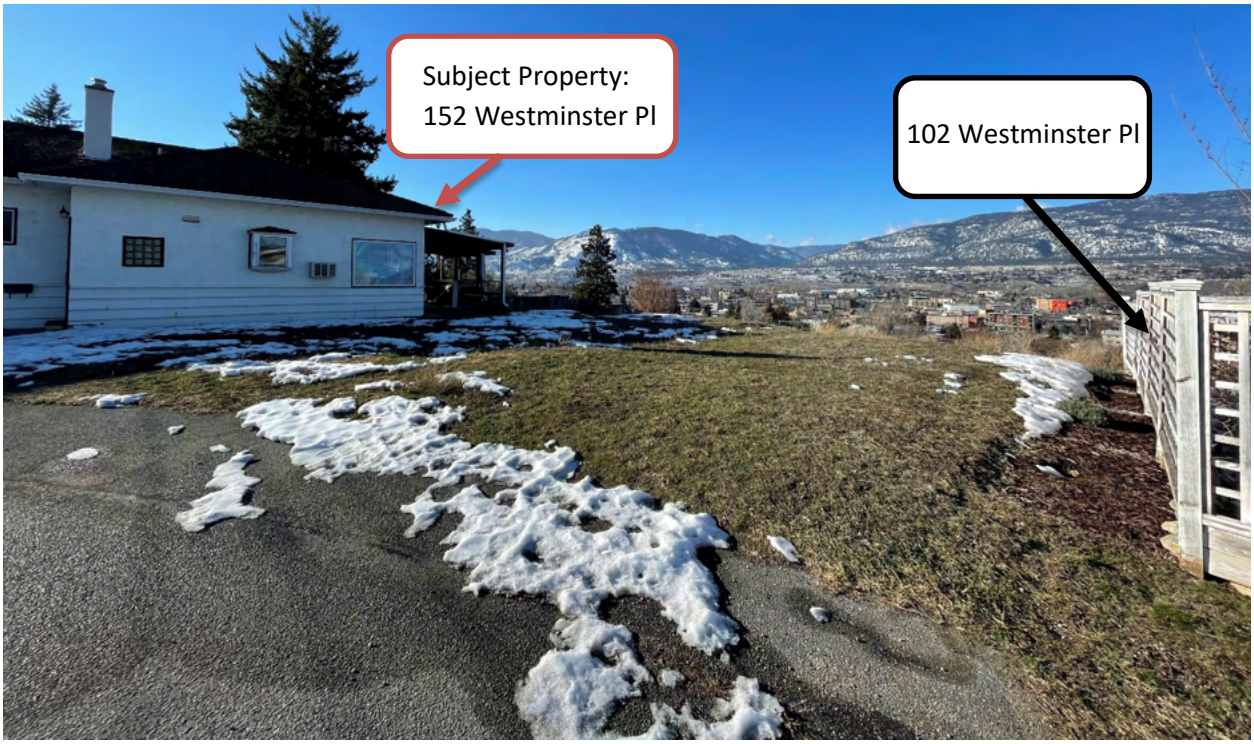
Attachment B – Official Community Plan Map



Attachment C – Photos of Property



Looking south at the subject property from Westminster Place.



Looking southwest at the subject property from Westminster Place.



Looking south at the subject property where the proposed carriage house will be built.

Attachment D – Letter of Intent

Letter of Intent
In Support of Request for Variance
152 Westminster Place, Penticton, BC V2A 4H1

This Letter of Intent is in support of our request for a variance to the City of Penticton Zoning Bylaw No. 2021-01, section 8.2.3.5. Our intention is to construct a two-story 2-car garage with a 587 square foot upper suite. The current zoning bylaw 2021-01 allows for a maximum height of 5.0 meters, or one story, unless such structure is built off an official city lane, or a dual frontage lot. We are requesting a variance to permit the construction of a two-story garage and suite combination on our lot with a City Statutory Right which acts very similarly to a city lane.

Our lot has a City Statutory Right of Way for the sewer main in our area that runs through the east side, and continues north through neighboring lots. Because of this, we are unable to build on the Right of Way itself, or the ten feet east of the Right of Way to the lot line, creating an unofficial lane that would be 30' wide. Due to this, we keep in line with the City's Official Community Plan creating a degree of separation between the structure and neighboring properties, maintaining emergency access to the suite, and ample parking that will not impact neighbors.

The design of the Carriage House was done specifically keeping our neighbors' privacy at the forefront. The structure was designed without south facing windows, and any east facing windows will either be frosted or high enough as to not allow view access to neighboring lots, or into our suite.

We have spoken to most of our immediate neighbors who have all expressed approval of the project and are willing to write to the City in support of our project.

Upon completion of this project, ideally, we would move into the suite while we tear down the existing house on the lot and rebuild. Once construction is complete on the main house, we would place the carriage house on the long-term rental market, all the while not taking from the current inventory during construction of the main structure. Further, the loss of the garage space, in the event we are not successful in our variance request, will have a detrimental impact on a local business that has been operating in the City of Penticton for 60 plus years as that business currently has part of its operations in our existing garage.

We thank you for your time and consideration.

Respectfully submitted,

Jaclyn Cunsolo

Aaron Cunsolo

February 13, 2022

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

Attn: Development and Planning

Re: Variance Application and Development Permit for 152 Westminster Place Penticton, BC

As owner of the property adjacent to 152 Westminster Place, I am writing to express my support for the development and variance application proposed at 152 Westminster Place. I have viewed their plans and feel that this redevelopment would be an asset to our neighborhood.

Sincerely yours,



Ronald little
501 Nanaimo Ave East
Penticton BC. V2A 1M8
[redacted]

225 Cambie Street
Penticton, BC
V2A 4G9

February 12, 2022

Re: Variance Application and Development Permit for 152 Westminster Place Penticton, BC

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

Attn: Development and Planning

We live at 225 Cambie Street, Penticton, BC. As property owners in the neighborhood, we are writing to inform the City of Penticton that we have no concerns regarding the proposed development and variance application for 152 Westminster Place. The owners of the property, Jaclyn and Aaron Cunsolo, have provided us with plans for the project. We fully support the city approving the development and variance application. Feel free to contact us if needed [redacted].

Sincerely,

H. March

Hilary March

Alexis Porte

From:
Francesco Cunsolo
241 Cambie Street
Penticton, BC V2A 4G9

February 14, 2022

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

Attn: Development and Planning

Re: Variance Application and Development Permit for 152 Westminster Place Penticton, BC

As a property owner in the neighborhood, I am writing to express my support for the development and variance application proposed at 152 Westminster Place. In reviewing the proposal in great detail with the owners, Jaclyn and Aaron, it is clear that care has been taken to limit any obstruction of view from immediate neighbors. In addition, the design was strategic in addressing and limiting privacy concerns.

The development is a much welcomed addition to the neighborhood, and I look forward to seeing the completed project.

Sincerely,

Frank Cunsolo

From:
Stephen & Celeste Palmer
102 Westminster Place
Penticton, BC V2A 4H1

February 14, 2022

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

Attn: Development and Planning

Re: Variance Application and Development Permit for 152 Westminster Place Penticton, BC

We are writing to express to you our support and approval for the above described variance and development application. We are owners of the adjacent property to the north and look forward to the completion of the project.

Sincerely,

Stephen Palmer

C. Palmer

Celeste Palmer

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

Development Variance Permit

Permit Number: DVP PL2022-9252

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 5 District Lot 202 Similkameen Division Yale District Plan 13681

   Civic: 152 Westminster Place

   PID: 009-177-469

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a carriage house, as shown in the plans attached in Schedule 'A':

   a. Section 8.2.3.5.ii: to increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor to 6.5m and two floors.

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.

DRAFT

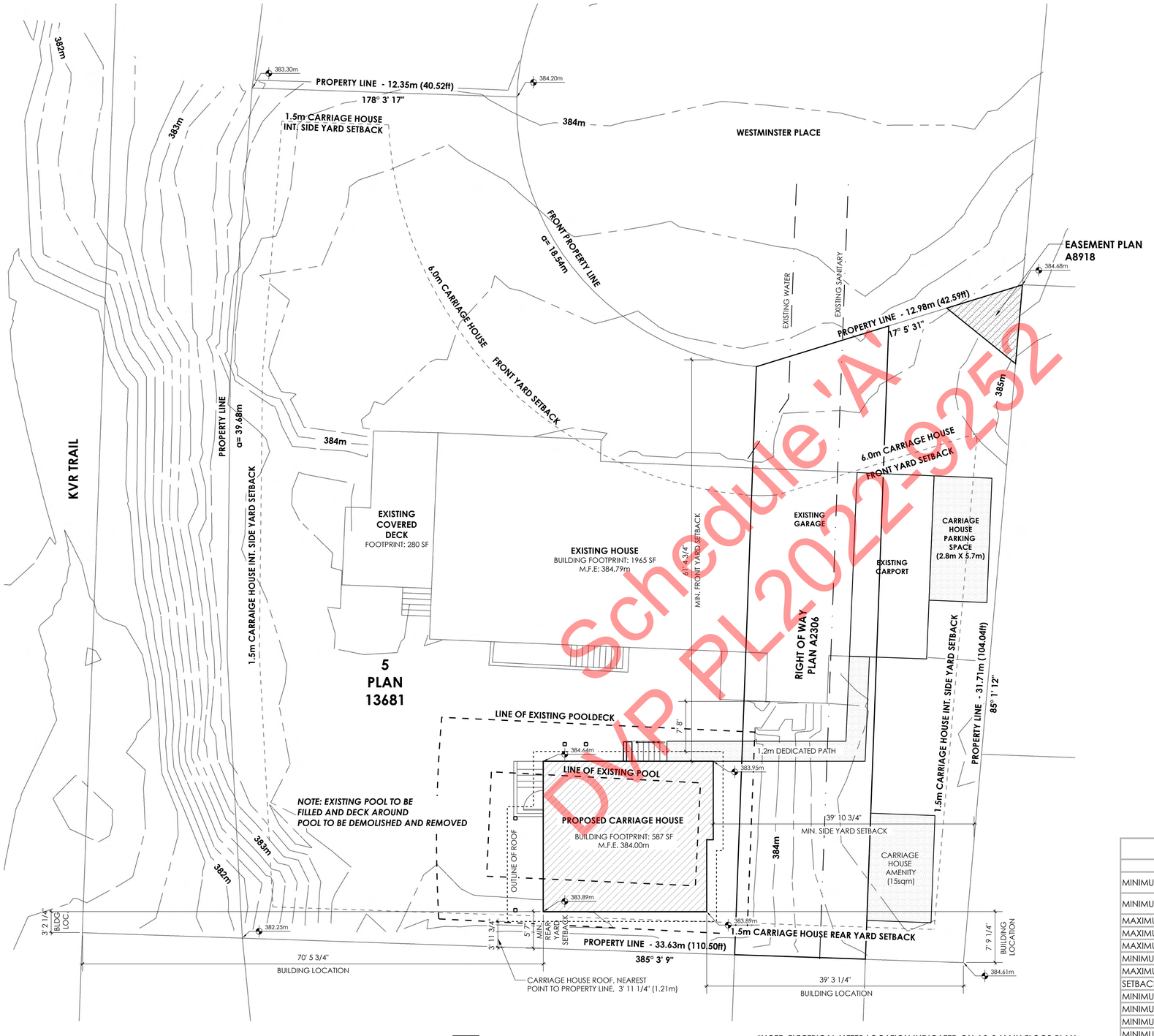
Authorized by City Council, the 3rd day of May, 2022.

Issued this _____ day of May, 2022.

_____

Angela Collison
Corporate Officer

DRAFT



1 SITE PLAN
SCALE :: 1/8" = 1'-0"

*NOTE: ELECTRICAL METER LOCATION INDICATED ON A3-3 MAIN FLOOR PLAN

ZONING LARGE LOT RESIDENTIAL R1 (ACCESSORY BUILDING/CARRIAGE HOUSE)		
	REQUIRED	**PROVIDED ON PLANS**
MINIMUM LOT WIDTH	16.0m (52.5ft)	33.63m (110.50ft)
MINIMUM LOT AREA	370 sqm (3982.65sqft)	1182.5sqm (12728.32sqft)
MAXIMUM LOT COVERAGE	40%	22.2%
MAXIMUM BUILDING FOOTPRINT	90 sqm (968 sqft)	54.5 sqm (587sqft)
MAXIMUM HEIGHT	5.0m (16.4ft)	6.58m (21.58ft)
MINIMUM AMENITY SPACE	15 sqm (161.5 sqft)	> 15 sqm (161.5 sqft)
MAXIMUM FLOOR AREA	135 sqm (1453 sqft)	109.1 sqm (1174 sqft)
SETBACKS:		
MINIMUM FRONT YARD	6.0m (19.7ft)	18.71m (61.40ft)
MINIMUM INTERIOR SIDE YARD	1.5m (4.92ft)	12.16m (39.90ft)
MINIMUM EXTERIOR SIDE YARD	1.5m (4.92ft)	N/A
MINIMUM REAR YARD	1.5m (4.92ft)	1.70m (5.58ft)

Schedule 'A'
DVP PL2022-9252

PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

152 Westminster Pl. - Carriage House

152 Westminster Place, Penticton BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

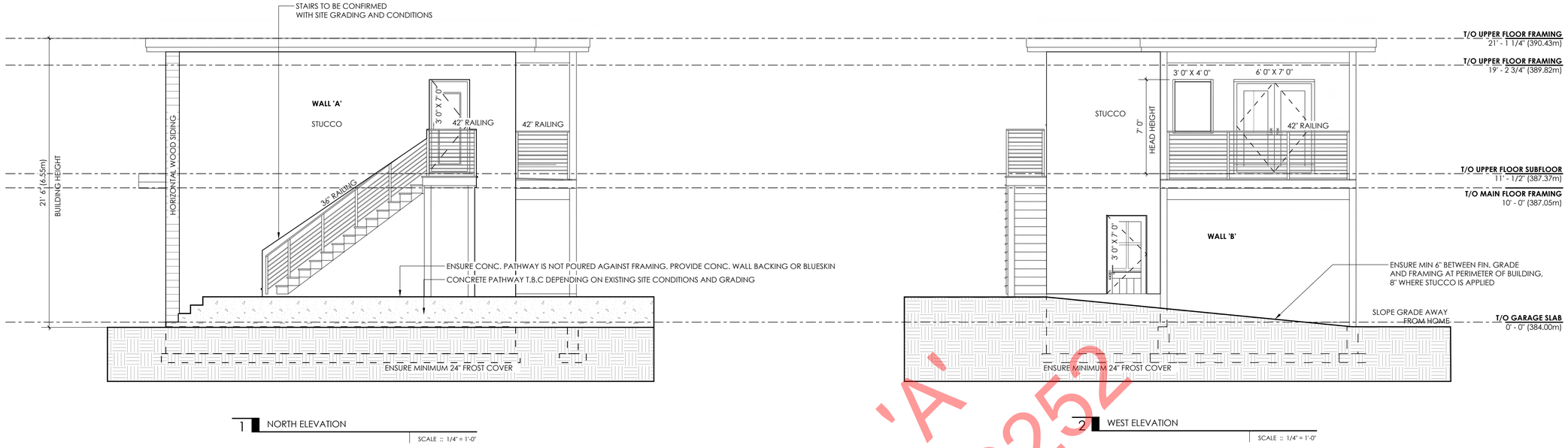
OWNER:
Aaron and Jacyln Cunsolo
152 Westminster Pl
Penticton, BC

DOCUMENT DATE:
March 10, 2022
SCALE:
AS NOTED

NO.	DATE:	ISSUE:
01	21.07.01	DESIGN FOR BP
02	21.08.20	PERMIT SET
03	22.03.10	REISSUE FOR PERMIT

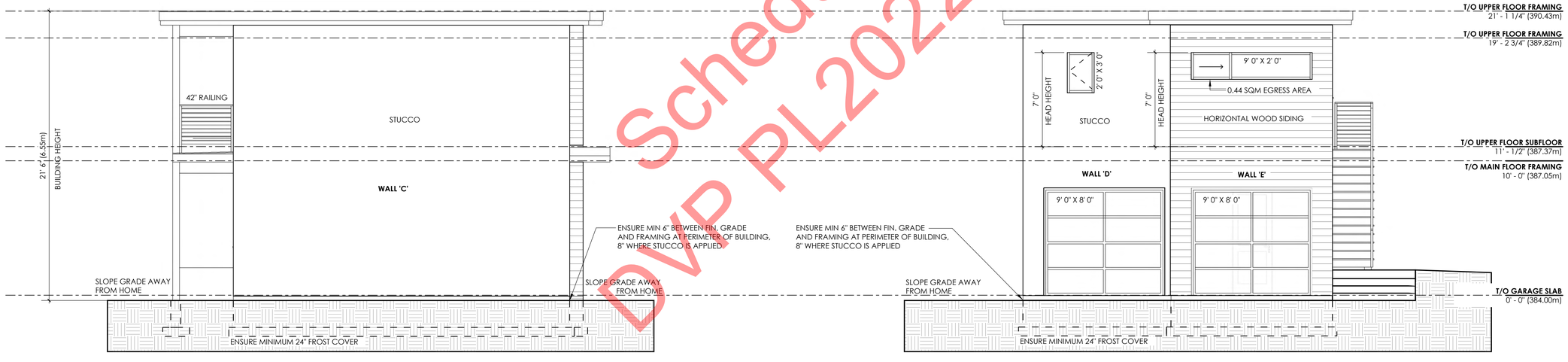
A2

SITE PLAN



1 NORTH ELEVATION
SCALE :: 1/4" = 1'-0"

2 WEST ELEVATION
SCALE :: 1/4" = 1'-0"



3 SOUTH ELEVATION
SCALE :: 1/4" = 1'-0"

4 EAST ELEVATION
SCALE :: 1/4" = 1'-0"

Schedule 'A'
DVP PL2022-9252

ELEVATION MAX AREA UNPROTECTED OPENINGS 2018 BCBC TABLE 9.10.14.4.A

	AREA		LD
WALL 'A' AREA/LIMITING DISTANCE	41.3 sqm		1.21m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	41.3 sqm	x 7%	= 2.8 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	1.9 sqm		

	AREA		LD
WALL 'B' AREA/LIMITING DISTANCE	40.8 sqm		14.1m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	40.8 sqm	x 100%	= 40.8 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	7.2 sqm		

	AREA		LD
WALL 'C' AREA/LIMITING DISTANCE	44.3 sqm		1.7m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	44.3 sqm	x 8%	= 3.5 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	0.0 sqm		

	AREA		LD
WALL 'D' AREA/LIMITING DISTANCE	19.5 sqm		12.17m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	19.5 sqm	x 100%	= 19.5 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	7.2 sqm		

	AREA		LD
WALL 'E' AREA/LIMITING DISTANCE	21.3 sqm		12.16m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	21.3 sqm	x 100%	= 21.3 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	8.3 sqm		

NOTE: LIMITING DISTANCE FOR WALL 'A' (NORTH ELEVATION) HAS BEEN CALCULATED BASED ON A HALFWAY POINT BETWEEN THE CARRIAGE HOUSE AND THE PROPOSED PRINCIPAL DWELLINGHOUSE NOT SHOWN ON PLANS. DISTANCE BETWEEN CARRIAGE HOUSE AND PROPOSED PRINCIPAL DWELLING IS 8'1" (2.46M) THEREFORE LIMITING DISTANCE HAS BEEN TAKEN AS 1.22M (4'1")

PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

152 Westminster Pl. - Carriage House

152 Westminster Place, Penticton BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
Aaron and Jacyln Cunsolo
152 Westminster Pl
Penticton, BC

DOCUMENT DATE:
March 10, 2022
SCALE:
AS NOTED

NO.	DATE:	ISSUE:
01	21.07.01	DESIGN FOR BP
02	21.08.20	PERMIT SET
03	22.03.10	REISSUE FOR PERMIT

A4

ELEVATIONS

To:

Mayor Vassilaki

Councillors Campbell Watt, Julius Bloomfield, James Miller, Frank Regehr, Katie Robinson, and Judy Sentes.

From:

Jaclyn & Aaron Cunsolo
152 Westminster Place
Penticton, BC

Re: Variance Application for 152 Westminster Place Penticton, BC

In Response to the decision made at the May 3rd council meeting regarding the above-noted variance application, Aaron and I would like to provide some further clarifications regarding our application.

Time, Thought and Effort

Aaron and I have lived in the neighborhood together for the past 12 years. Aaron grew up in this neighborhood, having living in it with his family for 23 years. Aaron's father still currently resides in the neighborhood, right next door to our property.

When the property was originally purchased in 2010, it was purchased with the intention to one day build our dream home.

When the time finally came to start realizing our intention, we retained the assistance a local design company, Parallel 50, to come up with a design incorporating everything we wanted in our forever home. Of equal importance was ensuring that the design we created respected the needs of our neighbors and minimized the impact on their properties and sight lines.

Design and Research

The house and carriage home design we chose has been several years in the making. We utilized information available from the City of Penticton's GIS system accessible on its website. Based on the information obtained using this GIS system, we determined the base elevation difference from our lot to the neighboring lots to the east, was a minimum of 6 meters. Noting that most lake or city views from these properties will be from an even higher elevation on a patio.

Our design incorporates a two-storey garage/carriage house accessory building pinned as far south and east on the property as setbacks will allow. This design was specifically developed in order to minimize the impact of blocked views experienced by surrounding neighbors.

The main structure of the home was designed to compliment the garage/carriage house, and only has one room on the second floor. Our current house plan currently has its highest point at 8.8 meters above grade…nearly 2 meters lower than the maximum allowable and is also pinned to the east side of the property.

Our Application

Our variance application is seeking approval to build a two-storey stacked garage/carriage house that is 1.4m or 4.5 feet higher than the current maximum allowable height for such a building within our zoning. While our property does not have a city lane providing separation and access, the City holds the rights to a statutory right of way for the main sewer line running through the east side of our property, which cannot be built on, and would provide the separation and access a lane would. As planner Blake Laven mentioned in his presentation, our application meets all the intentions of the bylaws currently in place allowing for such a two-storey building.

We would also like to note that a two-storey carriage house/garage at 6.4 meters (our design) would only sit less than 1 meter higher than the pitch of our current house at approximately 2.5 feet.

We understand that the initial opposition may have been a fear response. We understand that change can be unsettling, but for a community and any city to grow and continue to thrive, change is inevitable. This is evident by the current development that has already occurred and is continuing to occur in our very own neighborhood (duplex at 215 Townley St; Oliver Place development; New Build at 300 Farrell St.; New Build at 102 Upper Townley St.). When our neighbors received the initial public notices from the City of Penticton, I can only suspect they believed we were applying to construct a two-storey structure twice the height as our current home on the property. As we have outlined, this is not the case.

Attached to this letter is a photo evidencing the neighbors' current views and a more accurate sight line presentation for the photo provided by 297 Cambie Street residents. We would also like to note that any lake view that 297 Cambie Street has north of the pine trees and south of cedars has only existed since 2015 when we cut down a 45' silver maple street on our property.

Alternatives

Further attached to this letter are the alternate designs we have been provided by Parallel 50. Please keep in mind these alternate designs do not require any variance permits. Both alternate designs incorporate the garage into the main structure. Our alternate design will see us increase the size of the second story of the home, which can be built up to 10.5 meters above grade without requiring a variance. These alternate designs also push the buildings closer to our immediate neighbors and to the west side of the property, ultimately impeding far more sight lines than the original design.

Conclusion

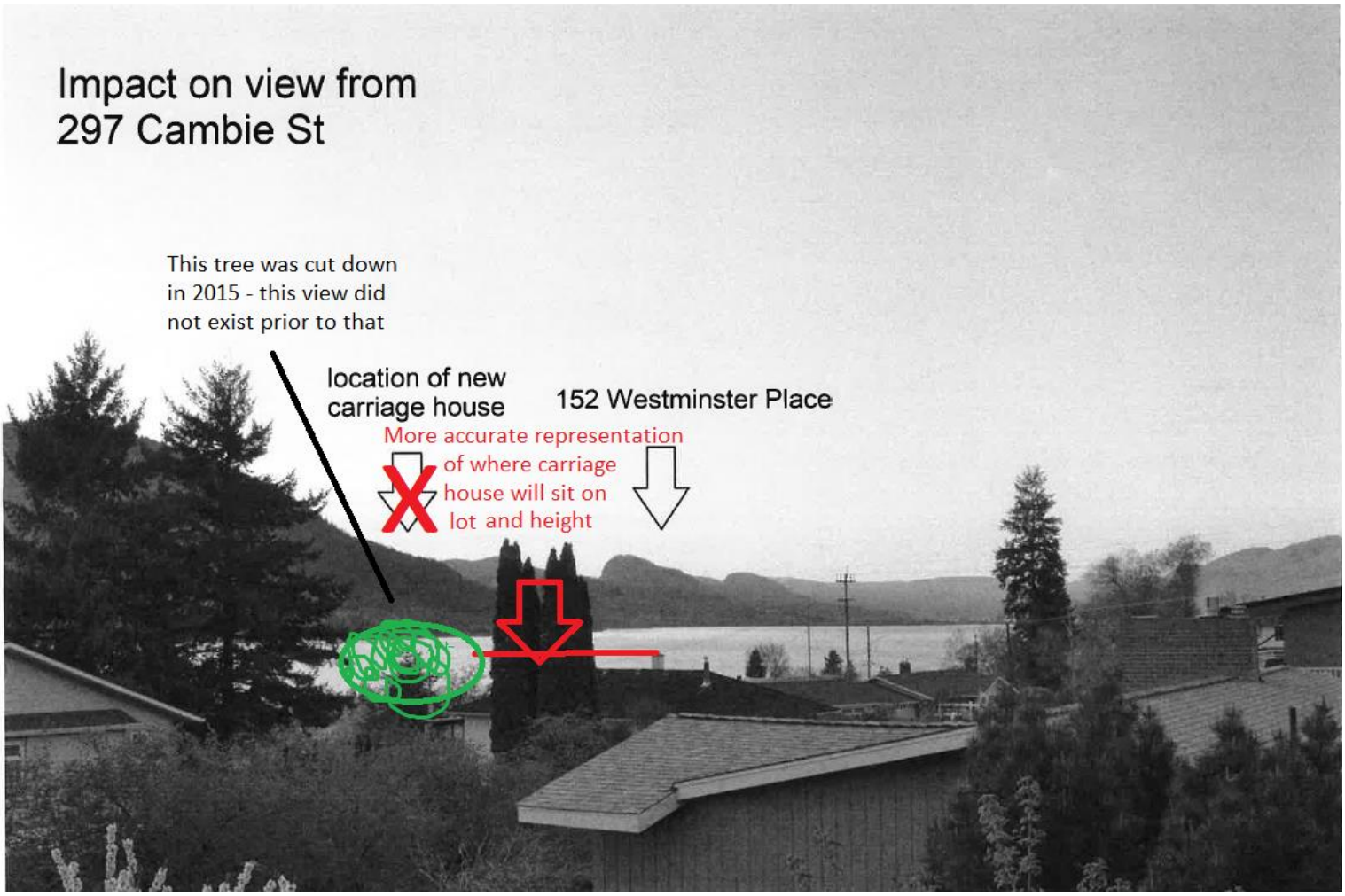
In conclusion, Aaron and I sincerely hope the additional time to consider our application has allowed all those in opposition to revisit the report that the City of Penticton planning department provided, outlining the above information in even greater detail. We further hope that we have made it clear that we have put a lot of time and thought into this design. This includes considering our neighbors and the impact it will have on them. While we did discuss our proposal with the neighbors we believed would be most impacted – either by construction noise, blocked views, and increased traffic/parking – we did consider all surrounding neighbors. Our immediate neighbors who are all in approval of our proposal continue to communicate their support and understand that the alternatives are far less desirable.

Sincerely,

Jaclyn & Aaron Cunsolo

Attachments

More accurate representation of view impact on 297 Cambie Street



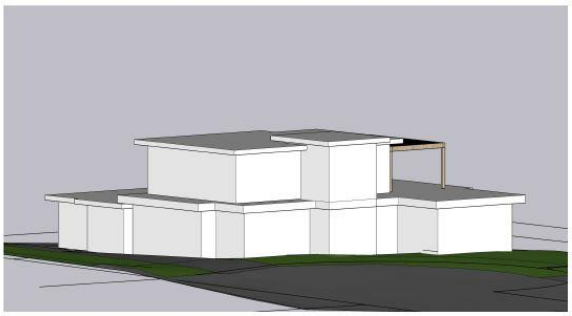
Alternate Designs

Option 1

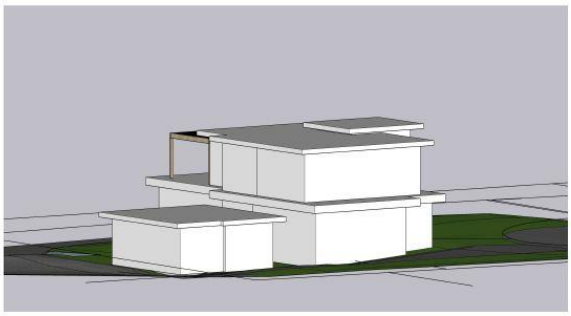


SITE PLAN

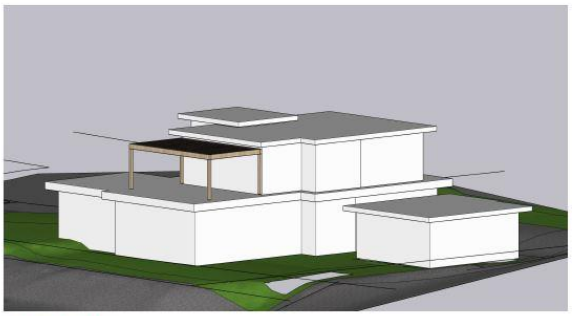
COPYRIGHT PARALLEL 50 CONSTRUCTIC



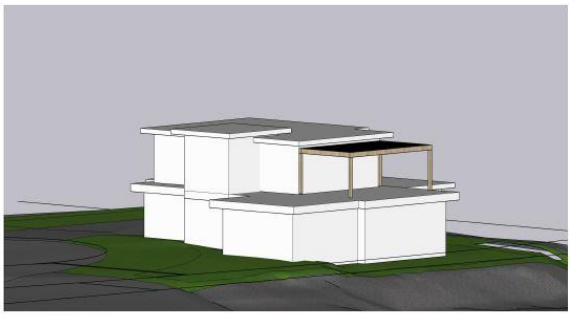
NORTHEAST ISOMETRIC



SOUTHEAST ISOMETRIC



SOUTHWEST ISOMETRIC



NORTHWEST ISOMETRIC

COPYRIGHT PARALLEL 50 CONSTRUCTION LTD, 2020

Option 2



SITE PLAN

COPYRIGHT PARALLEL 50 CONSTRUCTION LTD, 2

LATE SUBMISSION FOR ITEM 8.9 -
152 WESTMINSTER PLACE

June 6, 2022

To:
Mayor Vassilaki
Councilors Watt, Bloomfield, Miller, Regher, Robinson and Sentes

From:
Craig and Alison Reigh
297 Cambie St
Penticton, BC

Re Development Variance Permit PL2022-9252
At 152 Westminster Plc, Penticton, BC

Having looked through the documents on this variance for the Council Meeting on Tuesday, June 7, we would like to address the following, particularly in regard to the new letter submitted by the Cunsolos.

The Cunsolos raise a number of points about their personal relation to this neighbourhood, stating how long they have lived here, etc. We ourselves have lived here for 23 years, and raised our four sons in this neighbourhood. In fact, Craig himself was raised several blocks away from where we are now. A number of our neighbours can make similar claims. So we can all agree that we all have an attachment to this area.

The Cunsolos mention their "dream" home, their "forever" home. Again, we feel the same way about our property, as do most of our neighbours. We know because they have expressed this to us. Craig himself designed the renovation to our home, so we are invested in it personally.

While the Cunsolos may feel they have ensured that "the design (they) created respected the needs of our neighbours and minimized the impact on their properties and sight lines" we do not recall them ever coming to our property to see for themselves the impact this would have on our view.

We recognize that they have planned a rebuild that is 1.7 meters below what the zoning allows, and that the proposed carriage house is 2.4 meters below that. However, that does still affect us, and even since the last council meeting at which this was discussed, we have not been approached by the applicants to ask us about our concerns. They obviously have seen our photo and have our address.

We take offense at the idea that our response was one of fear. Concern and disappointment, yes, but to label it as fear is far too strong.

Yes, as the Cunsolos indicated, change can be unsettling, but it doesn't always have to be inevitable. They cite a number of properties in the area that have undergone change. However, in our view, we are disappointed in a number of these.

The Cunsolos indicated that our view was improved by them removing a tree. This is certainly true. Over the 23 years we have been here, our view has changed considerably as trees grow and are removed. We accept that. Trees are living things. Pockets of view that we used to have are gone, but other pockets have opened up. Trees are not permanent. Buildings tend to be more so, and are not always as pleasant to look at.

We can appreciate that the Cunsolos had two other plans drawn up, and they feel that they chose the one that impacted the neighbourhood the least. We are just saddened that they did not consider a ranch-style house, with a large garage out back. They certainly have the property to support this. This is the route their neighbours to the north of them took when they did an addition, and they did so specifically so as not to impede on neighbourhood views.

The Cunsolos did provide information superimposed on our photo about the height and location of the carriage house. However, they did not give information about the height and location of their new build in relation to the carriage house, so we have yet to see how that will fully impact our view. It is difficult to know which of their plans would impact us the least not knowing this, or knowing the height of the other proposed builds.

The Consolos state in their conclusion that they "did discuss (their) proposal with the neighbours (they) believed would be most impacted" and that they did "consider all surrounding neighbours." I am curious as to how they can make this claim when they never approached us. Yes, their immediate neighbours have supported them. Their neighbours to the south and the north will not have their view affected at all. One of the neighbours above them is related to them. They spoke with four neighbours. Eight other neighbours were not approached.

We realize that a number of these points are not what the council wants to consider, but as they were brought to our attention in the Cunsolo's letter, we felt that the letter warranted a response.

In the end, it will be the city's decision as to how to proceed. It is our sincerest hope that the city considers the entire neighbourhood as a whole, not just the needs or wants of a few, and makes the best decision for all of us.

Sincerely,

Craig Reigh
297 Cambie St
Penticton, BC

Alison Reigh
297 Cambie St
Penticton, BC

Council Report

penticton.ca

Date: June 7, 2022 File No: RMS/127 Upper Bench Rd S
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 127 Upper Bench Road South

Subject: **ALC Non-Farm Use – 127 Upper Bench Road South**

Staff Recommendation

THAT Council support "ALR Non-Farm Use PL2022-9300", for Lot 1 District Lot 188 and 155 Similkameen Division Yale District Plan KAP91714, located at 127 Upper Bench Road South, to allow one dwelling unit, limited to a maximum floor area of 1,925 sq. ft. and located above a farm building, to be permitted on the subject property, and require that restrictive covenant LB429194 remain on title;

AND THAT staff be directed to forward "ALR Non-Farm Use PL2022-9300", to the Agricultural Land Commission (ALC) with support from Council and the Agriculture Advisory Committee.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicants are intending to construct a 60 ft. x 80 ft. farm building for the purposes of equipment repair, cleaning, secure storage, workshop, onsite lab, weather station, office and washroom. The applicants also have a desire to add a dwelling unit on a proposed second floor, which would be 35 ft. x 55 ft. (1,925 sq. ft.). The subject property has a covenant existing on title that prohibits the construction of any buildings or structures for habitation on the property without the permission of the Agricultural Land Commission. As such, the applicants have applied for a Non-Farm Use application to allow for the dwelling unit to be permitted, subject to a maximum size of 1,925 sq. ft.

Background

The subject property is located at 127 Upper Bench Road S and is 2.8 ha in size (Figure 1). The property is currently used as a vineyard and has farm status with BC Assessment. There are no buildings or structures existing on the property currently.

Application History

An application was made in 2009 for a lot line adjustment (subdivision) between 149 Upper Bench Road, Penticton, and a small strip of property (0.1 ha) that ran parallel to the western border of the 149 Upper Bench Road (Figure 2). The small parcel was at one time most likely an irrigation parcel. Both properties were owned by the same property owner. The intent of the owner was to create two usable parcels of land, with a residence, greenhouses and ground crops on one property (149 Upper Bench Road S) and vineyards on the other (127 Upper Bench Road S). During the site inspection of the subject property in 2009, the applicants indicated that as they did not intend to live on the proposed vineyard lot (127 Upper Bench Road), and they would not be averse to registering a no-build covenant against the title of the lot.



Figure 1 - Property Location Map

When this application was considered by the City of Penticton's Agriculture Advisory Committee at the April 15, 2009 meeting, the AAC did not support the proposal. In addition, local government staff, in their report to Council, also recommended that Council should not support the proposal. Council, nevertheless, supported the subdivision and sent the application to the ALC with support.

On June 17, 2009 the ALC by Resolution #265/2009, approved a lot line adjustment between the 4 ha property and the 0.1 ha property to create a 1.3 ha lot and a 2.8 ha lot subject to, among other things, that a no-build covenant be registered against the title of the proposed vineyard lot for the purpose of limiting the impact of converting a non-buildable lot (i.e., 0.1 ha lot) into a buildable lot.

With this approval, the subdivision was approved by the City's approving officer and was registered at the Land Title Office in December of 2010.

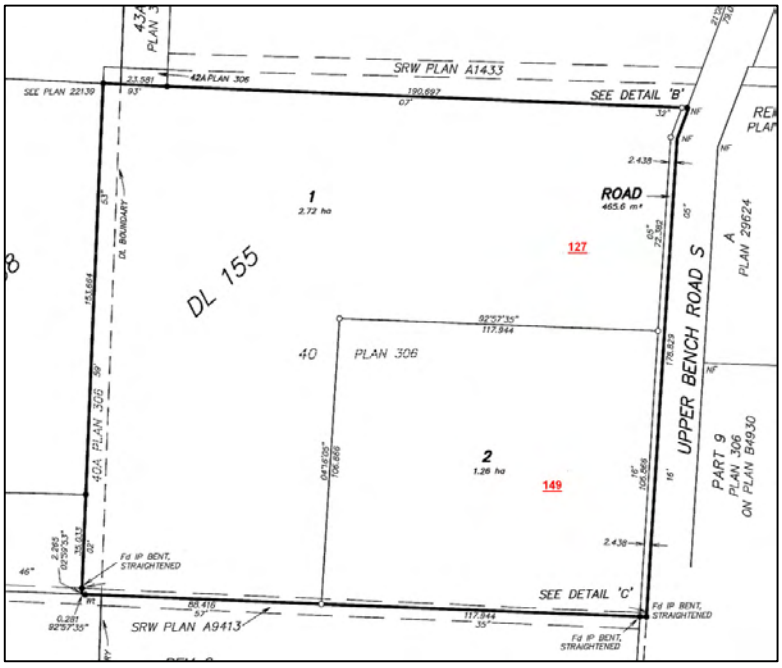


Figure 2 - 2009 Subdivision Plan

Problems arose shortly after the subdivision was approved. According to the property owner, the vineyard venture did not work out as intended. A 'frost pocket' on the property resulted in the loss of a number of vines. With the realization that a vineyard operation would not be viable, the property owner then switched his intention for the property to a more traditional farm property with a residence and farm building.

To this end, the property owner (in February 2012) requested that support from the City be given to his proposal to have the no-build covenant removed from the 127 Upper Bench Road S title. The Agriculture Advisory Committee gave support for the removal and Council also supported the removal. The ALC, at its June 27, 2012 meeting, concluded that no new information was brought forward to warrant removal of the covenant and denied the request.

Further correspondence was received by the property owner on December 20, 2012 requesting reconsideration of ALC Resolution #265/2009. The ALC also received correspondence from the City on December 20, 2012 expressing its support for constructing a dwelling on the subject property. The property owners expressed an interest in creating a small farm property with a residence for re-sell purposes. The request and file material was reviewed again by the ALC at its July 17, 2013 meeting. It was determined that the submission did not contain new information that was unavailable at the time of the original decision and as such denied the request.

On October 1, 2015, the ALC received another request from the property owner to reconsider ALC Resolution #265/2009. The property owner provided a site plan indicating where on the property they would like to build a residence and a farm building. Further, the property owner was proposing to retain a covenant on the title of the property requiring that the dwelling be located within 75 meters of Upper Bench Road which 'would limit the impact of a dwelling on the property'. In a letter dated September 28, 2015, the City reaffirmed its support for the property owner to construct a dwelling in the location shown on the site plan submitted. ALC staff reached out to the property owner in late 2015 to indicate that a formal ALC application would be required for this to be considered. No application has been made to the ALC since such date.

In 2017, the applicants purchased the property at 127 Upper Bench Road S and were aware of the covenant at that time. The current owners have provided details on the significant works and investments that they have made to ensure the future of farming on the property (see analysis section for details). The owners are now making a formal request with the ALC to allow for a dwelling unit to be constructed.

Agriculture Advisory Committee

The ALR Non-Farm Use application was presented to the City's Agriculture Advisory Committee on May 18, 2022. The Agriculture Advisory Committee was supportive of the application, but felt that the restrictive covenant limiting residential uses should remain on title. As such the following recommendation was passed and is reflected in staff's recommendation to Council:

Main Motion as Amended:
It was MOVED and SECONDED
THAT the Agriculture Advisory Committee support "ALR Non-Farm Use PL2022-9300", for Lot 1 District Lot 88 and 155 Similkameen Division Yale District Plan KAP91714, located at 127 Upper Bench Road South, to allow one dwelling unit, limited to a maximum floor area of 1,925 sq. ft. and located above a farm building, to be permitted on the subject property;
AND THAT the existing covenant remain.

CARRIED UNANIMOUSLY

DRAFT

Analysis

The subject property is designated as 'Agriculture' within the Official Community Plan (OCP) Future Land Use Map. The OCP designation of 'Agriculture' is described as allowing for 'growing, producing, harvesting, storage, processing and sale of agricultural produce'. Uses that are supported with this OCP designation include agricultural and residential (1-2 units per parcel).

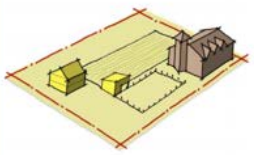
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	• Agricultural buildings • Detached houses	• Agricultural • Residential	• 1-2 units per parcel	• A

Figure 3 - Future Land Use Designation

The OCP also includes the following policies, which are directly applicable to the proposed development:

1. Agricultural lands – specifically those within the ALR on the Naramata Bench and in the Valleyview area, but also other Agriculture (A) zoned properties – are protected from non-agriculture development and are not intended to accommodate urban growth (Page 3-85).
2. Support, protect and enhance agriculture as a central component of Penticton's economy, character and identity (Page 4-81).
3. Work with the ALC to ensure that agricultural activities remain the primary use on lands within the ALR and encourage active farming use of those lands. Proposed compatible non-farm uses and non-soil-based agriculture should be comprehensively reviewed to ensure there are NO negative impacts on agricultural viability and operations (Page 4-81).

Staff are recommending support for the application for the following reasons:

1. The opportunity for a dwelling unit on the property will help to ensure the viability of farming on the subject property. The OCP includes residential as a permitted use in agricultural areas, but notes that these areas are not intended to accommodate urban growth. Staff do not consider the addition of one dwelling unit (with a size capacity) to be considered 'accommodating or encouraging urban growth in agricultural areas'.
2. A maximum floor area size is being imposed on the proposed dwelling unit, in an effort to ensure agriculture remains the primary function of the lands, and that the residential unit does not increase in size over time, and potentially change the intent and nature of the property. The owners are aware and are in agreement with this floor area limitation.
3. The applicants are locating the proposed dwelling unit above a proposed farm building. This reduces the impact on farming, by limiting the footprint of buildings on the property. Staff consider this shows further commitment to agriculture as the primary use on the subject property.
4. The proposed structure is proposed in a central portion of the property, where they indicate a 'frost pocket' is located. Narrow driveways are needed to access the farm building and the land itself and

the proposed dwelling unit would not require any additional driveway access (as the dwelling is located on the second floor of the farm building).

5. The applicants are not requesting to remove the covenant from the property. They are seeking approval from the ALC to allow for one dwelling unit to a maximum size of 1,925 sq. ft., which is substantially less than the 500m^2 (5,382 sq. ft.) of residential floor area that the ALC allows for on other properties in the Agricultural Land Reserve (ALR).
6. The application is supported by the City's Agricultural Advisory Committee.

The applicants have provided details within their Letter of Intent regarding their significant investment that has already occurred for the farming potential of the property, future intentions, significant challenges they have faced in their time operating the farm and plans through to 2025 (Attachment 'D').

Given this information, staff consider the applicants have shown their intention is for agriculture to remain the primary use on the subject property, and that the ability to have a dwelling unit will allow them to continue to successfully farm the property in the years to come. As such, staff are recommending support for the Non-Farm Use application to allow a dwelling unit, limited to 1,925 sq. ft., to be constructed above a farm building on the subject property.

Alternate Recommendations

Council may consider that the proposed works will negatively impact the property's potential for farming and choose to not support the requested application to increase the floor area. Staff are not recommending this option.

1. THAT Council deny support for "ALR Non-Farm Use PL2022-9300", to allow one dwelling unit with conditions at 127 Upper Bench Road South.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – ALC Application
Attachment F – Proposed Plans

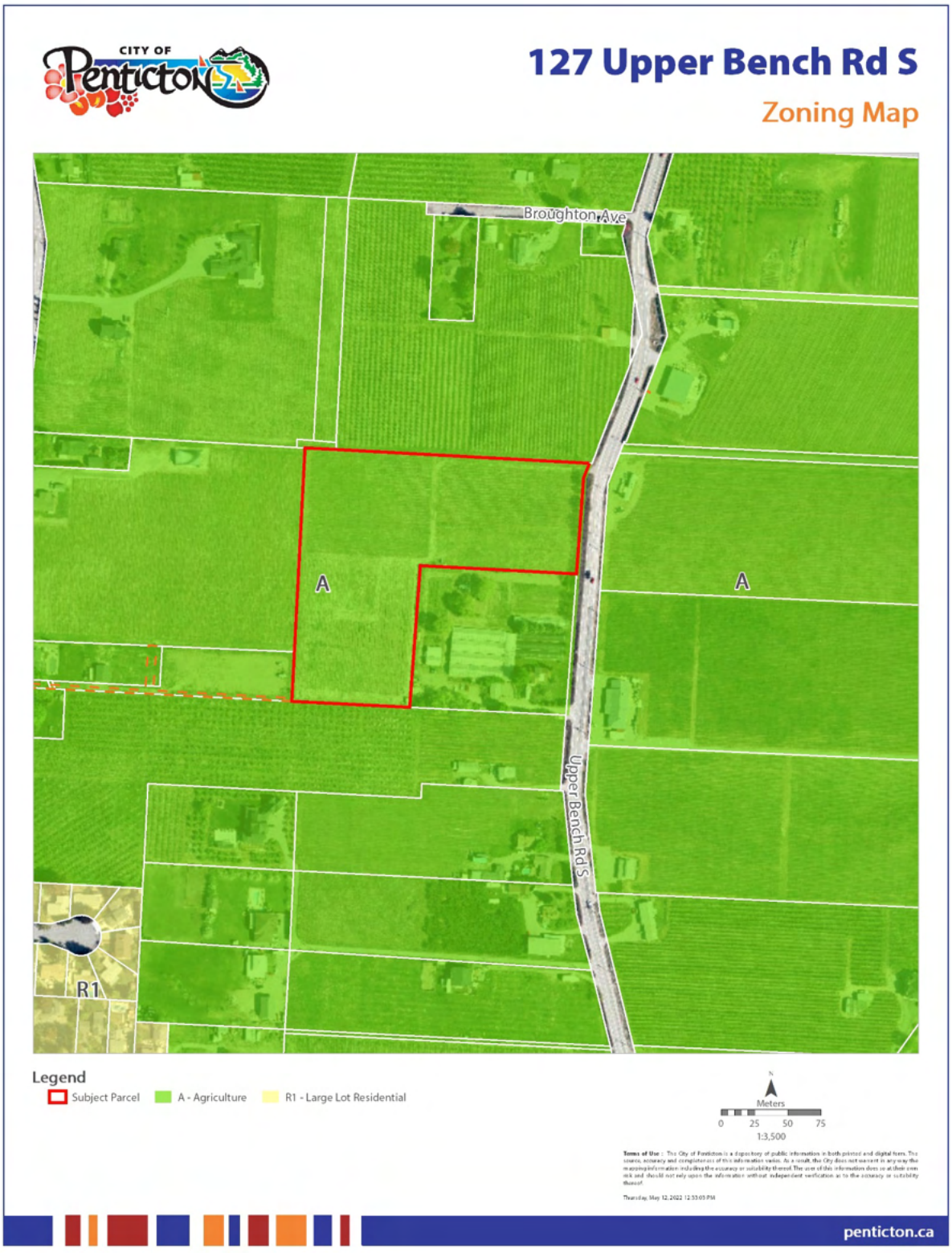
Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

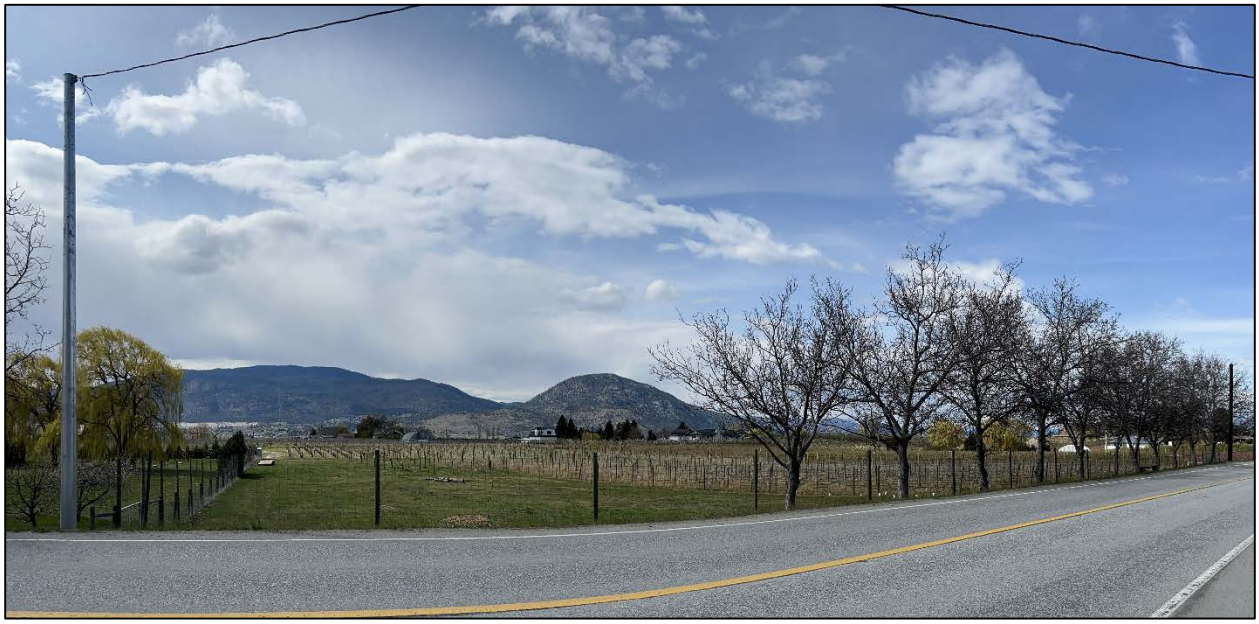
Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photos of Property



Looking west towards subject property from Upper Bench Road S



Looking west towards subject property from Upper Bench Road S

TERROIR DRAGON
Vineyards

February 28, 2022

BC Agricultural Land Commission
4940 Canada Way
Burnaby BC V5G 4K6

Re: Application to permit a residence as provided for the covenant – 127 Upper Bench Road, Terroir Dragon Vineyards, Penticton

We are writing to outline our reasons for the request to the Land Commission to consider the covenant restrictions and allow for a dwelling unit on our farm in Penticton.

Background

In 2009, the Commission supported a lot line adjustment in File #V-38981 to create 2 new lots, of 1.8 ha and 2.8 ha. The smaller lot was for Giardino, an established nursery/garden center and the second was for a new farm operation. As a condition of approval the ALC required registration of covenant to restrict the development of a residential dwelling on the 2.8 ha parcel. The covenant that states "no mobile home or unit, or other structure for human habitation, shall be constructed, reconstructed, moved, extended or located on the Lands, except with the consent of the Covenantee."

In 2012 the previous owner applied to the ALC to have the covenant removed from the Title of 127 Upper Bench Road. This was supported by the City of Penticton staff and Council and its Agricultural Advisory Committee. The application was denied by the Commission. In 2015 the Owner wrote to the Land Commission to request an amendment to the covenant to allow a single family dwelling within 75m from Upper Bench Road. This was supported by the City and Agricultural Advisory Committee. The Commission advised in 2016 that further consideration of this request would require a new application to be submitted to the ALC.

In 2009, the Land Commission "believed that the two proposed lots could contain two distinct farming units of active farming and so did not believe that the proposal would have a negative impact on the amount of agriculture taking pace on the combined area of the two lots." The

intention of the covenant was to limit the development of non-agricultural uses such as residences, grounds, septic fields and driveways.

We purchased 127 Upper Bench in 2017 and were aware of the covenant at that time. Over the past 5 years we have invested considerable time and money into the farm and are finding the lack of a dwelling is creating numerous challenges to our operation.

When we purchased the land, there was 3 acres of vines and the remainder was trees from the previous nursery, wild tree and brush growth and weeds. We were not aware of statements made that the property was not suitable for a vineyard, had a large frost pocket and the previous owner had experienced significant vine loss due to frost. We disagree that the land is not suitable for a vineyard. The BC Government "Atlas of Suitable Grape Growing Locations in the Okanagan and Similkameen Valleys of British Columbia" indicates the property is classified in Soil Group and Suitability of Class 1. Growing Degrees, Solar Radiation, Freeze Risk are Class 2. It will take just take more involved farming practices.

Proposal

We need to build a farm building of 60' x 80' for equipment repair, cleaning, and secure storage, workshop, storage of farm supplies, area for controlled nursery, on site lab, weather station, office, and washroom. The proposed dwelling is proposed to be located on the second floor of the farm building and would be no larger than 35' ax 55' (1925 sq. ft.), 2-3 bedroom, 1 ½ - 2 bathroom, den/office, open concept kitchen/living area. This structure is proposed for the central portion in the frost pocket area of the property. Narrow driveways are needed to access the farm building and the land itself and the proposed residence will not require any additional driveway access.

We are not requesting that the Commission remove the covenant. This will allow the ALC to restrict a second "farm worker" dwelling on the property in future. In our experience, the development of a dwelling will have a positive impact on the farm operation. With the location of the dwelling on the second floor of the farm building, there will be no impact on agricultural land, as the farm building will already have a small septic system.

Farm Operation Investment

- 2017 - Installed posts and deer fencing on east and south perimeters. (North/West already in place)
- 2017 - Planted 1000 Pinot Noir (new rows) and 500 Pinot Blanc in existing vineyard.
- 2017 – Purchased 3-point sprayer and 20' Sea Can container
- 2018 – Cleared and levelled the 3 acres of wild growth and roots, donated/relocated "good" trees to regional nursery for replanting.
- 2018 – Installed self-cleaning primary filter. Purchased riding mover, tractor, 3-point blade
- 2019 – Worked with a local irrigation company for design and material, for expansion of the main trunk of irrigation to the new 3 acres.

- 2019 – Installed a small solar panel to run the irrigation panel and charge equipment batteries.
- 2019 – Installed posts, wire, and drip rail for new plantings (3500 Merlot).
- 2019 – Installed/upgraded to automatic irrigation valves and control wiring with a solar rain drop controller for 7 zones (3 new/4existing).
- 2019 – Planted 3500 Merlot in new 3 acre area, replanted 500 Pinot Gris, 100 Pinot Noir in existing.
- 2019 – Deer fence repair from auto accident.
- 2020 – Modified large 3-point sprayer to tower style acquired from local vendor.
- 2020 – Built a small open equipment shed and repaired deer fence from auto accident.
- 2021 – Purchased ATV and installed custom spray bar and 15 Gal tank, work cart for irrigation tooling/repairs, general checks, and servicing and a 3-point finishing mower
- 2022 – Replant 3 acres area due to freeze damage.

Operation Challenges and Successes

In 2019, the 3 acre expansion consisted of 3500 Merlot vines. We lost approximately 90% due to a cold weather event that year and we are planning a colder tolerant variety (Gamay/Pinot Noir) for 2022 replanting and double planting to increase survivability rate.

The 1000 Pinot Noir plants (of which 85% still producing) have now had a second crop. They appear to produce a superior grape due to the Class of soil and borderline conditions. Same with the Pinot Gris and Pinot Blanc, they struggle for various reasons but are now 14 years old. About 50% of the re-plantings die annually. The plan would be to grow/maintain future vines in a controlled environment and plant when 2-3 years old, as opposed to 1 year old plants which have a high risk of frost/freeze mortality. We only had one bad year (2019) due to powdery mildew primarily induced by heavy smoke from forest fires. Otherwise, we have produced and sold quality tonnage every year to wineries within the Naramata Bench Sub-appellation. The frost pocket(s) have yet to be addressed due our following comments on acquiring weather data and air flow to best understand a solution. Again, if there is no success in these areas, we would change crop.

Farm Management

We have been leasing/contracting to the Pavan Group who carry out basic farm management such as pruning and harvesting. Neil and his wife and daughter will move to the property and take over the overall vineyard management and daily activities with an onsite dwelling. To date, when present, we have been involved hands on with irrigation and equipment modification and repairs. We are also mowing, doing fence installation/repairs, some of the planting and pruning, and site improvements. We were directly involved in the 3 acre expansion. However, we have found even with the basic vineyard services contracted, not being on site there is never enough hours in the day to get everything accomplished to take the operation to the next level of being successful.

Over the past 5 years of owning and partaking in the farming and expansion of the vineyard/crop on the property, we have realized there are several issues that require attention above and beyond a 'normal' management.

- Environmentally there has been some freeze/frost damage noted in specific areas. There are ways to deal with this that require daily weather data collection on site, manipulation of land to better direct air flow (and collection as well as analysis of data), winter best practices such as tilling of soil or snow to protect the vines/roots. This would be a preferable approach as opposed to installing a wind machine.
- There is a high population of pocket gophers on property impacting plant roots, equipment, and simply just walking. The simple solution would be to put out large quantities of poison, however this has impact to the natural predators of the gopher. Also, the more successful anti-coagulant poisons are no longer available for purchase in BC while government studies are carried out. Being on site full time would allow a more manual approach of trapping (several hundred holes), full time specific dog breed, carbon monoxide injection, introduction of snakes, and/or attraction of predatory birds.
- Irrigation water was plugging the primary filter and drip rail screens. We invested a large sum of money for an auto cleaning primary filter, this filter is successful, however the bio growth in the drip rail screens is still an issue. Every row has a screen requiring weekly manual cleaning. Chlorine, bleach, or other chemical injection is not a favorable approach to the plants or soil.
- Fire watch and protection of property and assets. – The area has encountered large natural fires 3 of the past 5 years. The last fire was within kilometres of the property and with proper planning a fire suppression system would be installed but would require activation and shut off at the critical times to prevent crop damage.
- A residence would allow better protection/oversight of the accumulation of expensive equipment required for farming. The property has also had two different hit and run occasions where a vehicle has lost control, left the roadway, and caused property damage. In both instances property damage involved the vehicle driving through the deer fencing causing a large opening. Fence repair takes time and planning to coordinate, this time puts the crop at very high risk of damage due to the oversized local deer population.

We are attaching a series of Site Plans showing the status of the farm operation from 2017 and our plans to 2025.

Future Plans

If a dwelling is possible on our property, we would like to get the vineyard more established and healthy. If the vines continue to struggle in specific areas, we would look at other more climate tolerant crops (hops, fruit/nut trees, or other crop). By 2025 we are planning to establish a winery, crush pad, and/or artisan bakery in the area adjacent to Upper Bench Road.

Summary

When we purchased this property in 2017, we were aware of the covenant prohibiting a dwelling unit on the site. We proceeded to invest heavily in the farm operation and spend as much time working on the farm as possible. It is through our efforts that the impact of a lack of a residence on the site has become apparent. A residence is a permitted use on farmland and unlike the 2012 Appeal, that proposed a separate residence and farm building, we are proposing a location of the residence on the second floor of a farm building that will have little impact on the agricultural land. We have demonstrated a strong commitment to farming our property and strongly believe that allowing a residence on the property will enhance the farm operation.

Yours truly

Bruce Rupert

Bruce Rupert



Neil Rupert

PRJ22-034: 2022 ALR NON-FARM PL9300

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 65004
Application Status: Under LG Review
Applicant:
Agent: Ecora Engineering Ltd
Local Government: City of Penticton
Local Government Date of Receipt: 03/14/2022
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use
Proposal: The application is to request that that ACL allow a residence be permitted on the property. A covenant was registered on the Title in 2009, at the time of subdivision, that prohibits a dwelling, without the approval of the Land Commission. The dwelling is proposed to be located on the second floor of a new farm building.

Agent Information

Agent: Ecora Engineering Ltd
Mailing Address:
102 - 284 Main Street
Penticton, BC
V2A 5B2
Canada
Primary Phone:
Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 028-458-125
   Legal Description: LOT 1 DISTRICT LOT 188 AND 155 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP91714
   Parcel Area: 2.7 ha
   Civic Address: 127 Upper Bench Road
   Date of Purchase: 03/01/2017
   Farm Classification: Yes
   Owners
   1. **Name:**
      Address:

      Phone:
      Email:

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
We currently have 5.3 acres of planted vineyard. This includes 1.7 acres of Pinot Gris, 0.8 acres of Pinot Blanc, and 0.7 acres of Pinot Noir. We are replanting 2.1 acres of Merlot with more frost tolerant Gamay/Pinot Noir in 2022.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
- 2017 - Installed posts and deer fencing on east and south perimeters. (North/West already in place)
- 2017 - Planted 1000 Pinot Noir (new rows) and 500 Pinot Blanc in existing vineyard.
- 2017 Purchased 3-point sprayer
- 2017 Purchased 20 sea-can container.
- 2018 Cleared and levelled the 3 acres of wild growth and roots, donated/relocated good trees to regional nursery for replanting.
- 2018 Installed self-cleaning primary filter.
- 2018 Purchased riding mower.
- 2018 Purchased tractor.
- 2018 Purchased 3-point blade.
- 2019 Worked with a local irrigation company for design and material, for expansion of the main trunk of irrigation to the new 3 acres.
- 2019 Installed a small solar panel to run the irrigation panel and charge equipment batteries.
- 2019 Installed posts, wire, and drip rail for new plantings (3500 Merlot).
- 2019 Installed/upgraded to automatic irrigation valves and control wiring with a solar rain drop controller for 7 zones (3 new/4existing).
- 2019 Planted 3500 Merlot in new 3 acre area, replanted 500 Pinot Gris, 100 Pinot Noir in existing.
- 2019 Deer fence repair from auto accident.
- 2020 Modified large 3-point sprayer to tower style acquired from local vendor.
- 2020 Built a small open equipment shed.
- 2020 Deer fence repair from auto accident.
- 2021 Purchased ATV and installed custom spray bar and 15 Gal tank.
- 2021 Purchased Work cart for irrigation tooling/repairs, general checks, and servicing.
- 2021 Purchased 3-point finishing mower.
- 2022 Replant 3 acre area due to freeze damage.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
None

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: Apple orchard

East

Land Use Type: Agricultural/Farm
Specify Activity: Vineyard. Rural Residential lot

South

Land Use Type: Agricultural/Farm
Specify Activity: Garden nursery. Apple Orchard

West

Land Use Type: Agricultural/Farm
Specify Activity: Vineyard

Proposal

1. How many hectares are proposed for non-farm use?
0.1 ha

2. What is the purpose of the proposal?
The application is to request that that ACL allow a residence be permitted on the property. A covenant was registered on the Title in 2009, at the time of subdivision, that prohibits a dwelling, without the approval of the Land Commission. The dwelling is proposed to be located on the second floor of a new farm building.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.
No, the residence is specific to the subject property.

4. Does the proposal support agriculture in the short or long term? Please explain.
As outlined in the attached letter, after farming the property for the past 5 years, the owners believe that a residence will enhance the farm operation. There is a significant frost pocket on the property, resulting in the loss of many vines and other operation challenges needing attention. This includes management of weather conditions, gophers, irrigation problems, fire watch, protection and security of the property and equipment. The property requires significant replanting and monitoring of vine health and frost mortality.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?
No

Applicant Attachments

- Agent Agreement-Ecora Engineering Ltd
- Other correspondence or file information-Corporate Ownership
- Other correspondence or file information-Letter from Owners
- Proposal Sketch-65004
- Certificate of Title-028-458-125

ALC Attachments

None.

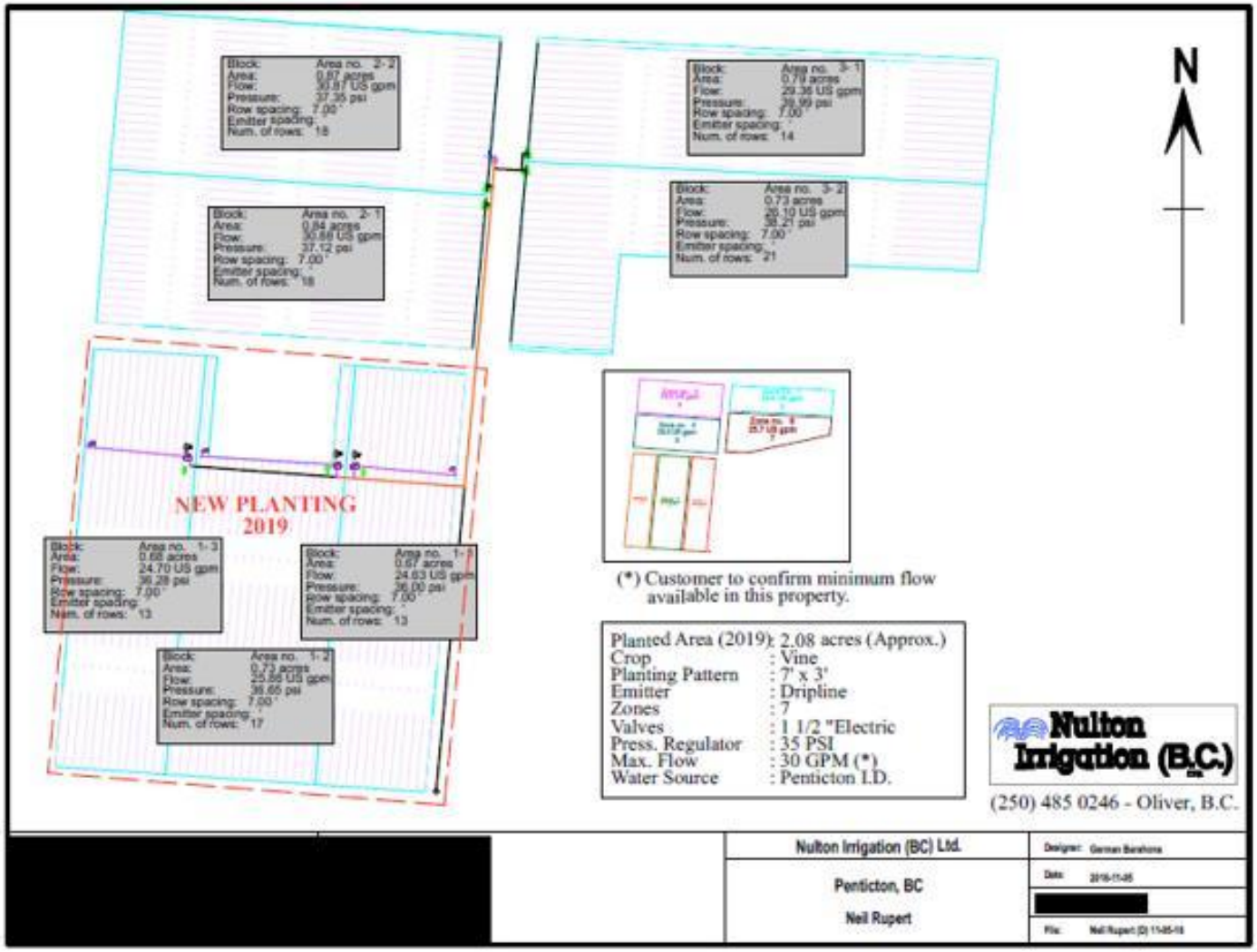
Decisions

None.

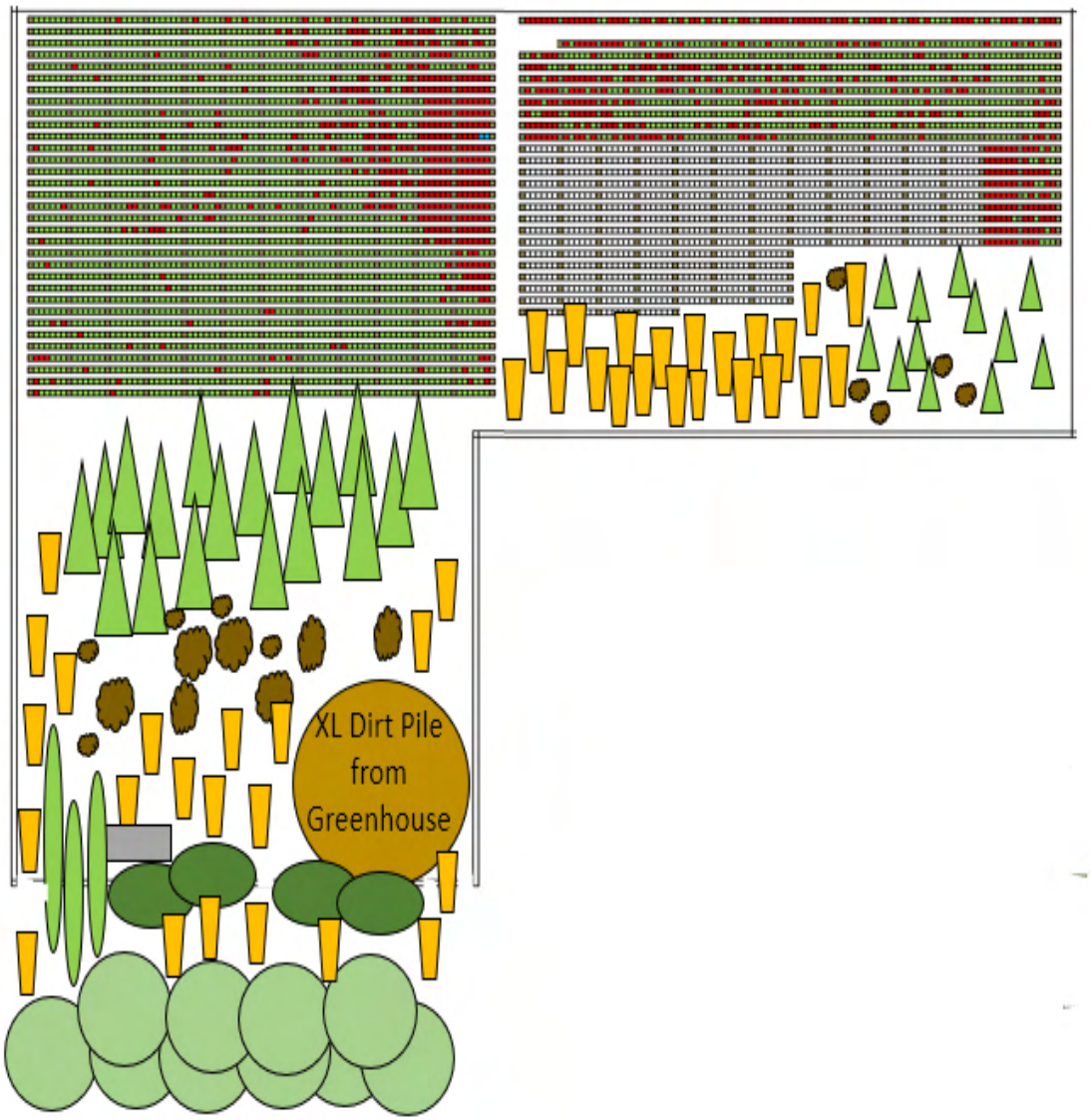


127 Upper Bench Road South
Penticton, BC
6.7 acre/2.7 ha


127 Upper bench South Rd.
Write a description for your map.
Legend
GRAPE
PEN ID
Upper Bench Estate Winery
Upper Bench Rd S
Google Earth
Image © 2016 DigitalGlobe
100 m
N



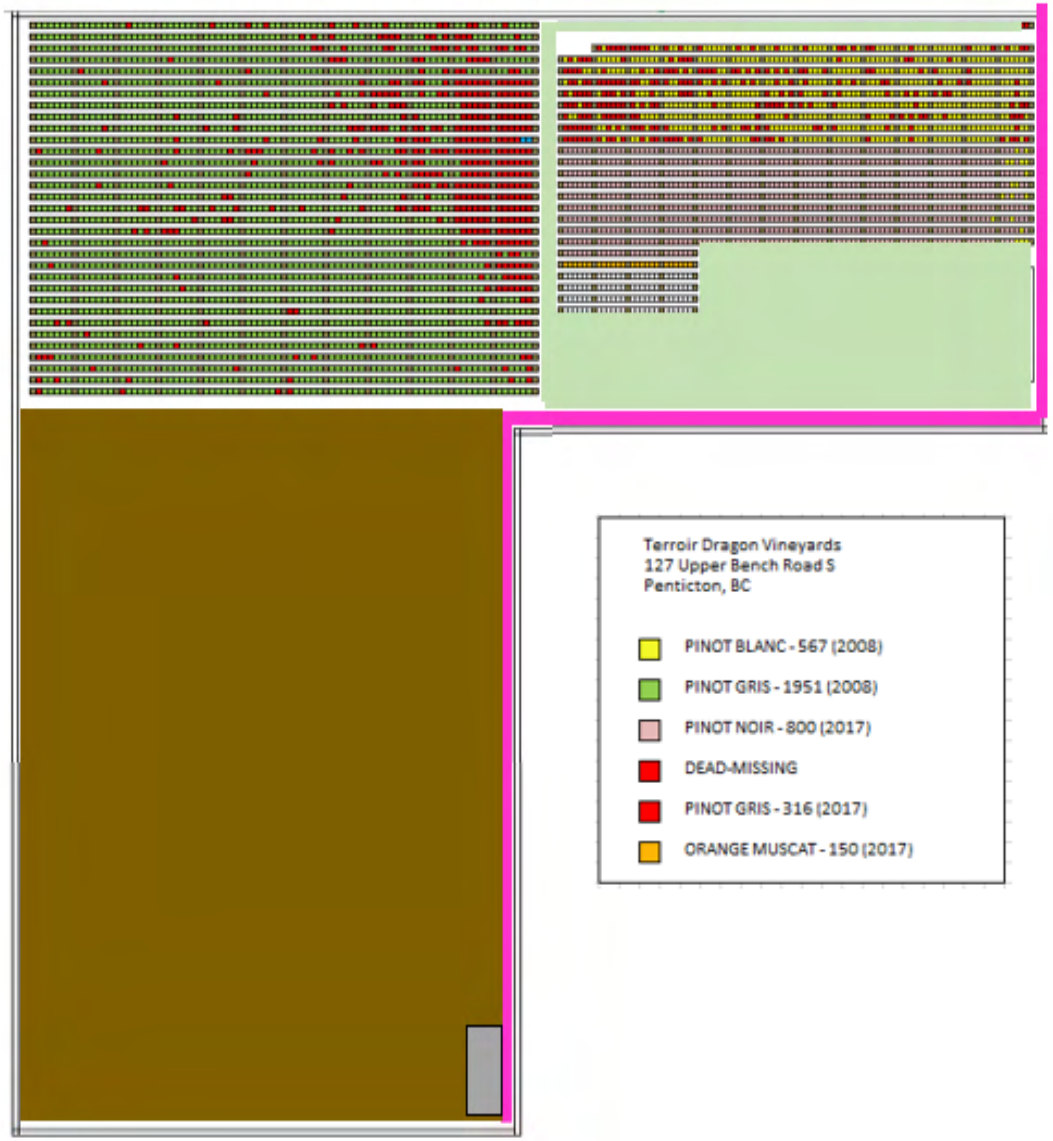
Caterpillar: Confidential Green



2017

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Tall Grass/weeds
- Tree Stumps
- Healthy Trees Donated to Landscaping
- Overgrown/sick Trees
- 20’ Seacan/storage

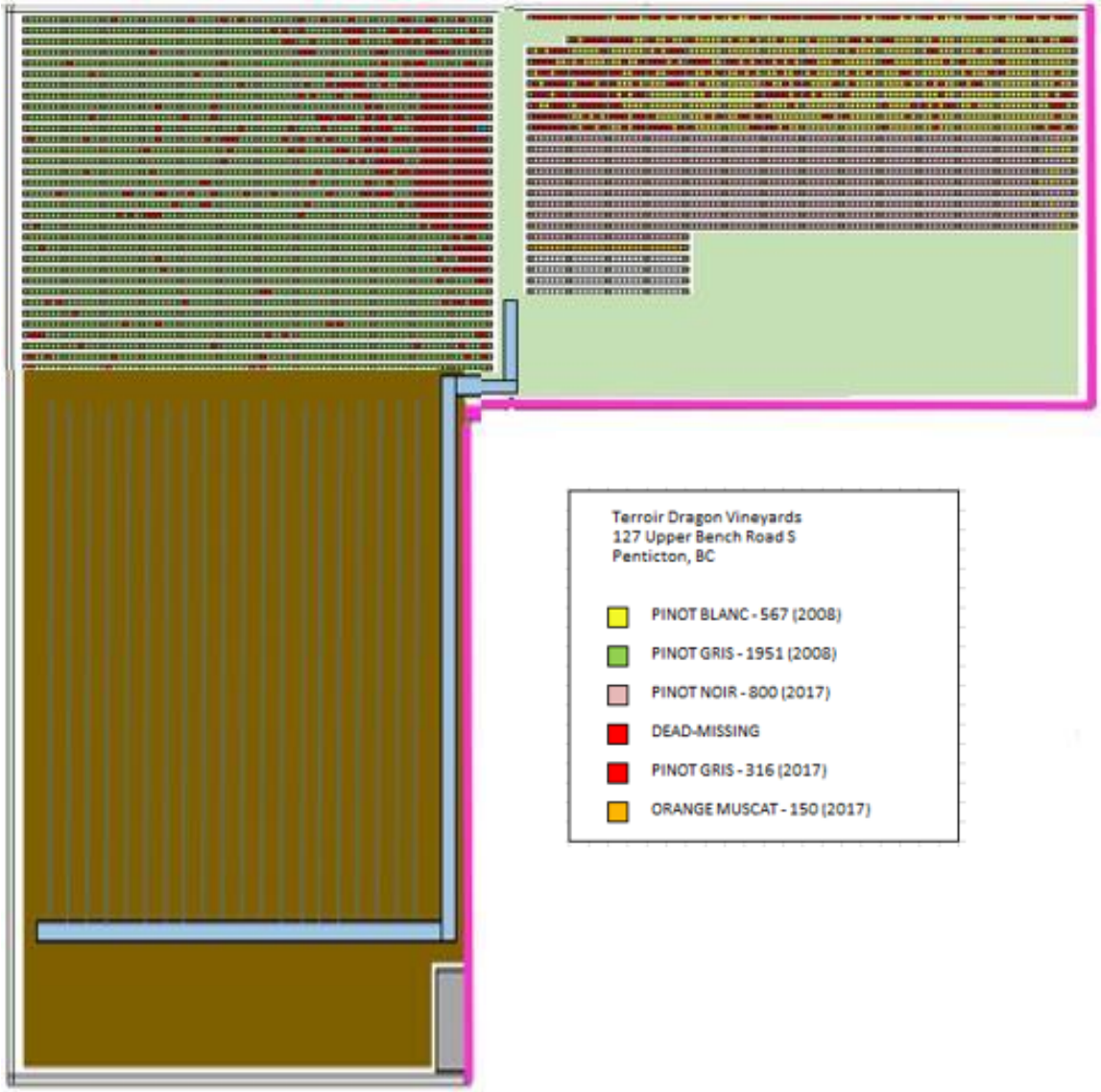
Caterpillar: Confidential Green



2018

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- New Deer Fence
- Mowed Grass
- Tilled/Levelled Soil
- 20’ Seacan/storage

Caterpillar: Confidential Green

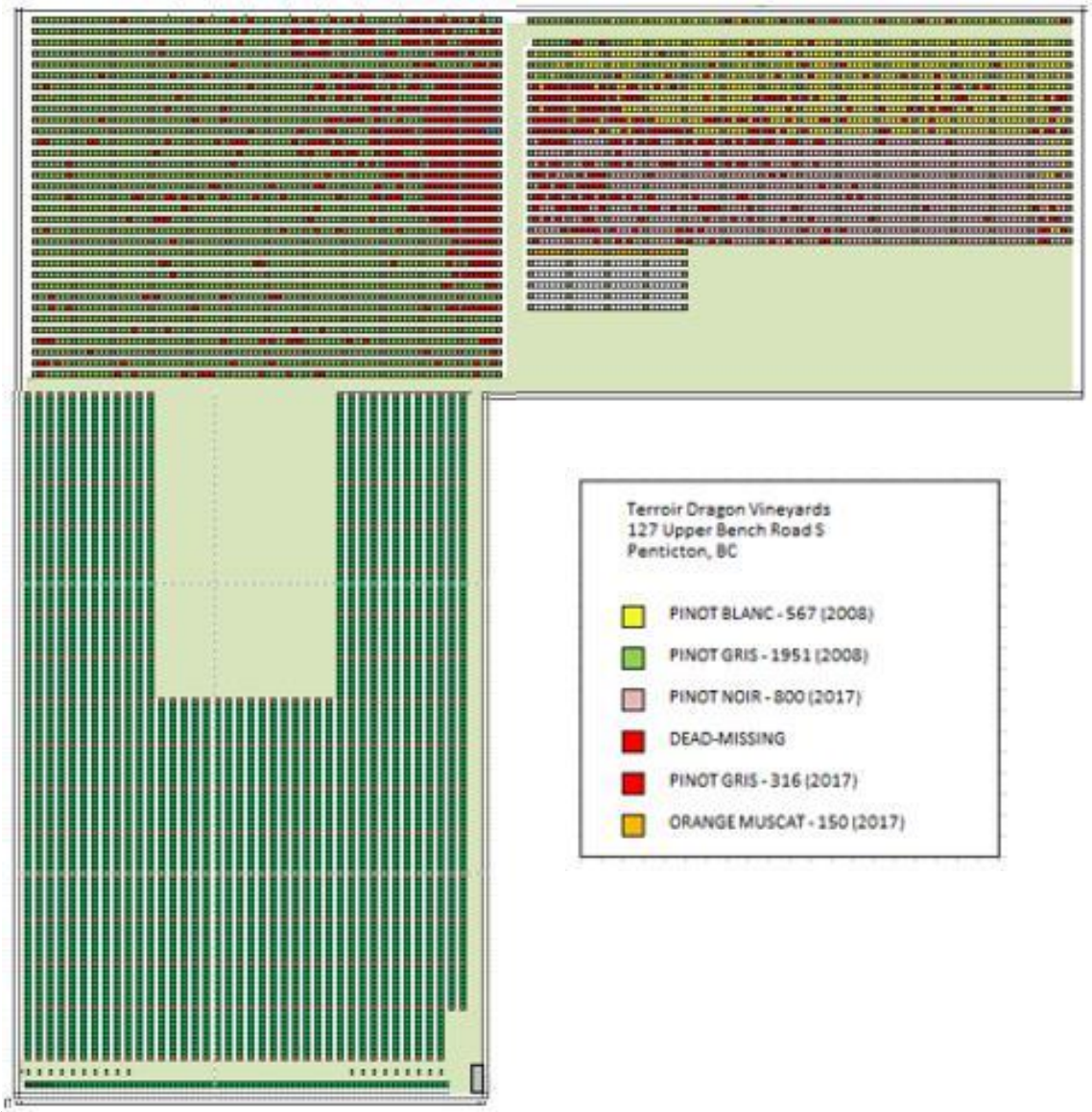


2019

Irrigation

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- Mowed Grass
- Tilled/Levelled Soil
- Irrigation Expansion
- 20’ Seacan/storage
- New Deer Fence

Caterpillar: Confidential Green

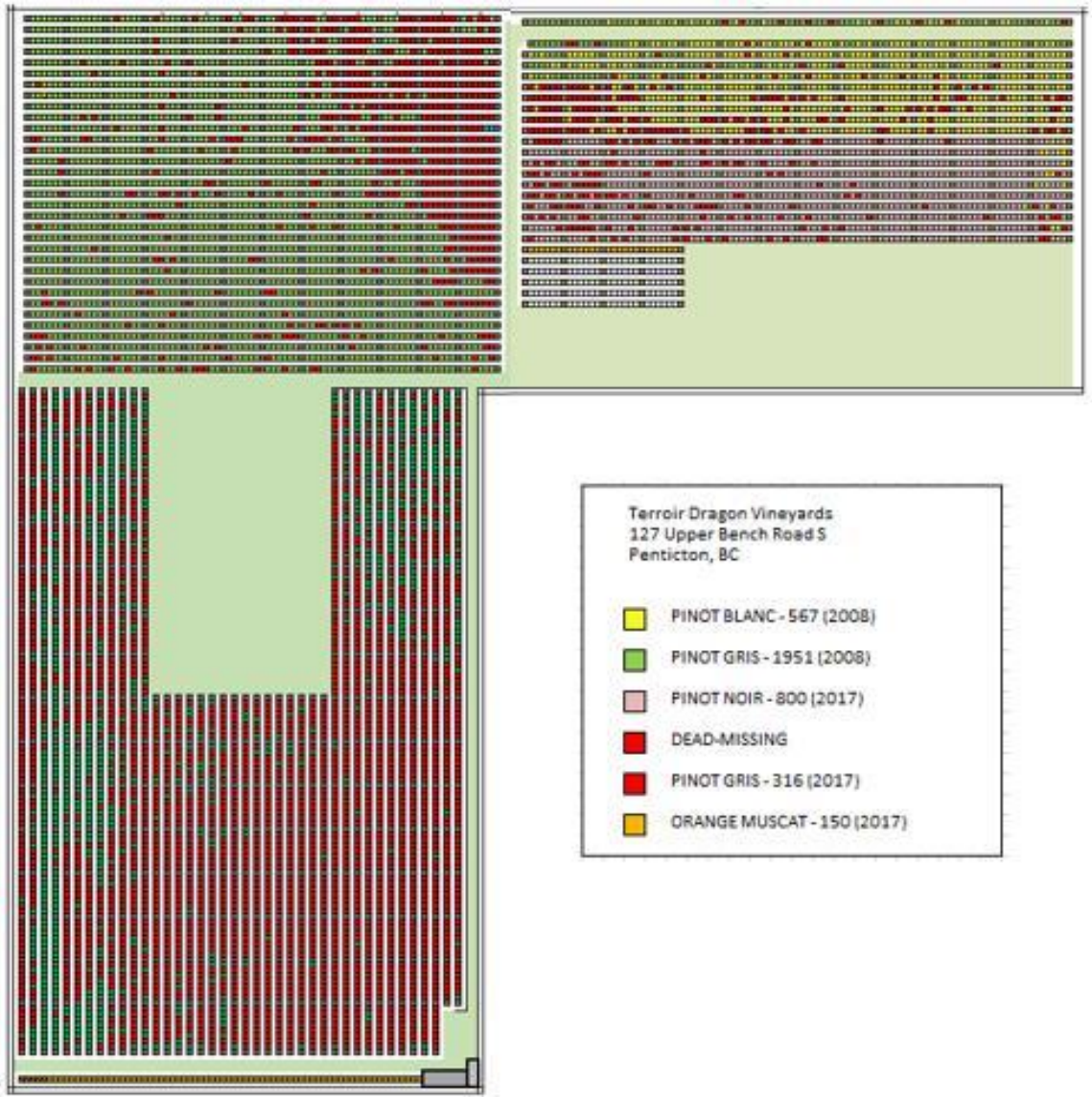


2019

3 Acre Expansion

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- Live Merlot
- 20’ Seacan/storage

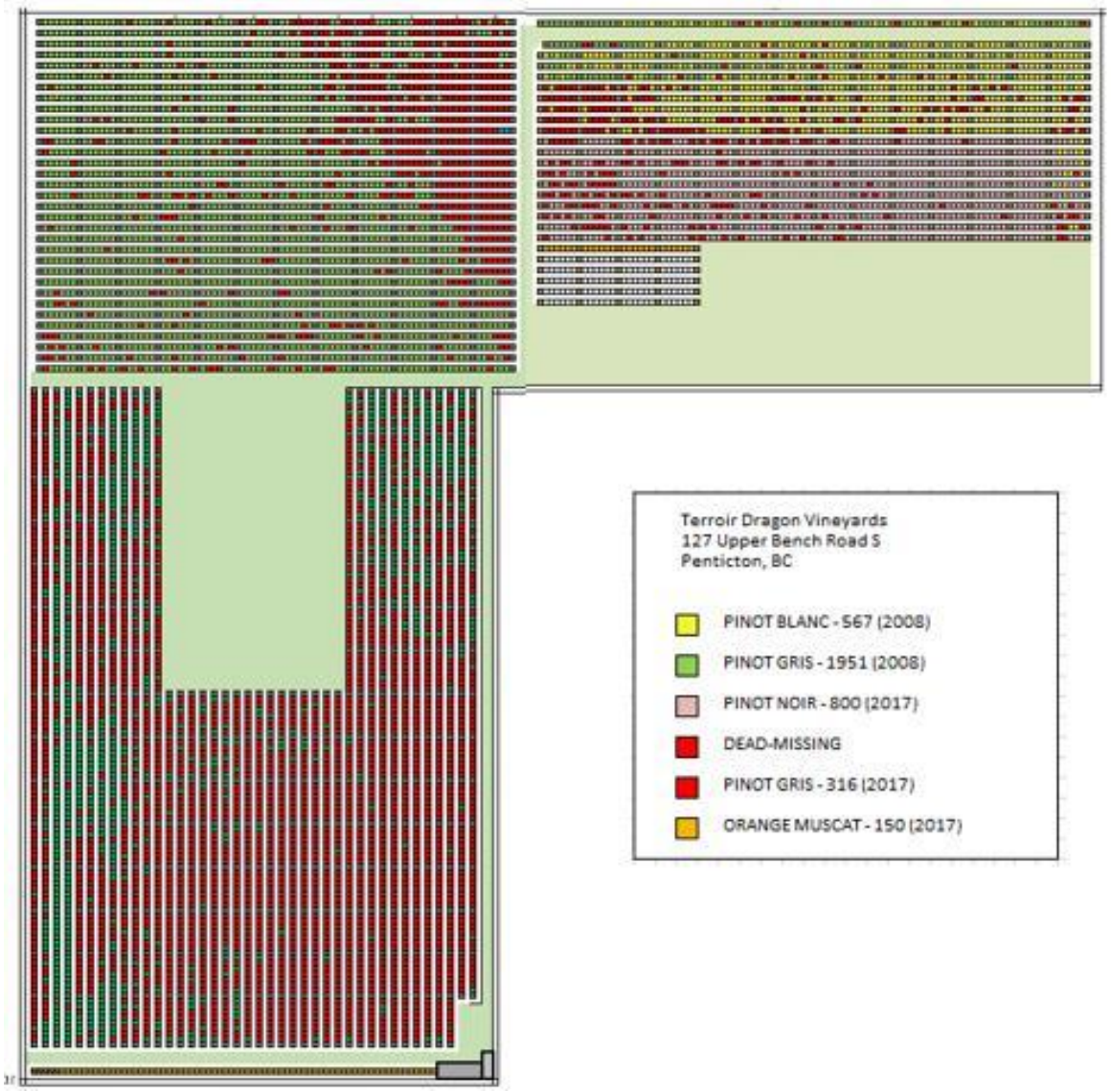
Caterpillar: Confidential Green



2020

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- Live Merlot
- 20’ Seacan/storage

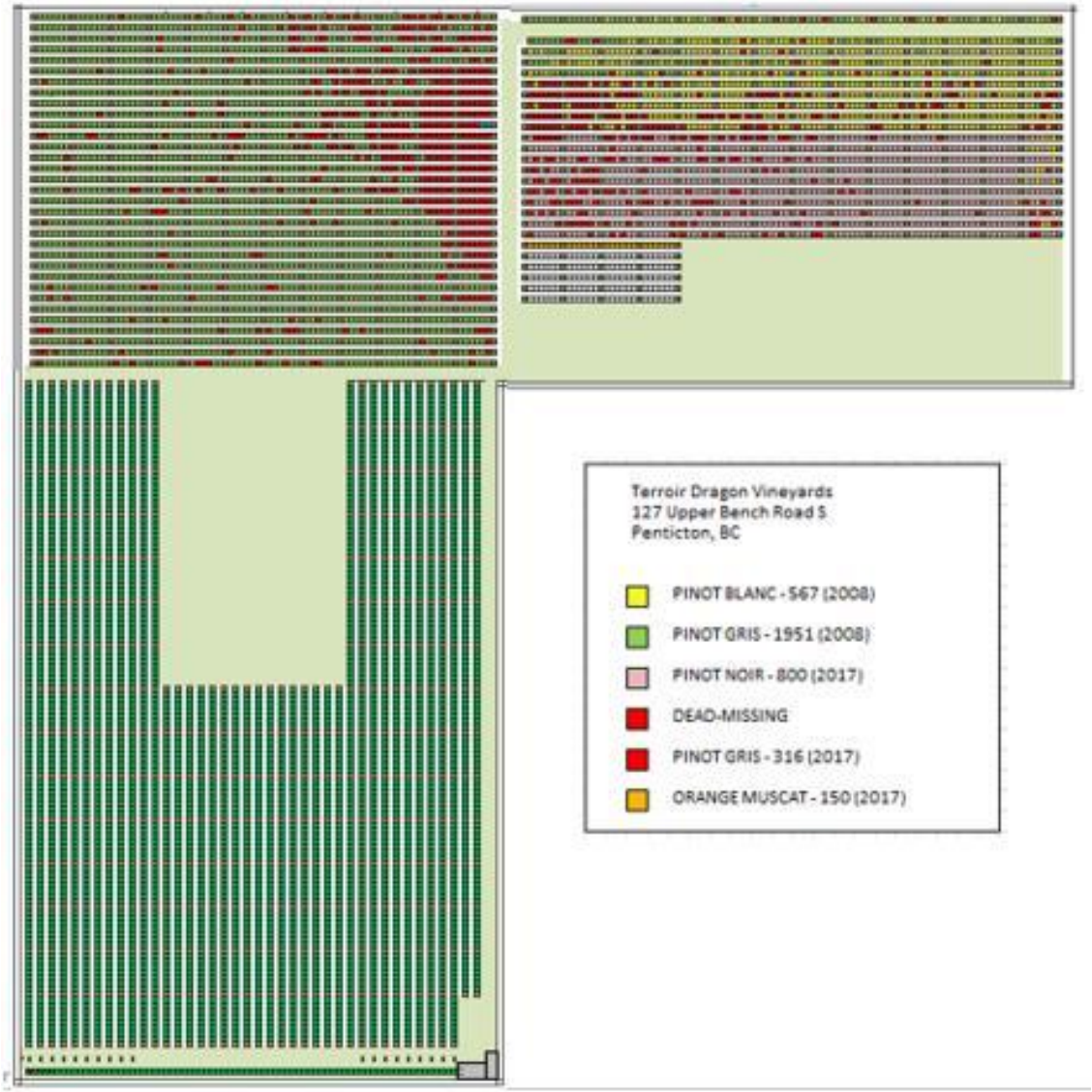
Caterpillar: Confidential Green



2021

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- 20’ Seacan/storage
- 14’ x 20’ Open Shed

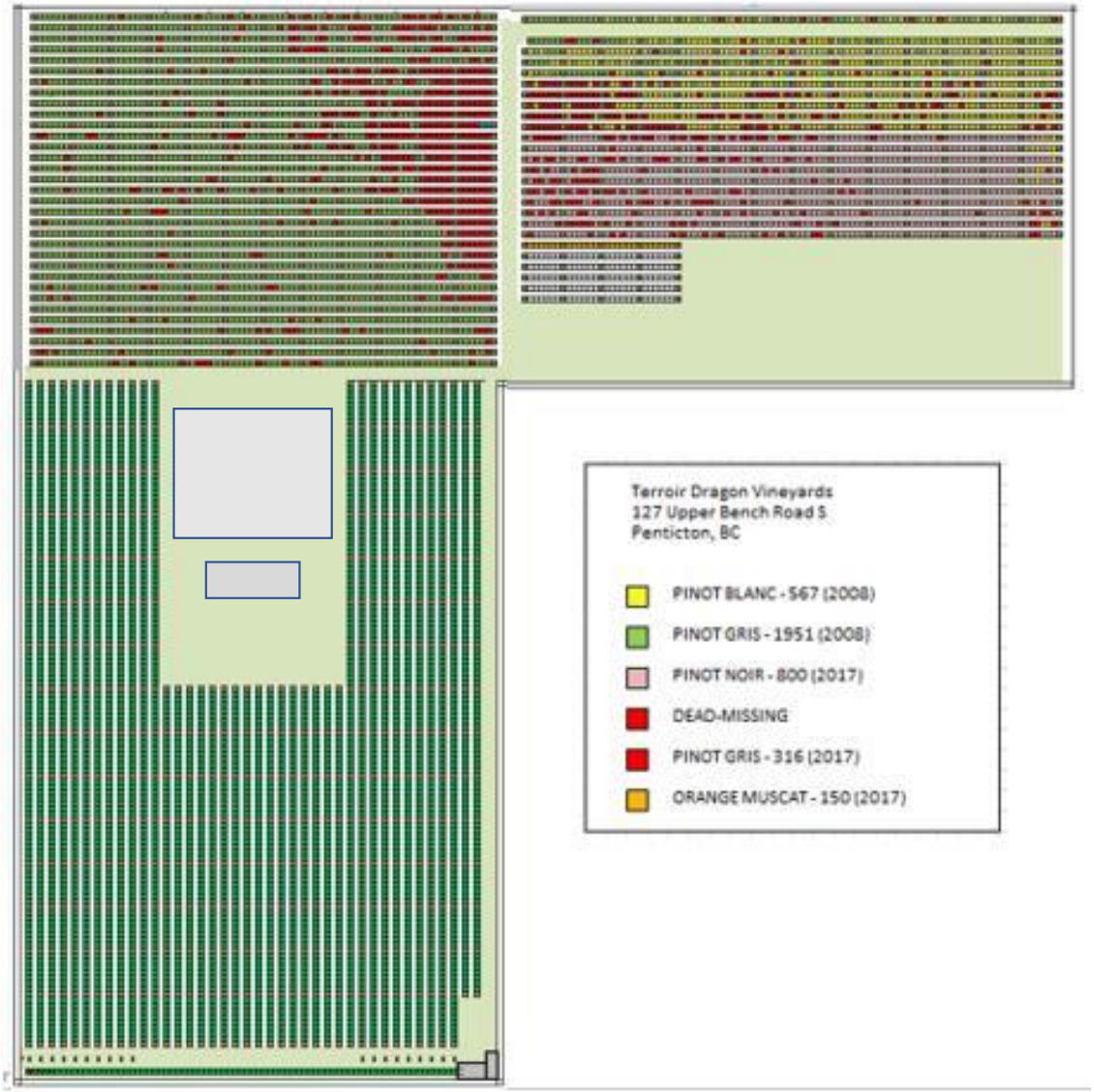
Caterpillar: Confidential Green



2022

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- 2022 Replant
- 20’ Seacan/storage

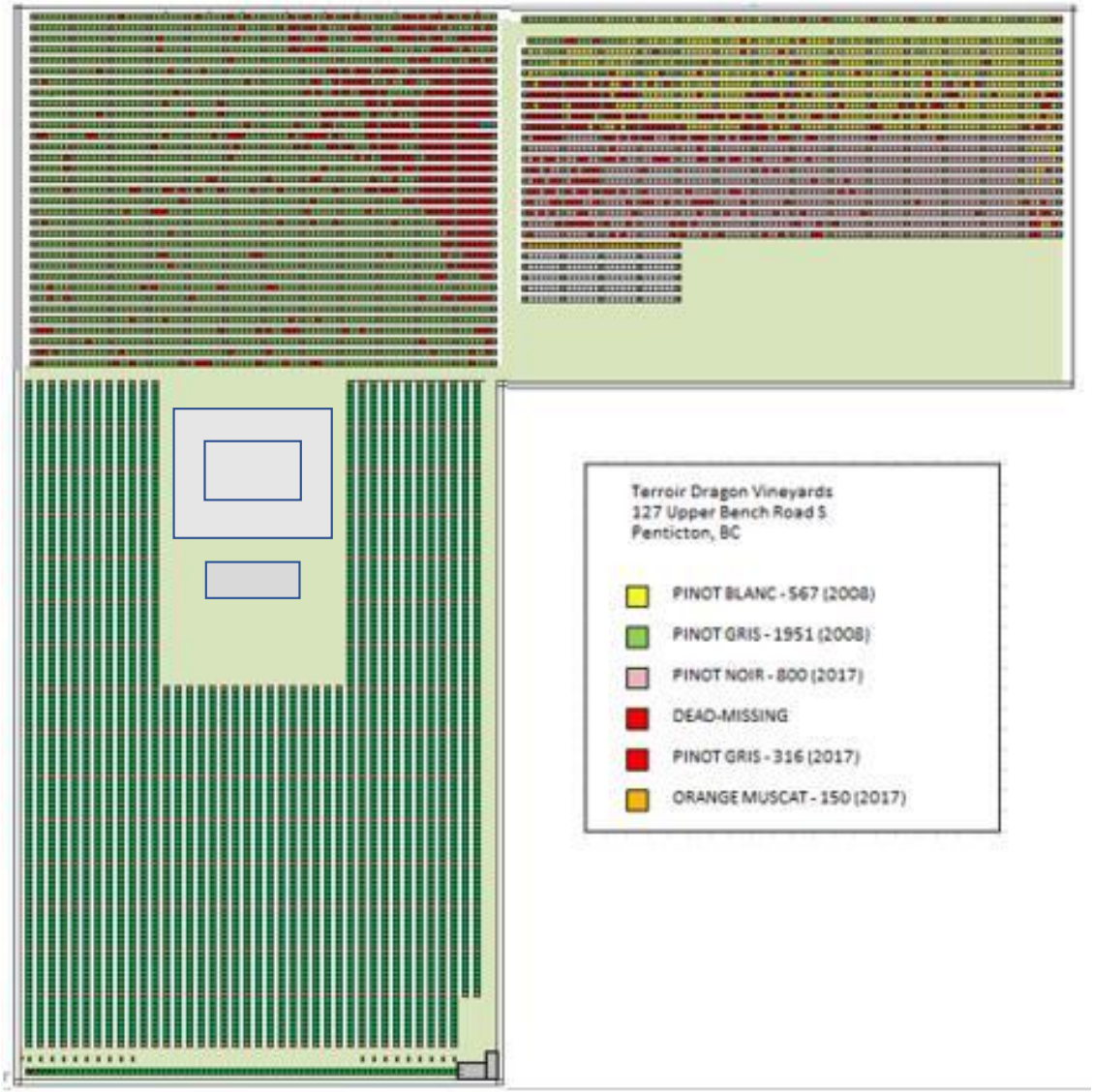
Caterpillar: Confidential Green



2023

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- 2022 Replant
- 20’ Seacan/storage
- 60’x80’ Shop
- Septic

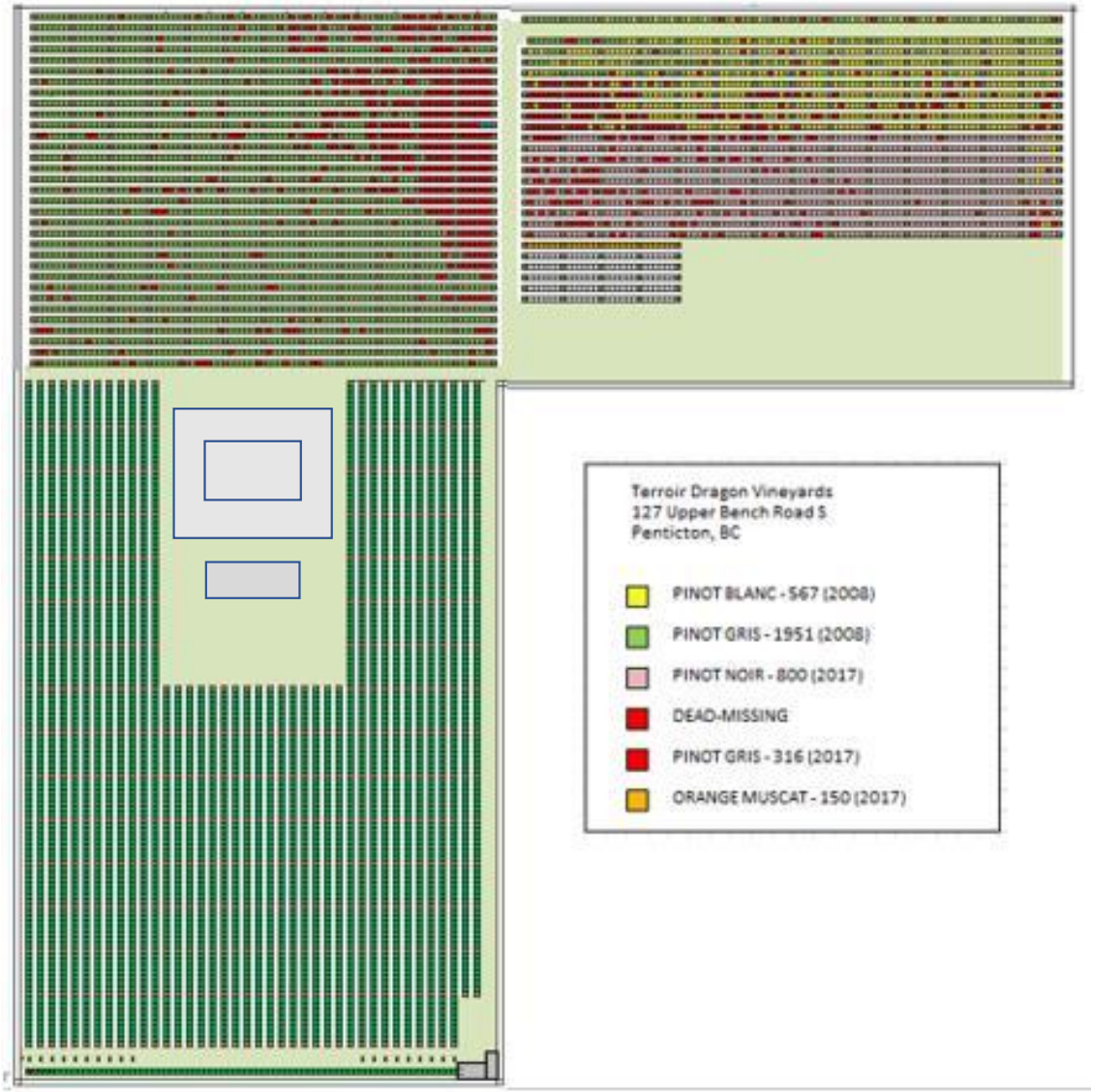
Caterpillar: Confidential Green



2023

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- 2022 Replant
- 20’ Seacan/storage
- 60’x80’ Shop
  35’x55’ Dwelling
- Septic

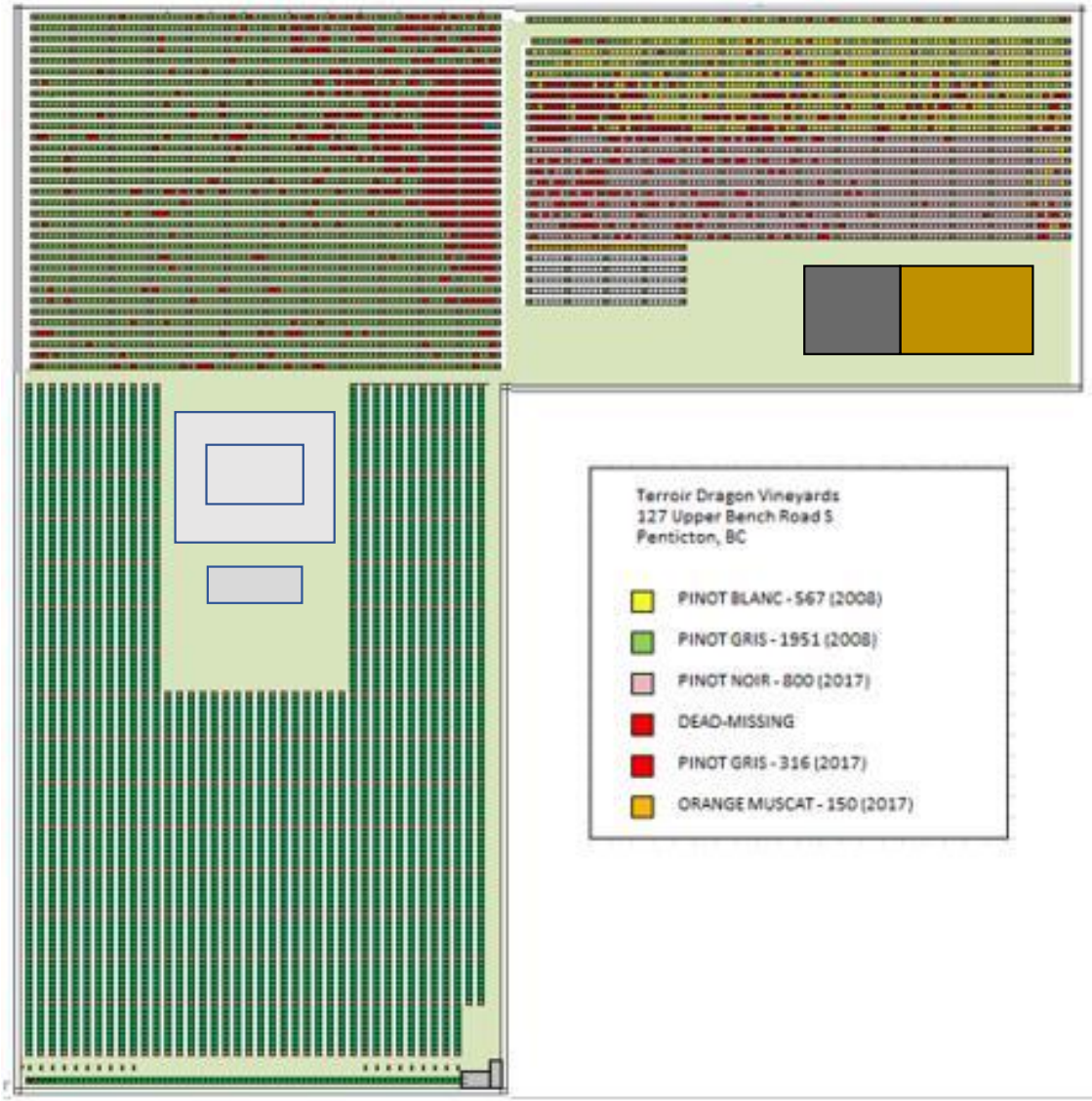
Caterpillar: Confidential Green



2024

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- 2022 Replant
- 20’ Seacan/storage
- 60’x80’ Shop
  35’x55’ Dwelling
- Septic

Caterpillar: Confidential Green



2025

- Live Vines
- Dead/Damaged Vines
- Unplanted
- Live Pinot Blanc
- Live Pinot Noir
- Live Muscat
- 2022 Replant
- 20’ Seacan/storage
- 60’x80’ Shop
  35’x55’ Dwelling
- Septic
- Winery/Crush Pad
  Cidery/Artisan Bakery

Caterpillar: Confidential Green

Council Report

penticton.ca

Date: June 7, 2022 File No: RMS/850 Wiltse Blvd
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 850 Wiltse Boulevard and 160 Crow Place

Subject: **Official Community Plan Amendment Bylaw No. 2022-29**
Zoning Amendment Bylaw No. 2022-30

Staff Recommendation

THAT Council, prior to consideration of "Official Community Plan Amendment Bylaw No. 2022-29" and in accordance with Section 475 of the *Local Government Act*, consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67;
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Engagement Period carried out from April 11 to May 8 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2022-29", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08 by adding the 'Urban Residential' designation and amending the mapping of the 'Detached Residential', 'Ground Oriented Residential', and 'Parks' future land use designations for Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EPP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place;

AND THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-30", a bylaw to change the zoning from A (Agriculture) to R1 (Large Lot Residential), R2 (Small Lot Residential), RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), P1 (Public Assembly), P2 (Parks and Recreation), and A (Agriculture) zones for Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EPP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place, with the following site specific provisions:

- RM1 zone – to prohibit townhouses and duplexes as permitted uses, and to increase the maximum principal building height from 8.5m to 10.5m;
- RM2 zone adjacent to Hawthorn Dr cul-de-sac – to prohibit apartments as a permitted use, and to limit principal building height to three (3) storeys;

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2022-29" and "Zoning Amendment Bylaw No. 2022-30" to the June 20, 2022 Public Hearing to receive comments from the public;

AND THAT Council give staff direction to prepare an appropriate cost recovery mechanism related to the costs of the treated water system infrastructure required to facilitate the full development of the subject properties, with the City contributing 15% of the cost of the dedicated feeder water line with all remaining costs being developer funded;

AND THAT Council direct staff to include the proposed City contribution of 15% of the cost of the treated water system infrastructure, estimated at $300,000, for the dedicated feeder water line into the City's 10-year financial plan as a financial commitment;

AND THAT Council direct staff to prepare an appropriate cost sharing and recovery mechanism related to the costs of the separated bike lane and associated traffic calming between the North Wiltse Block to the Lake-to-Lake bike route, with the City providing a 50% cost contribution to the project;

AND THAT Council direct staff to include the proposed separated bike lane and associated traffic calming between the North Wiltse Block to the Lake-to-Lake bike route, as envisioned in the Transportation Master Plan, into the City's 10-year financial plan, recognizing the City's 50% contribution to the project currently estimated to be between $1-2.5M;

AND THAT Council require that the separated bike lane and associated traffic calming be constructed prior to the connection of the new road network to Wiltse Boulevard.

Executive Summary

This report presents staff's analysis and recommendations on the Official Community Plan (OCP) amendment and Zoning Bylaw amendment applications to facilitate the development of approximately 686 homes at 850 Wiltse Blvd and 160 Crow Pl (the "North Wiltse Block"). On April 5, 2022 Council directed staff to carry out public engagement for the proposal, which occurred between April 11 and May 8. The City hosted three well-attended information sessions and received 595 survey responses. This report outlines the proposal in relation to the City's long-term plans, summarizes the comments heard through public engagement, and outlines the changes made by the applicant in response to the comments and concerns raised through the public engagement period.

In response to the public engagement period results, the applicant made the following changes to their submission:

- Added public park land on the west side of the new collector road, near the north entrance to the development. This was in response to concerns from residents along Evergreen Dr of losing green space behind their properties through the original proposal. Lots have been reconfigured in this area with zoning changed from R1 to R2. The active parkland has increased from 4.55ha to 4.8ha.

- Added 'Urban Residential' designation into several proposed multifamily blocks on the eastern side of the development site to clarify the applicant's intent to provide flexibility for apartments up to six storeys or townhomes in these areas.
- Downzoned the townhouse block above the north end of Hawthorn Dr from RM3 (Medium Density Multiple Housing) to RM2 (Low Density Multiple Housing), with a site-specific limitation to prohibit apartments and to limit building heights on this multifamily block to three storeys.
- Provided a 3m wide environmental covenant area on future lots backing onto Hawthorn Dr properties to maintain some vegetation between existing and future homes.

This report recommends that Council give first reading to the OCP and Zoning Amendment bylaws, and that Council forward the bylaws to a statutory public hearing on June 20, 2022 to gather additional public feedback prior to further consideration of the proposed development. This report also recommends that staff be given direction to prepare cost recovery mechanisms related to the new water infrastructure and bike lane/traffic calming projects.

Strategic Priority Objectives

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.

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.

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The City has received an application to rezone 850 Wiltse Blvd and 160 Crow Pl (referred to as the "North Wiltse Block") to allow residential development. The plans show a mix of single detached homes, duplexes, townhouses and apartments as well as new public parks and trail corridors. An Official Community Plan (OCP) amendment application has also been submitted to update the mapping of existing future land use designations on the site and to add the 'Urban Residential' designation to certain areas to allow flexibility of apartments or townhomes. This is a change to the previous plans presented to Council at the April 5th Council meeting. The change was made after the public engagement period concluded.

The proposed development would be built out in phases over many years, ultimately allowing for approximately 686 homes split between 183 single detached homes, 28 duplex units, and 475 multifamily townhouse/apartment units. The plans show 40 hectares (99 acres) of land to be dedicated to the City as parkland, representing 31% of the area of both properties. This parkland is split between 28.1 hectares (69 acres) of land to remain natural and undisturbed, and 12.25 hectares (30.2 acres) of land to be used for active parks with 7.4 hectares (18.3 acres) along trail corridors and 4.8 hectares (11.8 acres) for three new active parks with playgrounds, sports courts, and other recreation amenities. A linear trail is proposed north-south through the site along the current Fortis right-of-way, which currently has about 600m of trail within it for its

whole 1,400m length through the site. The applicant has submitted a Letter of Intent which explains the proposed development in more detail (Attachment 'B').

The proposal was updated in response to feedback gathered through the public engagement period, as explained in the applicant's Public Engagement Response Letter (Attachment 'C').

In order to facilitate the proposed development, the following planning applications are required:

Application Required	Description	Approval Authority
Official Community Plan Amendment Bylaw	To add the 'Urban Residential' future land use designation on the properties, and to revise the mapping of the existing 'Detached Residential', 'Ground Oriented Residential', and 'Parks' future land use designations.	Council
Zoning Amendment Bylaw	To change the zoning on the subject property from A (Agriculture) to R1 (Large Lot Residential), R2 (Small Lot Residential), RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), P1 (Public Assembly), P2 (Parks and Recreation), and A (Agriculture) zones.	Council
Hillside Development Permit	To approve the hillside development plan with its unique geotechnical conditions, ensuring the development meets the Hillside Development Permit Area guidelines outlined in the OCP.	Council
Environmental Development Permit	To approve development occurring within the Environmental Development Permit area, subject to the requirements of a Qualified Environmental Professional (QEP) report.	Staff
Subdivision	To approve the creation of new lots in each phase of the development. A number of technical items are reviewed at each subdivision stage.	Staff

Background

Property Description

The subject lands consist of two separate legal parcels with a total area of 128 hectares (317 acres) (Figure 1). The development site is located almost entirely on the west side of the high-voltage Fortis transmission line right-of-way, with a total area of approximately 44 hectares (109 acres). The development site is located upslope of the existing Wiltse residential neighbourhood (Wiltse Blvd, Westview Dr, Wiltse Dr area). To the south is the Quail Ridge and Bluffs at Skaha subdivisions. Ellis Creek is located to the north, downslope of the development site. The development site is currently vacant of any structures. Despite being privately owned, the development site is informally used for hiking and mountain biking by the public.



Figure 1 - North Wiltse Block Lands location map

The OCP future land use designations that currently exist on the subject properties are 'Rural Residential', 'Detached Residential', 'Ground Oriented Residential', 'Parks', and 'Natural and Conservation' (Attachment 'F'). These land use designations are proposed to remain, however their mapping is proposed to be updated based on the more recent development concept (Attachment 'G'). After the engagement period concluded, the applicant revised the plans to propose adding the 'Urban Residential' designation in certain locations of the site to allow future options for townhomes or apartment buildings up to six storeys in height. This change does not affect the total number of units envisioned in the original application (686), only providing an addition housing form those units can take when the development is built-out.



Figure 2 - View along Fortis transmission line right-of-way, looking south

The development site is currently zoned Agriculture (A) in the Zoning Bylaw (Attachment 'H'). The proposed rezoning plan is shown in Attachment 'I'.

Additional plans are attached to this report which provide additional information about the proposed green spaces, conceptual parkland drawings, the interface with existing neighbourhoods, and the phasing of the development (Attachments 'J', 'K', 'L' and 'M').

History

A timeline outlining the history of the North Wiltse Block has been included as Attachment 'A'.

The North Wiltse Block has been designated for residential development since the first Official Community Plan was adopted by Council in 1982. The 1982 Official Community Plan Bylaw No. 4100 designated the lands as 'R(f) – Future Residential' and 'O – Open Land'. Subsequent OCP's in 1988, 1993 and 2002 designated the lands as 'LR (Low Density Residential)' for future residential development. Over the last several decades, the Wiltse and Upper Pineview neighbourhoods below this development site have been developed in phases, and those areas are now close to fully built-out.

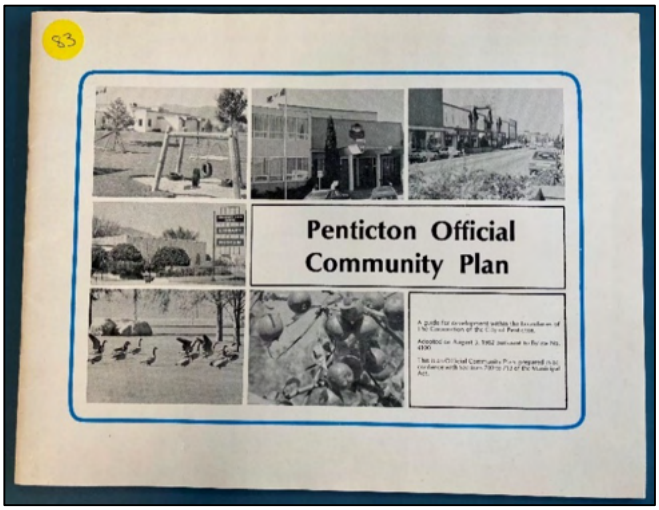


Figure 3 - 1982 Official Community Plan

In 2014, the Wiltse Area Structure Plan was approved by City Council to determine more specific land use needs and appropriate development layouts in the North Wiltse Block (subject lands) and the South Wiltse Block (the location of the 'The Bluffs at Skaha' development at the south end of Evergreen Dr). The Wiltse Area Structure Plan was a more specific land use plan for this area which introduced many multifamily and mixed use areas within the future development, providing for an estimated 160 apartments and 290 townhouses for a total of 670 homes on the North Wiltse Block. The Plan featured a commercial node as well. The Wiltse Area Structure Plan noted that due to topographic constraints and the terrain, development would be situated on the more gentle slopes below the 230KV Fortis transmission line. The basic layout of the Wiltse Area Structure Plan, with some minor changes, was incorporated into the 2019 OCP and influenced the land use designations that exist on the North Wiltse Block today. The current application, although representing an amendment to the OCP, is fairly consistent with the density and future land use designations placed on the development site by the 2019 OCP.

Development Statistics

The following table outlines the development statistics on the plans submitted with the application package:

Zone	Number of Units / Area
R1 (Large Lot Residential)	110
R2 (Small Lot Residential)	58
RD2 (Duplex Housing: Lane)	28
RM1 (Bareland Strata Housing)	15 (strata)
RM2 (Low Density Multiple Housing)	211
RM3 (Medium Density Multiple Housing)	264
P2 (Parks and Recreation) ***all P2 lands to be dedicated to the City**	**Active** – 12.25 ha (30.2ac) **Active & Useable** – 3.87 ha (9.6 ac) is considered flat and useable for playgrounds, sports courts, recreation areas etc.

	Natural - 28.1 ha (69 ac)

Phasing Plan

The development is intended to be developed in phases, as shown on the phasing plan submitted (Attachment 'M'). The area accessed via Partridge Drive would be the first area to be developed. The phases are conceptual at this time, and each phase may be further broken into smaller sub-phases depending on how the developer chooses to proceed. The first phase will include the developer's construction of water servicing infrastructure, as well as the largest proposed park in the development. The new road network is expected to connect to Wiltse Blvd in the second phase, based on the phasing plan provided.

Technical Review

This application package was reviewed by the Technical Planning Committee (TPC), a group of internal staff from various departments who review planning applications and provide technical feedback based on City bylaws and good planning and engineering practices. The large scale of this proposed development means that it will be built in phases rather than all at once. As such, further detailed technical reviews will be required as subsequent applications are received at each phase of the North Wiltse Block development.

At this stage in the development, the TPC required the applicant to submit a number of technical reports prepared by qualified professionals to better understand the impacts of this proposed development. These reports helped to inform the proposed subdivision layout. For example, the reports identify areas of the properties that will remain natural and undeveloped due to environmental features or geotechnical constraints. Findings from each report are summarized in the following subsections.

Should the land use change ultimately be supported by Council, numerous technical items will be addressed through the Hillside Development Permit and subdivision stages. These include, but are not limited to, site servicing, grading, registration of any covenants, and detailed geotechnical, environmental, and wildfire risk assessment reports for each phase of the development. The infrastructure financing approach will be reviewed should the proposal ultimately be approved, to ensure appropriate financial contributions towards necessary water infrastructure (i.e. new lines, reservoir) and the bike lane/traffic calming project when future subdivision occurs, in addition to the standard developer-borne costs that will apply at each subdivision phase.

Traffic Impact Assessment

"Speeding is a huge issue." – Feedback Form Respondent

The applicant has submitted a traffic impact assessment report prepared by CTS Traffic Engineering Specialists, completed in 2022. The report contains recommendations for the applicant to carry out, as well as for the City to consider. The traffic engineer determined the existing road network can accommodate the increased vehicle movements associated with the proposed development with some minor upgrades, outlined in the following recommendations (CTS Traffic Engineering Specialists, p.134):

- Dedicated left-hand turn lanes on Dartmouth Dr southbound leading up Wiltse Blvd and up Pineview Rd.
- Intersection upgrades at Government St and Warren Ave E, Wiltse Dr/Stocks Cres and Wiltse Blvd, and Evergreen Dr and Wiltse Blvd.

These upgrades can be incorporated into the recommended bike lane/traffic calming project between the North Wiltse block and South Main Street.

> "As a neighbour to this area, I think the traffic is already fast and furious around here." – Feedback Form Respondent

Other intersections were reviewed by the traffic engineer, but were determined to be able to continue operating at a high level and did not require upgrades (CTS Traffic Engineering Specialists, p.133).

Speeding on Wiltse Blvd was a common concern raised through the public engagement period, particularly in and around the school zone. To evaluate this concern, the City conducted vehicle speed monitoring in the area, and found that most vehicles (85th percentile) travel around the 50km/h speed limit (30km/h in the school zone). However, this does mean that approximately 15% of vehicles are exceeding the posted speed limit, and the current road design of Wiltse Blvd certainly permits higher speeds. This finding, that the majority of vehicles are not exceeding the posted speed limit, is consistent with assessments that have been conducted in other residential neighborhoods throughout the City. It is likely that from a non-motorist perspective, the current residential speed limit of 50km/h is simply too high. The proposed separated bike lane construction will assist in traffic calming, as it will narrow the road which will slow vehicles down, as well as provide a buffer between pedestrians from vehicles. The Traffic Impact Assessment notes there is available right-of-way width for such infrastructure along Wiltse Blvd and parts of Pineview Rd (CTS Traffic Engineering Specialists, p.133). Beyond this development proposal, the City's Infrastructure Department will be evaluating reducing speed limits across the City in residential areas.

Bike Lane/Traffic Calming

> "There need to be more pedestrian friendly areas, more traffic calming measures incorporated into the development plans…." – Feedback Form Respondent

The Transportation Master Plan (TMP), adopted by Council in 2021, identifies future transportation projects the City intends to undertake that align with the priorities in the Official Community Plan. One of the many capital projects listed in the TMP is for a separated bike lane connection from the North Wiltse Block to the Lake-to-Lake bike route. The estimated cost of this bike lane (based on 2022 pricing) ranges from $2-5 million dollars, depending on its standard and design. This infrastructure will benefit both existing residents in the area, as well as the proposed development (and adjacent development areas). For this reason, staff are recommending that the project be funded with the City contributing approximately 50% of the project costs.

Staff are further recommending that the bike lane and associated traffic calming be constructed by the City, prior to the connection of the North Wiltse Block development to Wiltse Blvd. The City would lead a separate public engagement process as part of the detailed design for the project. That process would allow for community conversation about the details of the design, which would likely lead to street parking changes and curb works along Wiltse Blvd. The project and the associated cost would be incorporated in to the City's Financial Plan accordingly.

Environmental Assessment

The applicant has submitted an Environmental Assessment report prepared by Ecora Engineering and Resource Group. The original assessment was completed in 2017. An addendum to the Environmental Assessment report was submitted in early 2022 based on the plans included in the most recent version of the development proposal.

"Please consider traffic and environmental issues…not enough wildlife corridors." – Feedback Form Respondent

"Leave the natural environment as is." – Feedback Form Respondent

The environmental professional prepared a map showing their determination of four different categories of environmentally-sensitive areas on the North Wiltse Block (Figure 4). The map shows 100% of the most environmentally-sensitive areas on the site (ESA1) are protected in natural areas which will be dedicated to the City as parkland. 74 hectares of land are considered moderately-sensitive ESA2 areas, of which 6.5 hectares are within the development site resulting in the retention of 83.5% of ESA2 areas. The QEP noted that some of the ESA2 areas are fragmented from larger sensitive areas, limiting their function as core habitat. The report requires the wildlife corridor shown on the plan to connect existing wildlife corridors in the area of Partridge Dr and Hawthorn Dr to the conservation area east of the North Wiltse Block development site, to provide connectivity within the area post-development (Ecora, p.5).

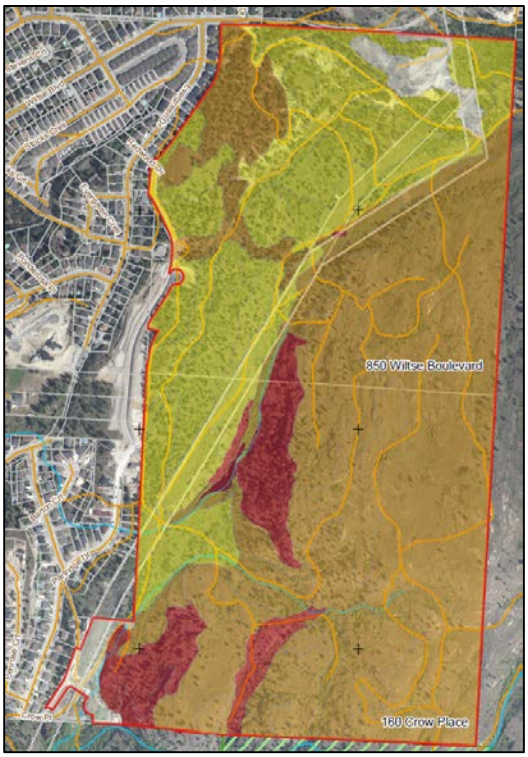


Figure 4 - Environmental Sensitivity Map, from Environmental Assessment Report. The most sensitive areas (ESA1) are in red.

The environmental professional requires future environmental monitoring through various stages of the development, which the City can ensure occurs through future Environmental Development Permits which would be required at each phase of the development. This environmental assessment report demonstrates the development has been designed with the environmentally-sensitive areas in mind and in ways to mitigate impacts on the most-sensitive areas where possible.

Geotechnical Hazard Assessment

The applicant has submitted a Geohazard Assessment report for the proposed development, prepared in 2019 and with updated figures submitted in 2022. The geotechnical engineer who prepared the report completed a desktop study and field investigation to determine geotechnical features on the properties and to determine which areas are suitable and not suitable for development. The North Wiltse Block's size (over 300 acres) makes it complex to evaluate in detail given the geotechnical features across the site, therefore, and the Geohazard Assessment report calls for more detailed geotechnical reviews at each future subdivision stage, which is a standard requirement the City places on subdivisions in hillside areas. The Geohazard Assessment report identified geotechnical hazards on the site which helped inform some OCP future land use designation updates. The geotechnical engineer states "the majority of the planned development is in very low to moderate terrain hazard areas" (Ecora, p.7). There are engineering solutions

available to mitigate geotechnical concerns and these will be investigated at each phase of the development through more detailed geotechnical review, for example where rock outcrops might exist under the surface which could support development in lieu of requiring retaining walls. The Geohazard Assessment report offers a high level overview of where the hazards exist, and how the development was designed to respond to the hazards.

Wildfire Threat Assessment

The development is located within the wildfire hazard area. As such, the City will require the applicant to submit a Wildfire Threat Assessment report prepared by a Registered Professional Forester (RPF) as a requirement of each phase of development. Each report must meet the City's expectations before any lots are created. FireSmart construction standards are often required through a covenant registered on title of each property, outlining the permitted and prohibited building materials and landscaping. Separately from the North Wiltse Block proposal, the City is in the process of creating a new Terms of Reference for Wildfire Threat Assessment reports required for subdivisions in the wildfire risk area within city limits. These new Terms of Reference will set a higher standard for Wildfire Threat Assessment reports and outline an expectation that any restrictions or requirements related to building materials or landscaping conditions in new subdivisions in wildfire interface design and build in accordance with the covenant, to be confirmed by City staff. This will result in more FireSmart development in the wildfire interface in Penticton.

"This develop(ment) is planned for a major interface, high-risk wildfire area. What are the mitigation strategies?" – Feedback Form Respondent

"Fire evacuation is a major concern with the changing hot summers of the last few years." – Feedback Form Respondent

"Wildfire mitigation and safety will be extremely important in this area." – Feedback Form Respondent

Archaeological Assessment

The applicant submitted an Archaeological Inventory and Impact Assessment report, completed in 2019. The report was prepared in collaboration with the Penticton Indian Band (PIB) to assess the property for any unrecorded archaeological resources, any potential impact developments might have on archaeological resources, and provide recommendation to the applicant and PIB to manage and mitigate any impacts (4 Seasons Heritage Consulting, p.2). The work was carried out with the proper permit required under the provincial *Heritage Conservation Act*. The study did not find any archaeological resources, however the study area is known to have historically been lands used by Indigenous peoples (4 Seasons Heritage Consulting, p.2). No further work was required by the study from an archeological perspective, however the applicant is working closely with the PIB on a Cultural Heritage Resource Assessment, which was requested by the PIB now that development is closer to occurring on the lands.

City Utilities

The applicant is responsible for providing the necessary infrastructure to service their development. This includes construction of new roads, sidewalks, electrical lines, water lines, sanitary sewer lines, and storm

water lines. The applicant has submitted a pre-design report which describes how they plan to service the phased development.

Water servicing is currently constrained by the existing infrastructure. The applicant will be required to construct a new water reservoir for Phase 1 of the development. Once that new reservoir is built, there is expected capacity for approximately 200 more units to be serviced, but as further phases continue the applicant will be required to bring a new water main across from the Carmi Reservoir to service the development. The applicant has worked with private land owners and the Crown to secure an easement right-of-way for the future water line.

> "Where would you get water to feed almost 700 new properties?" – Feedback Form Respondent

> "Who pays for the new reservoir and pumping station and any infrastructure upgrades from the water source to the development?" – Feedback Form Respondent

This additional water infrastructure will benefit the proposed development, other development areas, as well as provide benefit to the existing water system by securing water pressure and redundancy in the entire Wiltse/Upper Pineview area. For this reason, staff are recommending that the project be funded via an area specific Development Cost Charge (DCC) or other similar cost recovery method that will see the developer construct the infrastructure at their expense and be paid back through development. Staff are also proposing a 15% City contribution to the dedicated water line that will be crossing Ellis Creek. The early cost estimate of this contribution is approximately $300,000 (2022 dollars).

Sanitary sewer servicing is proposed to tie into the existing sewer system without any requirements for major upgrades. The downstream system was designed in anticipation of future development on the upper Wiltse lands, and has been included in the City's master plans.

Storm water drainage infrastructure is also proposed to tie into the existing mains in the lower neighbourhoods. Storm water attenuation tanks are proposed on the North Wiltse Block to help manage the additional flows into the existing City system, helping to avoid the need for downstream pipe upsizing. At this early stage, each new lot is proposed to have a storm water service connection, directing drainage into the mains and helping avoid drainage issues which could arise if water infiltration into the ground was proposed. Detailed infrastructure designs will be reviewed and approved at each phase of the development.

Electrical infrastructure, similar to the water line, requires a new feeder line at a certain stage in the development, prior to final build out, to meet the ultimate demands of the area.

All other utility infrastructure (i.e. Telus, Fortis, and Shaw) is required to be incorporated in to the plans and be approved by those outside agencies at each phase in the development.

Parks and Trails

The submitted plans show three (3) new active parks in the development as shown on the Green Spaces Plan (Attachment 'K') and the conceptual landscape drawings (Attachment 'J'). The three parks are connected with trails, which extend beyond the development site to provide a key link to Skaha Bluffs Provincial Park to the south. The total amount of active parkland provided is 4.8ha which exceeds the 2.5ha/1,000 population OCP target for active parkland and the 1.55ha/1,000 population Parks and Recreation Master Plan target for active parkland in new developments. Based on the higher OCP target and an estimated build-out population of 1,715 people (based on a 2.5 persons per household estimate), 4.3 ha of active parkland would be the target in the North Wiltse Block. 4.8ha has been provided. 'Usable' areas in these three parks are defined as land with less than 15% slope. That amount is 3.87ha. This shows the majority (80%) of the land in these three proposed active parks is quite flat for a variety of different amenities.

> "It would be great if there could be more parkland designated to allow for a wider range of activities." – Feedback Form Respondent

> "This development should include more green space, actual community parks, trails and staging and parking area for access to the wilderness." – Feedback Form Respondent

The final park designs will be prepared and approved by the City at the subdivision stage, however the applicant has provided conceptual drawings with the application package to give an idea of the types of facilities which could be in the future active parks (Attachment 'J'). Through the engagement period, the public responded to a question about which park amenities they would like to see in the three proposed active parks and the responses will help inform each park's future design. The results of that question are included in the Public Engagement Period Summary report which is publically available on Shape Your City Penticton. In addition to active parks and trails, 28 hectares (69 acres) of land is proposed to be dedicated to the City as natural and undisturbed land. This has environmental and green space benefits to the community.

Financial Implications

The developer is responsible for all the costs associated with developing the lands, including the construction of new infrastructure within the development, and improvements to increase capacity elsewhere within existing systems to accommodate the new demand created by the development, except as follows.

For the construction of the second water supply main across Ellis Creek (required prior to full build-out), staff are recommending this work be funded through a cost sharing agreement with the City contributing 15% to the cost of the water line crossing, estimated to be $300,000, and all other costs being developer funded. There are some neighbouring development lands that will also benefit from the new infrastructure, which will also be required to participate in costs. As such staff are recommending that Council give direction to staff to prepare a financial cost recovery mechanism, such as an area specific DCC, Servicing Bylaw or other tool, to manage an equitable distribution of these costs. The City may incur some costs in the preparation of whatever agreements and/or bylaws that are required, but some cost recovery will be possible through current fees and charges. Any substantial costs will be brought before Council for direction.

For the construction of the separated bike lane and associated traffic calming infrastructure, staff are recommending that the City take the lead on the project, conduct the detail design and stakeholder engagement, and contribute 50% of the cost, through a cost recovery and cost sharing agreement. The estimated financial impact of this City contribution will be between $1-2.5M, and would be incorporated in to the City's Financial Plan to coincide with the connection of the development to Wiltse Boulevard (at the latest).

This particular bike lane project is a low priority within the City's Master Transportation Plan (in the context of other cycling projects), and is a low priority relative to other competing infrastructure needs identified and previously reported to Council as part of the City's Asset and Amenity Management plan. The significant cost of this proposed cost sharing arrangement may (depending on timing) limit the ability of the City to fund other higher priority projects identified in these other two plans. Staff believe that providing this infrastructure is important to service this new neighbourhood in accordance with the policies in the OCP and the Transportation Master Plan. Therefore, staff have provided an alternative recommendation for Council's consideration that would see the developer fund the full cost of this infrastructure.

The City will be responsible for on-going maintenance and replacement of all new City owned infrastructure associated with this development. That includes new roads and utilities, estimated at approximately $57 million in initial capital costs, as well as new parks, trails and natural areas which are intended to be dedicated to the City.

Public Engagement Period

Following direction from Council on April 5, 2022, staff followed the *Community Engagement for OCP Amendments Procedure* to ensure appropriate and meaningful consultation with the community about the North Wiltse Block proposal. The public engagement period ran from April 11, 2022 to May 8, 2022. The feedback was provided to the applicant and posted on the Shape Your City website after the end of the engagement period. The applicant reviewed the responses and included some revisions to the development plans in response to the feedback (Attachment 'C').

The following list summarizes the main methods used to raise awareness about the proposed development and the opportunities for residents to provide feedback through the public engagement period:

1. Project page on www.shapeyourcitypenticton.ca - central location to share information and gather feedback,
2. Notices mailed to neighbours within a 100m buffer of the properties,
3. Four public notice signs posted on the subject properties,
4. Consultation with targeted agencies, stakeholder groups, and Penticton Indian Band,
5. Media release issued,
6. Newspaper advertisements, and

External Stakeholder Consultation

Staff contacted the following stakeholder groups via email as part of the public engagement period:

- Ministry of Environment
- Ministry of Transportation

- Ministry of Agriculture
- Regional District of Okanagan Similkameen
- Interior Health
- School District 67
- Okanagan College

Responses were received from the RDOS and Ministry of Agriculture that they had no concerns. Interior Health also responded from a Healthy Built Environment perspective, noting the positive aspects of parkland and trails which promote active living while also providing considerations related to housing mix, active transportation, and tree coverage. Their full comments letter has been included as Attachment E.

Penticton Indian Band (PIB)

Staff submitted a referral to the Penticton Indian Band (PIB) through their preferred NationsConnect referrals portal. Staff have had ongoing meetings with the PIB major projects committee to discuss the North Wiltse Block proposal, however the PIB has not provided a formal response as of the date this report was finalized.

Public Information Sessions

Three public information sessions were hosted by the City, one online and two in-person. The first in-person session was held outdoors at the Wiltse School Playground on Tuesday, April 26th. An estimated 70 people attended. The online information session was held Wednesday, April 27th, with about 30 attendees. The final information session was held on Saturday, April 30th at the Seniors Drop-in Centre with about 40 attendees. Staff were available at each information session to provide additional information on the proposal to the public and respond to questions.



Figure 5 - Photo from public information session at Wiltse School

Shape Your City Penticton was the main portal for public input. A feedback form was available on Shape Your City, as well as in hard copy. In total, 595 surveys were completed. Some respondent quotes have been included throughout this staff report. The full public engagement results report is publically available on Shape your City Penticton.

The following two tables outline some common themes that emerged from the engagement period. The first table outlines themes related directly to the proposed development, and the second table outlines existing issues raised through public engagement that respondents believe will be exacerbated as a result of the North Wiltse Block development. Each table contains a response column which provides more information or explains how the concern was addressed by the applicant.

Feedback on proposed development	Response
Green buffers from existing homes on Evergreen Dr and Hawthorn Dr to the new development	Several residents along Evergreen Dr and Hawthorn Dr expressed concerns about what will be developed behind their properties. The current OCP provides a park behind several homes along Evergreen Dr, and this was proposed to be reduced to a 6m green buffer in the original submission. The applicant revised the plan in this area to add a park along the most northern Evergreen Dr homes, and retain the 6m green buffer further south where the elevation increased between the new lots and the existing lots on Evergreen Dr (Attachment 'L'). Along Hawthorn Dr, new lots are proposed adjacent to the existing homes. This has been the plan since the 2019 OCP was adopted, but residents may be more conscious of this now that homes have been constructed along Hawthorn. In the revised submission, the applicants are proposing a 3m wide covenant area on new lots backing onto Hawthorn Dr homes to maintain a green buffer, while also recognizing the elevation difference between the existing and new development in this section as well.
Environmental impacts	Concerns were raised related to clearing trees, regrading natural areas, habitat loss, limited wildlife corridors, and generally a sense of losing a hiking and mountain biking location as a result of the proposed development. The City has tools through the Hillside Development Permit to ensure proposed natural areas shown on the Green Spaces Plan (Attachment 'K') remain undisturbed, and through the City's Bylaws to require the provision of new trees in the development site. The Environmental Assessment Report informed the development layout away from the most environmentally-sensitive areas by dedicating 28 hectares of land to the City to be kept in its natural undisturbed state.
Trails	The engagement period revealed a desire for trail connections, as well as concerns about the location of the proposed Fortis linear trail. Some respondents expressed the view that a trail under the power lines will be undesirable. Staff worked with the applicant to provide trail connections throughout the development site, and the Fortis linear trail is an important connection from Wiltse Blvd to Skaha Bluffs Provincial Park in the south. While comments were raised about the trail being under power lines, staff note that a large section of well-established (informal) trail through the site is already within the Fortis right-of-way (Figure 2).

Feedback on proposed development	Response
Density	Many respondents felt the proposal was too dense, with too many units. Some suggested that the development should be entirely single detached homes, and fewer in number. Others questioned why multifamily homes were part of the proposal, given the location is relatively far from shops and services. Staff note that the current OCP designations on the North Wiltse Block envision townhomes (Ground Oriented Residential development). In 2014, Council approved the Wiltse Area Structure Plan which envisioned apartments and commercial uses on these lands. The vision has always been for a mix of housing types, which provides a range of unit sizes and price points for different groups of future residents. The revised plan includes areas with Urban Residential designation, to allow the option for townhomes or apartments up to six storeys. Higher densities make more efficient use of new City infrastructure by serving more units with the same distance of roads and pipes.
Earthworks and construction impacts	While not all development-related impacts can be avoided, they can be mitigated where possible. This includes restricting blasting and earthworks time periods, as well as approving specific truck routes for construction vehicles. These will be considered through future Hillside Development Permits, which require Council approval.
Wildfire threat and emergency egress	The North Wiltse Block is within a wildlife risk area, and prior to the subdivision of any new lots the City will require a wildfire risk assessment report prepared by a qualified professional, with the report meeting the new Terms of Reference. Some respondents raised concerns about there being only two main roads leading to the new development: Pineview Rd and Wiltse Blvd. Staff note that two roads is acceptable for emergency egress, and that there is a plan for a future emergency egress through Phase 2 of the Bluffs at Skaha to lead from Evergreen Dr to Valleyview Rd in the case of an emergency.

Feedback on existing issues	Response
Wiltse School capacity	Many respondents raised concerns with the capacity of Wiltse School given the new housing proposed. In 2021, Wiltse School was at 88% capacity and the School District predicts an 82% capacity in 2032, according to the SD67 2021 Enrolment and Capacity Analysis. Based on Penticton's 2021 census results, approximately 274 school-age kids from elementary to high school may live in the new development at full-build out. Staff reached out to the School District 67 head office multiple times, with no response. Staff discussed the development proposal with the Wiltse School principal, and recognize that the development proposal will take approximately 15-20 years. Over that time, the School District can evaluate school capacity through their own process.
Congestion around Wiltse School	School-related congestion is an issue due to the original siting of Wiltse School on the main road through the subdivision, and the lack of a turnaround drop-off and pick-up facility on the school property. Staff are aware of this issue, which many respondents believe will be worsened if the North Wiltse Block development proceeds. City staff are working with School District 67, and have provided the District a number of concepts to improve drop-off and pick-up facilities on school property. In line with the OCP transportation priorities (OCP, p.4-61), the City encourages walking and biking options for parents and students to get to and from school.
Speeding and sightlines on Pineview Rd	Pineview Rd has some steep sections and pinch points, which are features of its current design. Some respondents felt traffic is too fast on Pineview Rd and that visibility, particularly at the intersection with Evergreen Dr, is poor. Public Works can address these existing issues separately from the North Wiltse Block proposal, such as options for improving safety and sightlines at the intersections. The Traffic Impact Assessment did not recommend any upgrades to Pineview Rd as a direct result of the proposed development.
Speeding and road diet on Wiltse Blvd	Speeding is perceived as an issue on Wiltse Blvd, potentially attributed to its wider width. Traffic calming speed bumps and crosswalks were installed around Wiltse School several years ago to help address this long-standing concern. Staff note that traffic analysis reveals most vehicles are travelling around the posted speed limit, meaning it might be the speed limit is too high and the road design itself encourages higher speeds. Connected to the North Wiltse Block proposal, staff are recommending a road diet through construction of a separated bike lane and other traffic calming measures (i.e. curb extensions, road narrowing) to promote slower vehicle speeds and making the road safer for all users.

The public engagement period was crucial to raise awareness and gather community feedback on the development proposal. Key themes arose through the engagement period, some of which could be addressed in revisions to the development plans and others which would apply regardless of the form, layout, or other components of the development proposal. It is recognized that a proposal of this scale will impact the community, and where possible those impacts will be mitigated through other processes in the development timeline such as subdivision approval, earthworks permits, and development permit area guidelines. Some existing issues were raised and noted by staff to investigate separately from this development proposal.

Economic Prosperity and Development Services Advisory Committee

Staff presented the North Wiltse Block proposal to the Economic Prosperity and Development Services Advisory Committee on April 8, 2022. The committee heard a presentation and had some questions for staff. The committee passed the following resolution in support of the proposed development:

It was MOVED and SECONDED
THAT the Economic Prosperity and Development Services Advisory Committee recommends that Council support the OCP Amendment and Zoning Amendment applications for 850 Wiltse Blvd and 160 Crow Place to enable future residential development.

CARRIED UNANIMOUSLY

Agriculture Advisory Committee

Staff presented the North Wiltse Block applications to the Agriculture Advisory Committee on May 18, 2022. This committee reviews all development proposals involving agricultural land, and lands zoned Agriculture (A). The committee unanimously passed a resolution of no objections, given that there has been no historical or present agricultural use on the North Wiltse Block:

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee does not object to the OCP Amendment and Zoning Amendment applications for 850 Wiltse Blvd and 160 Crow Place to enable future residential development.

CARRIED UNANIMOUSLY

Analysis - Official Community Plan Amendment Bylaw

The OCP is a "living document" and applications to amend the OCP are to be expected from time to time. While the OCP guides land use decisions up to 2045, it is likely that over that timeframe changing trends or unforeseen events will require the City to consider amendments to the plan. Proposals to amend the OCP that respect the overall vision and values of the OCP, but also allow for innovation and adaption as new opportunities arise, are considered by City Council with the following considerations:

1. Alignment with broad OCP visions and goals
2. Provision of demonstrable social, economic and environmental benefits to the community
3. Assessment of cost and other implications for infrastructure – parks, roads, utilities, water, sanitary and storm sewer, public facilities
4. Suitability to context – form, character and design
5. All proposed amendments will be accompanied by meaningful public engagement, in addition to the required notification, and a formal Public Hearing.

The proposal includes adding the Urban Residential designation onto the North Wiltse Block, to allow the future flexibility of either townhouses or apartments to be constructed in RM3 zoned blocks. The Urban Residential designation supports those higher-density residential uses, with apartments up to six storeys. The other OCP designations already exist on the North Wiltse Block, and their mapping is proposed to be updated in some locations to reflect the revised development layout (Attachment 'G').

Staff have analyzed the proposed development in comparison to the applicable OCP policies, and have included this analysis as Attachment 'D'.

The growth plan goals of the OCP are to promote development within or adjacent to existing built up areas, maximum City infrastructure utilization, create complete and accessible communities, while minimizing negative environmental impacts (Figure 7). These goals frame the analysis of the OCP amendment application for the proposed development.

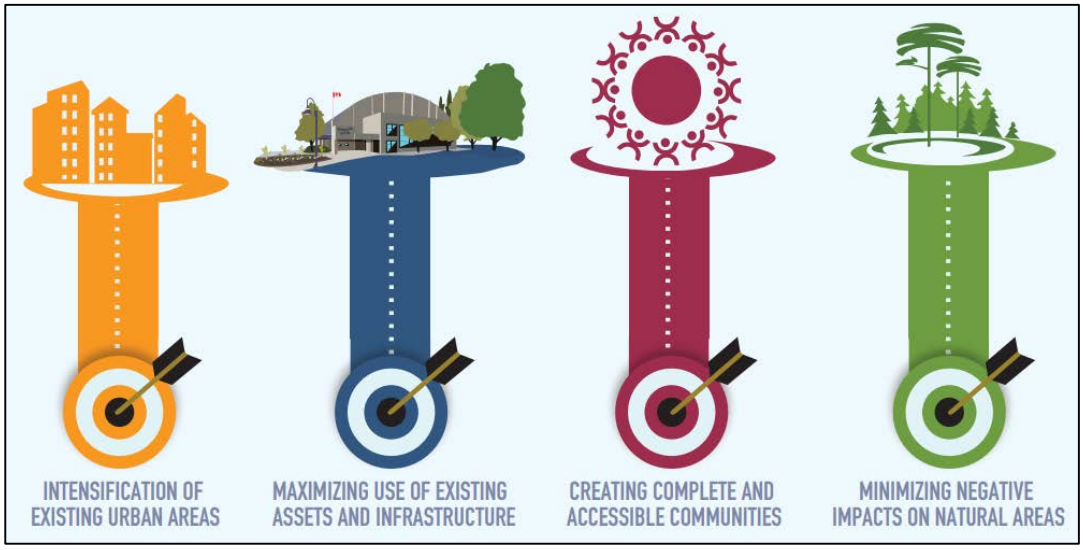


Figure 6 - Growth Plan Goals from the OCP

New Hillside Neighbourhoods

The OCP outlines the expected population growth in Penticton and the resulting need for additional homes. The OCP envisions an average annual growth rate of 0.65% up to 2045, however this may not occur as a steady increase. For example, 2021 census data revealed the City's population grew 9.3% between 2016 and 2021, which averages out to 1.86% each year, almost three times the average annual growth rate anticipated by the OCP. With this population growth and the expected demand for additional homes in the future, more housing units of all types, across the City, will be required.

The OCP recognizes that a number of new neighbourhoods are expected to be developed to meet the demand for detached homes, including the Upper Wiltse area, which is a logical extension to existing city infrastructure (OCP, p.3-46). New neighbourhoods such as the North Wiltse Block will support active transportation (walking, cycling) and transit use (where feasible), to include new parks, trails and linkages, and provide a range of housing options to address different demographic and economic requirements (OCP, p.3-46). The North Wiltse Block provides trail connections through the neighbourhoods and connecting to other areas. The proposed bike land connection would support cycling in the area. The proposed range of housing units is expansive: single detached homes, duplexes, townhomes, and possible apartments. These features of the proposal are in line with what the OCP envisions in new hillside neighbourhoods.

Asset and Infrastructure Considerations

The OCP requires consideration of infrastructure costs when reviewing OCP amendment applications. In this case, the OCP has planned for growth on the North Wiltse Block since 1982. The developer is responsible for all costs associated with servicing the development, including any necessary road, water, and sanitary upgrades. The Transportation Master Plan was approved by City Council in 2021 and identifies a separated bike lane connecting the North Wiltse Block and the Lake-to-Lake bike route. Staff are proposing the developer provide a partial contribution to that project, with the City covering the other portion as the project benefits both the new development and the existing lower neighbourhoods. The City will be responsible for the ongoing maintenance costs of all new public infrastructure within the North Wiltse Block.

Creating Complete and Accessible Communities

The North Wiltse Block has been envisioned for residential development since 1982, with the land use designations set through the Wiltse Area Structure Plan approved by Council in 2014 and refined through adoption of the 2019 OCP. Attachment 'G' shows the proposed changes to OCP designations outlined in red, all other designations are proposed to remain as-is. Some key changes include the introduction of 'Urban Residential' designated areas which could allow for apartments up to six storeys or townhomes on the eastern side of the development site, away from existing neighbourhoods. Further proposed changes are the re-designation in the southeast park area from Detached Residential to Parks and adding parkland on both sides of the new collector road at the north entrance to the site. These changes provide a wider range of housing forms on the site with the introduction of apartments, and also provides more parkland. The OCP amendment is considered consistent with the OCP goals of creating a new hillside neighbourhood with housing options for different ages and life stages, including young professionals, families, and those wishing to downsize. No commercial uses have been proposed in the North Wiltse Block.

There is no commercial zoning in this proposal. Previous commercial uses in the lower neighbourhood have not been successful, and the 2019 OCP removed the commercial uses envisioned in the Upper Wiltse area in

the Wiltse Area Structure Plan. The current application package is aligned with the 2019 OCP in that it did not envision future commercial development in this new neighbourhood.

Staff Recommendation – Official Community Plan Amendment

Staff consider the proposed OCP amendment is generally consistent with the goals and policies of the OCP. A full OCP policy review is included in Attachment 'D' which demonstrates this consistency in addition to the analysis in this section of the report.

Staff are recommending that Council give first reading to "Official Community Plan Amendment No. 2022-29" and forward it to the June 20, 2022 Public Hearing to gather additional feedback from the public on the proposal.

Analysis - Zoning Amendment Bylaw

The application proposes to rezone the development site to a number of different residential and parks zones. The proposed residential zones are R1 (Large Lot Residential), R2 (Small Lot Residential), RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), RM2 (Low Density Multiple Housing) and RM3 (Medium Density Multiple Housing) to provide a mix of single detached homes, duplexes, townhomes and apartments. The other proposed zones include P1 (Public Assembly) and P2 (Parks and Recreation) for the lands to be dedicated to the City for public infrastructure and parkland. The upper, eastern portion of the site will remain privately-owned A (Agriculture) zoned land.

Staff have analyzed the proposed development in relation to the applicable OCP policies (Attachment 'D'). In keeping with the growth management plan targets, the OCP policies guide new residential development within or adjacent to built-up areas of the city, close to shops, services, and other amenities. Developments that encourage walkability and cycling are promoted. The OCP plans for some new hillside developments, including Upper Wiltse, to meet demand for single detached homes recognizing the City's limited land supply. The North Wiltse Block is a long-planned, expected extension of the existing neighbourhood, having been designated for development since 1982 and for a mix of residential densities since 2014.

The proposed unit split is approximately two-thirds (2/3) multifamily units, and one-third (1/3) single detached homes. This reflects the intent of the Wiltse Area Structure Plan and the OCP policies encouraging efficient use of development land in Penticton. The OCP targets 75% multifamily and 25% single detached housing for new development (p.3-37). The North Wiltse Block is one of the last remaining large development areas in Penticton, and the City has experienced a strong demand for housing over the last several years. This proposal would build out in phases over 15 to 20 years to help meet the demand for housing and complete the Upper Wiltse/Upper Pineview neighbourhood, which has been under development leading upslope for the last 40 plus years. The mix of densities in the North Wiltse Block proposal reflects an efficient use of land and municipal services than an exclusively single detached neighbourhood. Less land is developed and more land is left natural by providing more units per hectare.

To respond to the added demands and increased residents, the proposal includes three new active parks with a total area of 4.8ha (11.9ac). It is noted that currently there is only one active park in the lower neighbourhoods which is located at Wiltse School. The City, in the past, did not require parkland dedication through recent subdivisions in the area and this has created a parkland deficit which would be ameliorated through the almost 40 hectares of parkland to be dedicated to the City through this proposal.

Site Specific Provisions

The applicant is proposing the following parking provisions:

- RM1 zone – to prohibit townhomes and duplexes as permitted uses, and to increase the maximum principal building height from 8.5m to 10.5m.
    - This proposed site-specific provision ensures the bareland strata is for single-detached homes. The request to increase building height is supported because it is the same permitted height as freehold single detached homes in the R1 or R2 zones.
- RM2 zone (adjacent to the Hawthorn Dr cul-de-sac) – to prohibit apartments as a permitted use, and to limit the maximum building height to three (3) storeys.
    - This multifamily block is the closest one to established neighbourhoods. The applicant heard through the public engagement period that the transition to established neighbourhoods is important to consider. Therefore this block is proposed to be townhouses-only, by prohibiting apartments, and limiting the future building heights to three storeys to mitigate their height and overlook onto existing neighbourhoods.

Staff support both site-specific provisions proposed with the Zoning Amendment Bylaw application. The RM1 site-specific provision allows for the same buildings heights as other single detached zones, providing a consistent built form as the surrounding single detached homes. The RM2 site-specific provision limits density, building height, and overlook at this transition zone to the existing neighbourhood, helping to address some concerns which arose through the public engagement period.

Staff Recommendation – Zoning Amendment Bylaw

Given the alignment with the OCP, staff are recommending that Council give first reading to "Zoning Amendment Bylaw No. 2022-30" and forward it to the June 20, 2022 Public Hearing, to gather additional feedback from the community on this development proposal.

Future Analysis - Hillside Development Permit

The Hillside Development Permit Area (DPA) applies to areas of the City where future development is expected to occur on sloping terrain and requires a range of special considerations to mitigate risk and negative impacts. The purpose of the hillside development permit is to support safe residential development on steep slopes by respecting the natural terrain where possible. The Hillside Development Permit will outline certain conditions that apply with the development is built-out. This could include limitations on blasting, restrictions on retaining walls, designating a truck route, and ensuring protection of the natural areas to be dedicated to the City.

The applicant has applied for their Hillside Development Permit and staff will bring that permit forward to Council for consideration should Council proceed with the OCP and Zoning Bylaw amendment applications.

Summary

The North Wiltse Block proposal is a significant development proposal in one of the last large areas of Penticton designated for future development. This proposal involves putting land use in place on 44 hectares of the North Wiltse Block to allow the phased development of almost 700 homes. The homes would be split between single detached, duplex, townhouse and apartment forms. A number of technical reports

have been submitted which informed the development layout. Staff are recommending that a financing mechanism be created for the offsite water and bike lane/traffic calming infrastructure, with cost sharing commitments as described, and that an amendment is made to the City's 10 year Capital Plan to include both projects. The public engagement period revealed community feedback on the original proposal and informed changes made by the applicant to address some concerns raised by respondents:

- Added public park land on the west side of the new collector road, near the north entrance to the development. This was in response to concerns from residents along Evergreen Dr of losing green space behind their properties through the original proposal. Lots have been reconfigured in this area with zoning changed from R1 to R2. The active parkland has increased from 4.55ha to 4.8ha.
- Added 'Urban Residential' designation into several proposed multifamily blocks on the eastern side of the development site to clarify the applicant's intent to provide flexibility for apartments up to six storeys or townhomes in these areas.
- Downzoned the townhouse block above the end of Hawthorn Dr from RM3 (Medium Density Multiple Housing) to RM2 (Low Density Multiple Housing), with a site-specific limitation to prohibit apartments and to limit building heights on this multifamily block to three storeys.
- Provided a 3m wide environmental covenant area on future lots backing onto Hawthorn Dr properties to maintain some vegetation between existing and future homes.

While there will be impacts from the North Wiltse Block development which cannot be avoided if the development proceeds, the proposal is considered consistent with the broad vision and goals of the OCP. As such, staff are recommending that Council give the OCP and Zoning Amendment bylaws first reading and forward the bylaw amendments to a statutory public hearing on June 20, 2022.

Alternate Recommendations

Council may support the proposed land use on the North Wiltse Block, but choose to not support cost sharing of the bike lane connection between the North Wiltse Block and the Lake-to-Lake bike route. Council may consider the bike lane connection should be required given the scale of this development, but beyond the financial means of the City to contribute towards. If this is the case, Council should choose Alternate Recommendation #1, and support all staff recommendations except for the two related to the proposed bike lane connection.

1. AND THAT Council require the developer, at their sole expense, to fund a separated bike lane and associated traffic calming between the North Wiltse Block to the Lake-to-Lake bike route, with no financial contribution from the City, and require those works to be complete prior to any new road connection to Wiltse Boulevard.

Council may consider the proposed OCP land use designations and rezoning for the North Wiltse Block are undesirable. If this is the case, Council should choose Alternate Recommendation #2 and deny first reading. If this decision is made, the current OCP land use designations and zoning will remain in place and the applicants will have to revise their development plan to reflect the existing OCP designations. Staff are recommending against this option, as in staff's opinion the updated development configuration will lead to an overall improved development which is aligned with the broad vision and goals of the OCP.

2. THAT Council deny first reading of "Official Community Plan Amendment Bylaw No. 2022-29" and "Zoning Amendment Bylaw No. 2022-30".

Attachments

Attachment A – North Wiltse Block Timeline
Attachment B – Letter of Intent (applicant)
Attachment C – Response to Public Engagement Period/Revised Submission Letter (applicant)
Attachment D – OCP Policy Analysis (staff)
Attachment E – Interior Health Comments Letter
Attachment F – Existing Official Community Plan Map
Attachment G – Proposed Official Community Plan Map
Attachment H – Existing Zoning Map
Attachment I - Proposed Zoning Map
Attachment J – Conceptual Landscape Drawings
Attachment K – Green Spaces Plan
Attachment L – Evergreen Dr and Hawthorn Dr Interface Cross Sections
Attachment M – Phasing Plan
Attachment N – Official Community Plan Amendment Bylaw No. 2022-29
Attachment O – Zoning Amendment Bylaw No. 2022-30

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director of Development Services	General Manager of Infrastructure	Director of Finance and Administration	Chief Administrative Officer
BL	KD	AMC	DvD

Attachment A - North Wiltse Block Timeline

Year	Event
1982	The first Official Community Plan (OCP) is adopted by City Council, designating the subject properties for future development.
2005	Comprehensive Development Plan (CDP) prepared to measure 20 year development potential of the City. The CDP identified infrastructure requirements and financing strategies to accommodate future growth in the City. The Upper Wiltse area was projected to have a potential build out of approximately 800 units.
2008	City Council endorses the Terms of Reference to prepare an area plan for the Upper Wiltse lands. The Terms of Reference outlined requirements of an area plan: to identify future land uses, residential densities, road patterns and required community services and parks in the Upper Wiltse area. The Terms of Reference originally considered a 9-hole golf resort as part of the development, but that was later removed.
2014	Wiltse Area Structure Plan adopted by City Council. The 2002 OCP was amended to refer to the area structure plan. North Wiltse Block (850 Wiltse Blvd & 160 Crow Pl) was envisioned to have 230 single detached homes, 290 townhouse units, 160 apartment units, 70 mixed use/seniors units (total: 670 units)
2019	Current OCP adopted by City Council. Future land use designations on the North Wiltse Block were updated, based on the Wiltse Area Structure Plan. Future land use designations: 'Rural Residential', 'Detached Residential', 'Ground Oriented Residential', 'Parks', and 'Natural and Conservation'.
2022	OCP Amendment, Rezoning, and Hillside Development Permit application package to be considered by Council. Proposal for 183 single detached homes, 28 duplex units, 475 townhouse units (total: 686 units).

February 8, 2022 Ecora File No.: 180225

City of Penticton
171 Main Street
Penticton, BC V2A 5J9

Attention: **Planning Department**

Reference: **Community Plan Amendments and Rezoning of 850 Wiltse Boulevard and 160 Crow Place**

Ecora Engineering and Resource Group Ltd. (Ecora) was requested to submit an application for Community Plan amendments and rezoning of the North Block Wiltse lands for a new residential community.

The subject properties include 2 large parcels:

- 850 Wiltse Blvd at 61.3 ha (151.5 acres) with road access from the eastern end of Wiltse Blvd; and
- 160 Crow Place at 67 ha (165.5 acres), with road access from Partridge Drive and Crow Place.

These lands have been designated for urban development in City of Penticton Community Plans since the 1970's and were previously called 'Upper Wiltse". The Owner's prepared the Wiltse Area Structure Plan over a 5 year period and the Plan was adopted in 2014. This Area Plan was for the North Block lands, subject of this application and the South Block lands, for the Bluffs at Skaha project with 40 lots currently in the development stage. The Area Plan provided for 850 dwelling units on both the North and South Blocks with 670 units for the North Block. The North Block represents the last large urban growth area in the City and will provide for a significant number of new residential dwelling units over the next 10 or years.

With the adoption of the City's new Community Plan in 2019, the Wiltse Area Structure Plan was rescinded. The Community Plan established a revised development concept with somewhat more single family lots (277) and with somewhat less multiple family units (391), and no commercial area - but a similar total unit count at 668 units. The new Community Plan also established Hillside and Environmentally Sensitive Development Permit Areas over the North Block lands.

The Owners have refined the development concept to comply with the Hillside DPA and are now making application for a mixed use residential area with 183 single family, 28 duplex and 475 multiple family units for a total of 686 units in a 50 ha area. The goal of the owners is to meet City development

standards while maximizing the number of dwelling units in a comprehensively planned new community with extensive parkland and natural areas.

The Site

The North Block is a forested hillside property that features rugged terrain with bedrock outcrops, knolls, undulating ridges, benches and bluffs. Extensive land disturbances have occurred over past years and includes gravel extraction on the northern area, logging, forest fire, fire guard, and dirt access roads and trails. The Fortis power line passes through the site from the southern west end of 160 Crow Place to the north eastern area of 850 Wiltse Boulevard.

Proposed Development

The Development Plan, shown on the *Conceptual Zoning Plan*, consists of a main collector road between Wiltse Boulevard and Partridge Drive, with three crescent roads and several cul-de-sacs to serve the residential subdivisions. Two rear lanes are proposed for the single family lot areas in the northern area, due to hillside slopes and road access challenges. Neighbourhood parks, a park corridor and numerous wildlife trails and walkways are provided throughout the new development. Except for one multiple family site in the northeast corner and a proposed recreational park, all the development is located west of the Fortis right-of-way. The remaining land to the east of the Fortis is designated for Conservation and Rural Residential.

Proposed Community Plan Amendments

The overall scope and character of the proposed North Block development remains very similar to that outlined on the Land Use Designations on the “Future Land Use Map” in the Community Plan. Most of the proposed changes are related to increasing or relocating areas for Parkland and changes to reduce single family development areas, designated as “Detached Residential”, and to increase multiple family units, designated as “Ground-Oriented Housing”. Key changes are noted below:

- Relocating the Neighbourhood Park at the Wiltse Boulevard entrance to the opposite side of the main Collector Road that was initially designated for multiple family housing and replacing with single family units (except for 1 lot);
- Replacing singe family units with multiple family units located along the upper side of the Collector Road and Road G;
- Replacing multiple family housing with single family housing along Road D in the upper edge of the development and along Road E in the southern area;
- Redesignating a MF site along Road D to Bare Land Strata Housing;
- Removing the proposed Bare Strata Subdivision on the east side of the Fortis Right-of-Way and replacing with a large Park;
- A number of minor amendments to add previously designated Park areas to the adjacent multiple family development site, but the proposed corridor remains.

See attached *OCP Changes Plan.*

Proposed Residential Zoning

The North Block development features a diversity of housing types, from large lot single family, small lot single family, duplexes and low and medium density multiple family units, as shown on *the Conceptual Zoning Plan.*

- R1, Large Lot Residential. Most of the single family is zoned R1 and totals 120 lots.
- R2, Small Lot Residential – There are 48 small lots in 2 development areas
- RD2, Duplex Housing – Lane – There are 14 duplex lots with 28 units
- RM1, Bare Land Strata Housing – 15 lots
- RM2, Low Density Multiple Housing – There are 5 Townhouse development sites with 211 units. These units are located along the main Collector Road and Road G. Units are a maximum of 3 storeys.
- RM3, Medium Density Multiple Housing – Five sites, including 1 east of the power line with RM3 zoning, and a total of about 264 units. These sites are generally located in the upper, eastern area of the development, but with one development adjacent to Hawthorne Drive. Units may be a maximum height of 6 storeys.

Site Specific RM1 Zone: The RM1 area is proposed to be a Site Specific Zone to limit development to single family dwellings with a maximum height of 10.5m (the same as the R1 and R2 zones).

Site Specific RM3 Zone: One Site Specific RM3 zone is proposed on Road E above Hawthorne Drive. Due to site slopes, this site well is suited to a 4 storey, stacked townhouse design. It is proposed that this Site Specific zone limit the use to “townhouses” and height to 4 storeys, due proximity to an newly developing single family area.

Proposed Parks Zoning

- P2, Parks and Recreation. The entire Fortis right-of-way, plus a few adjacent areas, is to be zoned P2 for a linear corridor of 7.3 ha. While much of the Fortis corridor is of rugged topography, there is a useable area of 1.0 ha. There are also 4 park areas to be zoned P2 for neighbourhood parks – a park at the Wiltse Boulevard entrance area of 0.85 ha with .38ha of useable land, a second park of 0.8 ha (0.42 useable) to the east, a park corridor of 1500 m^2 that provides a link with sidewalks between these 2 parks, and a large active park of 2.9 ha (usable 1.8 ha) east of the Fortis right-of-way – this park would be suitable for a playing field (s), sports courts, dog park and other passive activities.
- Natural and Conservation Areas. A large block of conservation area with high environmental values land is located east of the Fortis right-of-way to be left in a natural condition and totals 26.7 ha. This area is proposed to be zoned P2. The Owners are proposing to donate this Natural Area to the City. A significant natural area comprised of rock faces and forest will be retained in area along the western edge of the Wiltse development, with a total of 1.5 ha and zoned P2 and provides a buffer adjacent to existing homes along Evergreen Drive.

- Trail and Wildlife Corridors. There are numerous trail corridors throughout the North Block to provide pedestrian and cycling linkages between streets and to connect to parks. A trail is located along the northern property line at the base of a slope and originating in the public park is to be zoned P2. A park corridor, in the northern area of the property, with a width of 10m will connect the 2 neighbourhood parks in and is to be zoned P2. There is also a wildlife corridor proposed in the southern area of the site, to connect an established wildlife corridor from the Hawthorne Drive area, to the Fortis right-of-way lands. All of these corridors will be zoned residential, which is a typical approach in the City for many local connection routes.

  Even though this is private property, there is a well-established Mountain Bike Trail network throughout the North Block as well as along the Fortis powerline. The Development Plan provides linkages from the neighbourhood trail corridors to the Fortis and mountain bike trails in the upper sloped lands, which are designated for Conservation and beyond that will remain private property.

  The Park and Trail Network is illustrated on the attached *Green and Natural Areas Plan*. In addition, the attached *Conceptual Landscape Plans* illustrate now the parks, park corridor and wildlife corridors will function and provide an attractive feature in the new neighbourhood, including developed trails and site restoration with native and ornamental plantings.

- Open Space Summary: There is a total area of 77.4 ha covered by the OCP and Rezoning application. Excluding the Conservation Area, the residential development area is 50.3 ha in size Parkland includes:

  - 3 Neighbourhood Parks 4.2 ha 2.6 ha useable
  - Park Corridor 0.15 ha 0.15 ha useable
  - Fortis Right-of-Way 7.3 ha 1.0 ha useable
  - Total Parks 11.7 ha 3.75 ha useable
  - On an overall basis, 23% of the development site is dedicated for parks, of which 7.5% is useable parkland, considerably beyond the 5% subdivision requirement
  - Conservation area 26.7 ha
  - West slope natural area 1.4 ha
  - Total CA/Natural Areas 28.1 ha
  - When the total application area of 77.4 ha is considered, the above Parkland plus the Conservation/Natural Area totals:
  - **Total Open Space 39.8 ha – 51.4% of the land area**

- Natural Features: The *Green and Natural Areas Plan* illustrates graded slopes throughout the North Block required to create usable development sites. These slopes will be revegetated at the subdivision stage, either with full revegetation with trees (for 2 to 1 slopes) or without trees (for 1.5

to 1 slopes) and will add a considerable amount of greenspace and recreate a hillside appearance These slopes will be addressed in more detail in the Hillside Development Permit.

- P1, Public Assembly: The existing Evergreen reservoir site is currently zoned P1. With this application, the remainder of the reservoir parcel will be zoned P1. The lands to the east will be zoned P2 as part of a natural slope area (that includes a walkway and reservoir access). A new dedicated lane is proposed at the rear of 4 lots fronting on Evergreen Drive, where there is currently an informal laneway.

Agricultural

The existing A, Agricultural zoning is proposed to be retained for the upper hillside lands that are designated as **Rural Residential** in the Community Plan. Any development of these upper lands will require a future rezoning application with a review of environmental, hillside, land use and servicing components.

Community Plan Policies

The proposed residential zoning reflects the Community Plan designations of **Detached Residential** and **Ground Oriented Residential.** The **Parks** and **Natural and Conservation Areas** also reflect the Community Plan designations.

The OCP identified a need for 929 new single family units over the next 30 years with an average of 31 new units per year. While the focus of the Community Plan is on accommodating much of the new development through intensification of Penticton's existing urban areas, the Plan provides for "A number of new hillside neighbourhoods … to be developed to meet the demand for detached houses.". This includes "Upper Wiltse" that is adjacent to an established neighbourhood and is logical extension to existing City infrastructure.

Planning for a new hillside development area, such as the Wiltse North Block, is to be guided by protection of environmental values as well as consideration of natural hazards such as steep slopes and wildfire, that will be addressed through Environmental and Hillside Development Permit Areas and through the subdivision process at the development stage. New neighbourhoods are to be designed to support active transportation (walking, cycling), and include new parks, trails, and linkages and to provide a range of housing options to address different demographic and economic requirements. In this regard, the proposed rezoning of the North Block land is consistent with the Community Plan.

Development Servicing

The following is a high-level design summary to service the Wiltse North subdivision located at 160 Crow Place and 850 Wiltse Boulevard. The proposed servicing plan includes:

Water

Hydrant spacing and water main construction will be in accordance with Subdivision and Development Bylaw 2004-81 design standards and the requirements of the Fire Underwriters Survey. With construction of a new reservoir and booster pump station, here is adequate water supply from the existing system to service the first 244 units. For additional development, the general works will include

the installation of a watermain from the Carmi Reservoir through the Ellis Creek canyon to the reservoir. A return supply main will provide domestic water to individual properties.

Sanitary System

Sanitary mains and service construction will be in accordance with Subdivision and Development Bylaw No. 2004-81. A gravity sanitary main will be installed on all roads and tie-into the existing sanitary mains on Wiltse Boulevard, Partridge Drive, and Hawthorne Drive.

Storm System

Storm mains and service construction will be in accordance with Subdivision and Development Bylaw No. 2004-81. The subdivision will include conventional catch basins and a storm main along the new roads. A storm service will be provided for each individual property. A combination of stormwater detention facilities and overflow to existing Penticton stormwater infrastructure is planned.

Transportation

The new roads will follow either a collector road or local road design standard with sidewalk on one side. Cul de sac's will be provided at turnarounds and lanes with be provided in the rear of some of the properties. The collector road will go from Wiltse Boulevard to Partridge Drive.

Shallow Utilities

All utility services (CoP Electrical, Shaw, Telus, Fortis BC Gas) will be coordinated and will be designed to conform to the City of Penticton Standard Detail Drawings.

A separate, Pre-Design Report is submitted with this application and provides details on the water, sanitary and storms systems, road alignment and geometry, and site grading.

Public Consultation

Public Open Houses were conducted in December 2017 and January 2018. About 50 attended the first meeting and 7 questionnaires were completed. At the second meeting about 30 were in attendance and 8 questionnaires completed. There were a variety of comments and concerns including extension of Redwood Drive, multiple family east of Evergreen Drive homes, need for more trail networks, green space and wildlife corridors.

A number of changes were made to the Development Plan to respond to these comments that include Redwood Drive not to be open to traffic, removal of townhouses and replacement with houses east of Evergreen Drive plus provision of buffer area, expansion of green spaces, conservation areas, wildlife corridors and trails.

Public Consultation report is attached.

Through the established Community Plan Amendment process, a comprehensive public engagement process will be carried out by City staff.

Hillside Development Permit (HDP)

An HDP application is being submitted concurrently with this Community Plan and Zoning Bylaw amendment application. The purpose of the HDP will be to address the objectives of the Community Plan for development on hillside locations, and as follows:

- Minimize and mitigate hazards such as steep slopes, wildfire and floods
- Fit with the natural landscape and climate
- Protect and enhance views toward the valley and lakes from above
- Avoid necessary scarring of the hillside to protect views back to the hillside
- Create a sense of built form fitting with the land
- Create movement connections for both people and wildlife

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

Sincerely

Ecora Engineering & Resource Group Ltd.



Donna Butler, MCIP, RPP
Senior Planner
Phone: 250 492 2227 x 1070
Email: donna.butler@ecora.ca

NORTH BLOCK – WILTSE LANDS

BACKGROUND TECHNICAL REPORTS

A number of Technical Studies and Reports have been prepared in support of the proposed Wiltse North Block new residential development as follows.

Wiltse Estates Residential Development Traffic Impact Assessment, by CTS Traffic Engineering Specialists, November 2021.

This Traffic Study was carried out for the proposed development, expected to occur over a 15 year period in 4 phases. Traffic will enter the existing community at Wiltse Boulevard and from the Partridge Drive area. Phase 1 will be accessed from the latter area. The impact of the traffic was assessed over the Study Area consisting of 10 intersections in the existing Wiltse / Pineview, Industrial and Commercial area west to Skaha Lake Road and Main Street. Transit, bike network and pedestrian routes were also assessed.

The Study analysed traffic volumes from the development, plus a 40 new lot subdivision at the south end of Dartmouth Drive and a 0.5% increase in background volumes - for weekday morning, mid-day and afternoon peak hours. Each intersection was analysed over the horizon years of 2021 (base year) and 2025, 2030, 2035 and 2045 - the expected build out.

Intersection capacity analysis showed that all signalized intersections except one, are forecast to operate at Level of Service A (Excellent), B (Good) or C (Fair). At Government and Warren the east bound left turn lane will need lengthening in 2025. Analysis of the capacity of non-signalized intersections demonstrated that the majority are forecast to operate at Levels A, B or C. Dartmouth and Wiltse and Dartmouth and Pineview will require the addition of a turn lane in 2035 and 2045 respectively.

The Study also assessed a number of existing intersections in Wiltse / Pineview neighbourhood and made recommendations for minor improvements.

Environmental Addendum Report for the North Wiltse Property, Penticton BC by Ecora. April 2021

This Environmental Addendum Report is for the rezoning of the North Block Wiltse lands based on the land use designations in the Penticton Community Plan. The Report addresses mapped Critical Habitat as well as current Community Plan and Terms of Reference for Environmental Assessment Reports that have been updated since Ecora submitted the previous Environmental Mapping and Assessment Report in 2017. Minor amendments to the Report were also carried out in February 2022 to reflect the revised Development Plan.

The proposed development avoids impacts to sensitive environmental features including high value Environmentally Sensitive Areas (ESA), aquatic features and associated setbacks and important wildlife habitats associated with species of management concern. The development layout results in the protection of a substantial portion of the land east of the Fortis right-of-way – to be partially

protected by a conservation covenant. This conservation area will be continuous with lands to the east, including the Provincially designated Wildlife Management Area, Skaha Bluffs Provincial Park and lands to the south in the Skaha Bluffs development

The proposed development plan will avoid all areas designated as ESA1. A small area (6.5ha) overlaps a mapped ESA2. The remaining 67.5 ha of ESA2 will remain undeveloped. The majority of the lands to be developed at 31 ha overlaps low value ESA3.

The Report outlines an environmental management and mitigation strategy for the construction of the development.

Archaeological Inventory and Impact Assessment of North Wiltse Property in Penticton, BC by 4 Seasons Heritage Consulting, 2019

This Study was administered by the Penticton Indian Band. In 2017 a Preliminary Field Reconnaissance was carried out and an Archaeological Impact Assessment, under the *Heritage Conservation Act*, was deemed necessary. This Assessment was based on field work conducted in 2018 that comprehensively surveyed the site for archaeological potential. One hundred tests were excavated and all were negative for archaeological materials or features. Despite this, the study area is has known use and occupancy by indigenous peoples. No further work was recommended but ongoing communication with the PIB throughout the development process was recommended as well as establishing an Archaeological Chance Finds Procedure for during construction

Geohazard Assessment for Proposed North Wiltse Development, Penticton, BC by Ecora Engineering Ltd., 2019

The purpose of this assessment was to identify the presence and extent of geotechnical hazards with respect to soil, rockfall, drainage or topographic conditions that may pose risk to proposed development of the property located at 850 Wiltse Blvd and 160 Crow Place. The topography varies across the site, ranging from moderate to very steep slopes with the east and southeast sections increasing in slope.

The majority of the planned development is in very low to moderate terrain hazard areas. The Study identified Hi, H2 and H3 geohazard zones including rockfall and flood hazard where the storm drainage channel is steep and constricted. Most of the high hazard areas are east of the Fortis power line. The Study recommends development avoidance of some areas and mitigation measures for other areas, as well as ongoing geotechnical field work, site grading and storm management and hydrological assessment.

May 20, 2022 Ecora File No.: 180225

City of Penticton
171 Main Street
Penticton, BC V2A 5J9

Attention: **Planning Department**

Reference: **Community Plan Amendments and Rezoning of 850 Wiltse Boulevard and 160 Crow Place**

Thank you for forwarding a list of comments raised through the North Wiltse Block public engagement process. In the following letter and attachment's Ecora Engineering Ltd. will review comments and outline proposed changes to the development layout to address public concerns.

Buffers From Existing Homes on Evergreen and Hawthorne

- Evergreen Drive: The initial proposed Community Plan and Zoning Amendments involved relocating the park at the Wiltse Boulevard entrance from the west side to the east side of the new Collector Road. It is now proposed to leave the park designation and zoning on the west of the new Collector Road abutting the 5 existing lots on Evergreen Drive. A 6.0m (20') park buffer will remain between the existing homes to the south on Evergreen and the new single family lots to the east. The attached Site Plans and Cross Section illustrate the lot layout and topography of the area.

  The park area on the east side of the new Collector Road is reduced in area by the addition of 3 new R2 lots and 7 lots on the west side of the Collector are proposed to be zoned R2.

  Two cross sections are provided.

  - Section F. At the north end of Evergreen the park area is retained.
  - Section E. This illustrates that the new Collector Road is climbing up into the site and the new homes are about 12m (40') above and 30m (100') away from the existing Evergreen homes. A 6m (20') landscaped park buffer provides a visual screen between the new and existing homes.

- Park Areas: The revised north entrance parkland area is larger than the original and is shown below:

Ecora Engineering & Resource Group Ltd.
201 - 284 Main Street, Penticton, BC V2A 5B2
| P: 250.492.2227 | F: 250.492.2135
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ENGINEERS & GEOSCIENTISTS BRITISH COLUMBIA
OQM CERTIFIED

- 3 Neighbourhood Parks
  - Entrance Community Park 1.1 ha 0.52 ha useable
  - Central Community Park 0.8 ha 0.42 ha useable
  - South City Park 2.9 ha 1.78 ha usable
  - Total 4.8 ha 2.72 ha usable
- Park Corridor 0.15 ha 0.15 ha useable
- Fortis Right-of-Way 7.3 ha 1.0 ha useable
- Total Parks 12.25 ha 3.87 ha useable

- Hawthorne Drive Multiple Family Site: The proposed townhouse development site is located well above Hawthorne Drive and will be accessed from a new upper road as shown on Section J. It is proposed to amend the *Green and Natural Areas Plan* to add the forested slope above Hawthorne Drive as an area to remain as a private slope in a natural condition. The townhouse project is also limited in height to 3 storeys.
- South End of Hawthorne Drive: The current Community Plan does not provide for a buffer area between the existing homes at the south end of Hawthorne and the new single family lots above. The ground elevation of the new lots is between 7 and 8m (23 to 26 ‘) above the ground elevation on Hawthorne and the homes would be at least 19m (62’) apart. However, as shown on Sections G and H, there is space to provide a 3m (10’) buffer on the lower side of the new lots – comprised of existing vegetation, new planting, and/or fencing. This area is shown the *Green and Natural Areas Plan* as a private green slope and details of the buffer and screening will be provided at the development stage.

Natural Areas and Trails

- The large natural park area above existing reservoir site, will be retained in its current natural condition and the *Green and Natural Area Plan* has been amended to remove an encroachment that was mistakenly shown previously.
- Wildlife Corridors: A corridor from Hawthorne Drive through the development site to connect with the Fortis right-of-way and conservation lands above was specifically identified as a “wildlife corridor’ as it ties into an established wildlife corridor on the lower side of Hawthorne. There is also the large protected natural area at the west edge of development to connect from the end of Hawthorne and City reservoir site to corridors through the development.

  As well as the designated wildlife corridor, there are 2 north-south pedestrian trails of 6 – 10m wide through the development, and a trail along the north and east edge of the property, all of which tie-in with the existing Fortis trail corridor and conservation lands beyond. Due to the

hillside topography, these trails have a natural character and landscaping and can also serve as wildlife access routes. The hillside topography and future grading plan also limits the availability of suitable wildlife or trail corridors and no additional routes are provided.

- Existing Mountain Bike Trails: The existing mountain bike trails within the development will be removed as the development proceeds and will be replaced with a road and trail network to provide access to the upper slopes. The Fortis trail corridor will remain available to the public and the trails within the Conservation lands to the east will be included in a new City Conservation Area Park and are intended to remain available for mountain bike use. The private property to the east will remain available for trails until some future date when adjustments may be required.
- Parking for Trails: There are numerous opportunities to provide parking areas for trail users within or adjacent to the 2 new eastern edge parks and lands in the Fortis right-of-way. Parking to be considered at the time of Park design and development.
- Natural Areas: The significant areas designated to remain in a natural condition are also to be zoned park and dedicated to the City to ensure their protection.

Density

- Road E /Hawthorne site: To address public input on the proposed townhouse development above Hawthorne Drive, it is proposed to rezone this site from RM3 to RM2, with a 3 storey height limit.
- Other RM3 sites: The option of developing apartment buildings is a component of providing a wide range of housing types on the North Block lands. It is proposed that the Community Plan designation of "Urban Residential" be applied to the 5 remaining RM3 sites. This category permits townhouses, stacked townhouses, low-rise and mid-rise apartments and condo buildings up to 6 storeys in height. This will not result in any additional housing units from the original application and if townhouses are developed on these sites, the number of future units will be less.

  The Community Plan policies that support the Urban Residential designation are as follows:

  - **New Hillside Neighbourhoods** are to be designed to support active transportation (walking, cycling) and transit use, to include new parks, trails and linkages and to provide a range of housing options to address different demographic and economic requirements.
  - **Housing Diversity** goal to ensure of range of housing types, sizes, tenures and forms throughout the City to provide housing options for all ages, household types and incomes.
  - The Plan supports including one and two bedroom units, commonly found in apartment buildings, for families that are downsizing and entry level housing that services a diverse range of households and age groups, including older and younger residents.

- **Complete and Healthy Neighbourhoods** policies are to ensure all residential neighbourhoods provide a range of appropriately-scaled housing types and tenures and transportation options like walking and cycling and access to green space and parks.
- There we numerous public comments about affordable housing and apartment units offer relative affordability for purchase as well as rental housing options
- The North Block offers public and natural parkland, urban, rural and mountain bike trails, cycling access and in future, transit service will be available.

Wiltse Area Structure Plan, 2014:

- This adopted Plan provided for a broad range of housing types including single family, townhouse and apartment units.
- Of a total of 670 dwelling units proposed in the Wiltse Area Structure Plan, for the North Block, 290 were townhouse units and 160 were apartment units. Overall there were 230 single family and 450 multiple family units and 50 mixed-use units. This is very similar to the current proposal of 211 single and duplex unis and 475 multiple family units.

Development Features:

- The proposed RM3 sites are located in the upper areas along the eastern edge of the development and will not impact on the views or privacy of adjacent lower density units.
- Three of the RM3 site are in more future phases of the development
- The RM3 zone allows for townhouses and/or apartments to respond to market housing demand in the City over the next 15 or so years.
- The Traffic Impact Study was based on the assumption of 6 storey development on the RM3 sites to identify the greatest future traffic potential so there is no additional traffic impact of the Urban Residential designation.

We trust this letter addresses the specific public concerns that have been raised. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.

Donna Butler, MCIP, RPP
Senior Planner
Phone: 250 492 2227 x 1070
Email: donna.butler@ecora.ca

Attachment D - OCP Policy Analysis (staff)

OCP Policy Analysis

OCP Reference	Policy	Staff Comments
Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas	The development site is located adjacent to the existing Wiltse and Upper Pineview neighbourhoods. The development extends existing roads leading to the edge of the site. The development would be an extension of the existing built-up area.
Policy 4.1.1.2	Avoid development in environmentally-sensitive areas, geological hazard and flood hazard areas, on steep slopes, in agricultural areas and in areas not readily served by transit.	The applicant has submitted Environmental and Geotechnical assessment reports prepared by qualified professionals. The findings from both reports influenced the development layout, for example by designating certain areas on the properties which would remain undeveloped due to environmental sensitivity or geotechnical hazards.
Policy 4.1.1.3	Evaluate the short-term and long-term financial, ecological and social costs and benefits of all proposed new greenfield (largely on hillsides) development proposals through analysis of full life cycle costs of infrastructure, including replacement, and services, and structured assessment of environmental and social impacts.	The developer would be responsible to cover all costs associated with servicing the development. The result would be new City assets with ongoing maintenance considerations (i.e. roads, service mains, etc.).
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.	The developer would be responsible to cover all costs associated with servicing the development. This includes the construction of new roads, pipes, and parks. The City will contribute to offsite works which provide benefits to the existing community (i.e. additional water main, separated bike lane).

OCP Reference	Policy	Staff Comments
Policy 4.1.3.3	Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in neighbourhoods and subdivisions, and permitted the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.	The zoning plan shows a mix of different residential zones consisting of a mix of housing types (single detached homes, duplexes, townhomes, and apartments). Smaller lot frontages are allowed in the R2 (Small Lot Residential) and RD2 (Duplex Housing: Lane) zones, which are in line with this policy.
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.	The higher-density townhome and apartment blocks are spread throughout the development site, close to parks and trails.
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.	Development Permits for form and character are required for all multifamily development prior to the issuance of any building permits. Staff will work with the developer(s) to design their projects in accordance with the OCP design guidelines. The multifamily block closest to the existing neighbourhood below is proposed to be capped in height at three storeys to help reduce its impact.
Policy 4.1.5.4	Ensure that all new neighbourhood developments and redevelopments of existing large sites, including bareland stratas, are fully integrated into the surrounding community through publically-accessible roads, sidewalks, trails and public park lands.	The development is designed to be well-connected to the surrounding area. Road connections are provided at Partridge Dr and Wiltse Blvd. Trail connections are provided through the development site to connect the proposed parks, and along the Fortis transmission line to connect south to the Crow Pl parking lot and Skaha Bluffs Provincial Park.

OCP Reference	Policy	Staff Comments
Policy 4.1.6.1	Ensure all residential neighbourhoods in Penticton provide a range of appropriately-scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.	A range of housing types are proposed in this development: single detached homes, duplexes, townhomes and apartments. The proposed single family zones also allow secondary suites or carriage houses, provided they meet the Zoning Bylaw regulations. Sidewalks will be provided along new roads in the development. Trail connections are proposed through the development site to provide pedestrian connectivity through the development. A separated bike lane connection is proposed along the length of Wiltse Blvd to connect the development with the Lake-to-Lake bike route, leading past Wiltse School.
Policy 4.2.1.3	Design streets for daily traffic volumes rather than seasonal peak volumes when building or renewing roads. Recognize that some congestion will occur as we grow during peak volume times, but mitigate this through investments in sustainable transportation options like transit, bike routes, sidewalks and trails.	Sustainable transportation options are provided in this development. A separated bike lane along Wiltse Blvd is proposed to improve alternative transportation options in this area of the City. Once the collector road is in place between Partridge Dr and Wiltse Blvd, transit becomes more feasible through the neighbourhood as a loop. This all helps reduce car dependency for all trips.
Policy 4.2.1.4	Reduce road widths in existing rights-of-way to create spaces that support walking, biking and transit, to increase adjacent green space and to reduce asset management costs.	Speeding and congestion along Wiltse Blvd was raised as a concern through the engagement period. Traffic calming will occur along this road leading up to the development to reduce the road width and increase safety for all users along the street, including cyclists with a separated bike lane.
Policy 4.2.1.7	Promote walking, cycling and transit use through strategic land use planning that facilitates denser, attractive, mixed-use communities that are rich in amenities.	The land use plan provides high density development forms such as duplexes, townhomes and apartments which assist with providing the density of residents needed to support public transit service.

OCP Reference	Policy	Staff Comments
Policy 4.2.1.9	Plan for lane-ways in new neighbourhoods, where possible, to improve the public realm on the street and for access to carriage houses and rear-facing units, garages and driveways, and to facilitate servicing for waste pickup.	Two new public laneways are provided in the development. These lanes allow the option for access and servicing from the lane or the street. In hillside neighbourhoods, lanes can help provide access given grading of the lots. In some cases, access from either the front or rear may be more practical.
Policy 4.2.2.2	Address gaps in the pedestrian network by providing sidewalks on at least one side of the street in residential neighbourhood, 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.	All new roads in the proposed development will have sidewalk on at least one side of the street, as required by City bylaws. These sidewalks will connect to existing sidewalks on streets in the surrounding neighbourhood. The developer would be responsible for constructing these sidewalks, as well as the trails, at each phase in the development.
Policy 4.2.2.3	Enhance and expand the trail and pathway network through capital funding for upgrades, land acquisition, wayfinding, public art, safe street crossings, and by connecting existing trail systems and establishing trail linkages in and through new neighbourhoods.	Land will be acquired by the City for trails through this development proposal. These linkages would connect all three proposed active parks. In addition, a linear trail along the Fortis right-of-way would provide a connection south of the development to Skaha Bluffs Provincial Park.
Policy 4.2.3.5	Ensure significant components of the bike network are physically separated from vehicular traffic through barriers and/or grade changes to encourage cycling and protect vulnerable riders.	The Transportation Master Plan includes a separated bike lane connection from the top of Wiltse Blvd to the Lake-to-Lake bike route. The developer would contribute to this project and staff are recommending an area-specific Development Cost Charge (DCC) be created to recoup the costs for this infrastructure on a lot-by-lot basis as the development builds out.

OCP Reference	Policy	Staff Comments
Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.	The higher density residential areas in this proposal assist with providing more units on less land which makes transit service more viable.
Policy 4.2.5.5	Expand local regional transit network coverage to hillside neighbourhoods like Sendero Canyon and the Upper Wiltse area.	The City will work with BC transit on expanding transit service to this area once the new collector road connecting Partridge Dr and Wiltse Blvd is completed.
Policy 4.2.6.2	Ensure truck routes are designed for the safety of truck drivers and other street users, including pedestrians and cyclists.	Through the earthworks process, large trucks will be required to access the site. Through future permits, the City can determine a truck route along Pineview Rd to access the development site, so that impacts will be minimized on Wiltse Blvd and Wiltse School.
Policy 4.2.7.1	Design streets so as not to encourage speeds beyond the intended speed limit. Where speeding is an on-going concern, consider reducing street widths or employ other design approaches to encourage lower speeds. Refer to and amend the City's Transportation Safety Policy as necessary.	New roads in the development will be designed to limit opportunities for speeding. Speeding in the surrounding area was a concern raised through the engagement period. Wiltse Blvd is a wide road which encourages speeding, while Pineview Rd has some narrower pinch points. Traffic calming is proposed along Wiltse Blvd to discourage speeding while providing a protected bike lane for alternative transportation options.
Policy 4.2.7.4	Continue to deploy traffic calming measures around parks, schools and other areas with reduced speed limits, and monitor outcomes to ensure the measures are successful.	Traffic calming in front of Wiltse School was installed several years ago. This proposal would add more traffic onto Wiltse Blvd, therefore traffic calming measures are proposed to be extended along the length of Wiltse Blvd because there is substantial room for all users within the existing right-of-way.

OCP Reference	Policy	Staff Comments
Policy 4.2.7.8	Ensure new residential developments provide an appropriate amount of parking for residents and their guests.	Future development will be required to meet the parking requirements set out in the Zoning Bylaw, including visitor parking requirements for multifamily development.
Policy 4.3.6.3	Recognize that business growth is reliant on adequate housing availability, and work to develop policies that encourage housing development as outlined in section 4.1.	The proposal provides a range of housing options. The scale of the North Wiltse Block proposal will provide new housing in the City in phases over the expected 15-20 year build out.
Policy 4.4.1.1	Protect neighbourhoods and agricultural areas in wildfire interface areas, and the city at large, through implementation of wildfire best management practices, such as ecologically-appropriate FireSmart, in new neighbourhood and infrastructure design, building construction and the management of individual properties.	The development site is within the wildfire interface. Prior to the creation of any new lots, the City will require the submission and acceptance of a Wildfire Threat Assessment report prepared by a qualified professional. The report will identify conditions and actions necessary to develop a FireSmart neighbourhood, likely prohibiting certain building materials and forms of landscaping.
Policy 4.4.2.1	Identify environmentally sensitive areas and riparian areas, and protect them through application of the Environmental and Riparian Development Permit Guidelines.	The Environmental Assessment report influenced the development layout. The most environmentally-sensitive areas (ESA1) will be protected by being zoned parkland and dedicated to the City as natural parks.
Policy 4.4.2.2	Identify, preserve, protect, connect, restore and enhance wildlife corridors through land use designations, zoning and covenants.	Wildlife corridors have been created in existing neighbourhoods along Hawthorn Dr, Partridge Dr, and Barton Crt. The proposal includes a dedicated wildlife corridor to connect those existing wildlife corridors to the dedicated natural areas on the east side of the development site. Other trail corridors (greenways) may function informally as wildlife corridors, while also allowing pedestrian trails.

OCP Reference	Policy	Staff Comments
Policy 4.4.2.4	Recognize the value of urban trees to store carbon, reduce water run-off, buffer windstorms and mitigate summer heating impacts.	28 hectares (69 acres) of land is proposed to be dedicated to the City and remain in a natural and undisturbed state. This land contains environmentally-sensitive areas noted by a qualified professional, and these areas would be preserved. Replanting will be required in disturbed areas along new streets and a minimum one new tree for every lot.
Policy 4.4.4.4	Encourage the development of compact, mixed-use neighbourhoods, where appropriate, and support transit use, walking, cycling, car sharing and low-emission vehicles.	This proposal provides a mix of residential densities to help support transit use. Walking is supported through the provision of trail connections across the development site. Cycling infrastructure is proposed along Wiltse Blvd to connect the development to the Lake-to-Lake bike route.
Policy 4.4.5.5	Evaluate and investigate the need for increased water storage capacity to meet the joint challenges of population growth and climate change.	At a certain stage in the development, the developer will be required to bring a new water line from the existing Carmi reservoir across Ellis Creek to a new reservoir to be built on the North Wiltse block above the development site. This provides infrastructure for the full build-out while also adding redundancy in the municipal water system and improving assurance of the water supply.
Policy 4.7.1.1	Adhere to the Parks and Recreation Master Plan minimum active park land ratio (2.5 hectares of active park land required per 1,000 population) to serve the existing and future population, through dedicated use of City land and strategic acquisition as required.	The proposal is for 686 homes. With an estimated average household size of 2.5 persons per household, the development has a population at full build-out of 1,715. The minimum active parkland ratio then results in a minimum of 4.3 hectares (10.6 acres) of active parkland. The proposal provides three new active parks with a total area of 4.8 hectares (11.9 acres). In addition, trail corridors are provided through

OCP Reference	Policy	Staff Comments
		the site which increase the active parkland area to 12.25 hectares (30.2 acres).
Policy 4.7.1.2	Increase the supply of neighbourhood parks to provide additional adequate park land and community gathering places as our population grows and our city densifies.	The plans show two new community parks (0.8 and 1.1 hectares), and one new city-wide park (2.9 hectares) in the proposed development. These active parks increase the supply of parkland in the neighbourhood and increases the amount of parkland in the City overall. These parks will provide amenities and gathering spaces for existing residents in the area, as well as future residents in the development.
Policy 4.7.1.4	Apply the Parks and Recreation Master Plan Park Design Guidelines in the design of new and upgraded parks, which include elements of "universal design", provision of shade trees, sports facilities, rainwater management, public art and urban agriculture where appropriate.	The applicant submitted conceptual landscape drawings of what the three active parks could look like, in addition to the trails throughout the development. Through the community engagement period, staff asked the community what features they would like to see in the parks. The results will help inform the final park designs which will be prepared based on the City's Park Design Guidelines, found within the Parks and Recreation Master Plan.
Policy 4.7.1.5	Inventory natural areas and establish designated nature-oriented parks within city limits, and prepare management plans to guide their protection, use, restoration, enhancement and management.	28 hectares (69 acres) of land are proposed to be dedicated to the City has natural parkland and intended to remain in its natural and undisturbed state. This helps maintain the most environmentally-sensitive areas on the North Wiltse Block and also maintains some natural vegetation and grading.

OCP Reference	Policy	Staff Comments
Policy 4.7.1.6	Create a network of interconnected trails – for pedestrians and cyclists – throughout the City, connecting the lakes, schools, parks and recreational facilities, and coordinate with neighbouring jurisdictions to build on the regional trail network, including the River Channel Parkway.	Multiple trails are proposed throughout the development. The proposed trail connections connect all three active parks. The primary trail connection will lead from end-to-end of the property, north-south, along the Fortis right-of-way to provide a connection to Skaha Bluffs Provincial Park in the south, and allow for connections to the existing neighbourhoods in the area.
Policy 4.7.2.1	Provide a system of diverse parks and recreational spaces and places that are comfortable, safe, accessible and attractive, with social spaces (benches, gathering places) as well as recreation amenities.	A mix of parkland is proposed. Active, developed parks including features such as playgrounds, sports courts, and manicured lawns, etc. as well as natural parks intended to remain in their undisturbed state. This provides a range of parkland options in the development to help achieve active parkland targets while retaining natural vegetation and grading in other areas.
Policy 4.7.2.2	Ensure that parks and recreational facilities are designed, maintained and managed using environmentally-sustainable practices.	The public has provided feedback on which features they would like to see in future parks in the North Wiltse Block. Those results will help inform future park designs, with a focus on sustainability driven from the Park Design Guidelines (Parks and Recreation Master Plan, p.52).

Interior Health

May 10, 2022

Steven Collyer, Planner II
City of Penticton
171 Main Street
Penticton, BC, V2A 5A9

Sent via email: steven.collyer@penticton.ca

Steven Collyer:

RE: North Wiltse Block Development: 850 Wiltse Blvd & 160 Crow Place: LOT B DISTRICT LOT 2710 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 43260 EXCEPT PLANS KAP72732 AND EPP74771 & LOT A DISTRICT LOT 2710 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP70035

Thank you for the opportunity to provide comments on this application. We understand that the applicant wants to amend the Official Community Plan (OCP) as well as rezone the above stated properties. The intent of these changes is to facilitate the development of approximately 686 homes, split between 183 single-family detached, 28 duplex and 475 multifamily units. We have reviewed this proposal from a Healthy Community Development perspective using a healthy built environment lens, and found healthy planning principles support it. As such, we are in support of this application.

A healthy built environment (HBE) is planned and built in a way which health evidence demonstrates has a positive impact on the physical, mental and social health of the population. The HBE Linkages Toolkit is an evidence-based resource developed by the BC Centre for Disease Control, which links planning principles to positive health outcomes. A HBE allows residents to easily connect with each other and with a variety of day-to-day services such as schools, workplaces, recreational facilities and grocery stores. Roads and pathways are perceived to be safe, accessible, aesthetically appealing and well connected. Street network connectivity significantly influences daily physical activity. As connectivity increases, travel distances decrease and route options increase, which allows more direct travel between destinations. In a HBE there are also diverse housing forms and tenure types. Affordable, safe, and stable housing is a key determinant of health and plays a significant role in influencing peoples' health. A HBE also ensures that natural elements are protected and opportunities to

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

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Interior Health

access nature are maximized. Including HBE principles in community planning has shown at a population level to increase family resources, physical and social activity and consumption of healthy foods. This decreases stress, body mass index and unintentional injury, and increases social cohesion and mental health. Health equity, which are differences in health status due to social, political, and economic factors, is also improved. In addition, all of these principles support a more financially and environmentally sustainable municipality by increasing economies of scale and decreasing the environmental footprint.

We commend the applicant for including HBE planning principles in the planning and design of the North Wilste Development. For example, the 2017 City of Penticton Housing Needs Assessment identified there is need for a diverse range of housing and tenure types within the City. This development will add to the diversity of housing types to the community. We are also pleased to see active and accessible park amenities planned to support physical and social well-being, and the conservation of parkland, especially within high Geohazard and environmentally sensitive areas. The new parks and active transportation options will also support the surrounding neighbourhood, adding more green space and ways to be physically and socially active.

We recommend the following to further enhance the development to support healthy living:

Housing:

- Follow the recommendations of the 2017 City of Penticton Housing Needs Assessment:
  - Ensure adequate accessibility in housing for seniors. We recommend using universal design principles when designing new homes to support people with mobility challenges and everyone to continue to live in their homes as their level of mobility changes through the course of their lives;
  - Seek innovative solutions to ensuring a portion of these housing units are affordable and offer a variety of tenure types.

Environment:

- Do not develop housing/structures within any of the identified Geohazard zones in order to prevent potential damage/loss of property and public health hazards;
- Increase tree canopy to mitigate a heat island effect of development.

Transportation:

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

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High levels of connectivity are more conducive to walking or cycling, which increases physical, mental and social health and well-being. As such:

- Endorse the separated bike route connection to Wilste Blvd as identified in the 2020 Master Transportation Plan. This key connection will enable residents to safely connect to the downtown core using active modes of transportation;
- Design the road network with through-routes (i.e. no cul-de-sacs) and/or include multiple active transportation paths/routes through neighbourhood(s) from street to street to ensure shorter, direct routes for pedestrians and cyclists;
- Extend transit service (routes and frequency) to this area of town to ensure access to alternative modes of transportation.

Overall, we have determined the North Wilste development includes HBE planning principles, which will benefit the health of community. As such, we support this application, and recommend approval. We are committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health. Please feel free to contact me with any questions or for more resources.

Sincerely,



Tanya Osborne, BAHS
Community Health Facilitator
Healthy Communities Healthy Families

Resources:

BCCDC. Fact Sheet: Supporting Health Equity Through the Built Environment: http://www.bccdc.ca/resource-gallery/Documents/Educational%20Materials/EH/BCCDC_equity-fact-sheet_web.pdf

PHSA. HBE Linkages Toolkit - A Framework for Healthy Built Environment: http://www.bccdc.ca/pop-public-health/Documents/HBE_linkages_toolkit_summary_2018.pdf

The Universal Design Network of Canada webpage: https://universaldesign.ca

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

Attachment F - Existing Official Community Plan Map

CITY OF Penticton

850 Wiltse Blvd & 160 Crow Pl

Existing Official Community Plan Map



N

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0 100 200 300 400

1:10,000

Legend

- Subject Parcel

Future Land Use

- Detached Residential
- Natural and Conservation Areas
- Ground Oriented Residential
- Institutional and Civic
- Rural Residential
- Industrial
- Agriculture
- Parks
- Riparian Development Permit Area

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March 18, 2022 9:59 AM

Attachment G - Proposed Official Community Plan Map

N

CHANGED FROM GROUND ORIENTED RESIDENTIAL TO URBAN RESIDENTIAL

CHANGED FROM DETACHED RESIDENTIAL TO URBAN RESIDENTIAL

CHANGE FROM DETACHED RESIDENTIAL TO GROUND ORIENTED RESIDENTIAL

CHANGED FROM DETACHED RESIDENTIAL TO PARKS

CHANGED FROM PARKS TO DETACHED RESIDENTIAL

CHANGED FROM GROUND ORIENTATED RESIDENTIAL TO DETACHED RESIDENTIAL

CHANGED FROM GROUND ORIENTED RESIDENTIAL TO URBAN RESIDENTIAL

CHANGED FROM PARKS TO URBAN RESIDENTIAL

CHANGED FROM DETACHED RESIDENTIAL TO PARKS

CHANGED FROM PARKS TO URBAN RESIDENTIAL

CHANGE FROM DETACHED RESIDENTIAL TO GROUND ORIENTED RESIDENTIAL

CHANGED FROM GROUND ORIENTED RESIDENTIAL TO PARKS

CHANGED FROM DETACHED RESIDENTIAL TO URBAN RESIDENTIAL

CHANGED FROM DETACHED RESIDENTIAL TO PARKS

CHANGED FROM GROUND ORIENTATED RESIDENTIAL TO DETACHED RESIDENTIAL

CHANGED FROM PARKS TO GROUND ORIENTED RESIDENTIAL

CHANGED FROM DETACHED RESIDENTIAL TO PARKS

Westview Dr

Hoodoo Dr

Ridgeview Dr

Skaha Pl

Ponderosa Dr

Victoria Peak Dr

Canyon Pl

NO.	DATE (YY/MM/DD)	DRN	REVISION	CH'KD
D	22/05/30	BD	FOR REVIEW	RT
C	22/03/14	RT	FOR REVIEW	KM
B	22/02/25	RT	FOR REVIEW	MDY
A	21/11/09	RT	PRELIMINARY DESIGN – FOR REVIEW	SB

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PARKS DIVISION Super.		
CITY ENGINEER		
AS–BUILT APPROVAL		

SEAL

DESIGN: TJR
DRAWN: RT
CHECKED: -
DATE: 2021/11/08
SCALE: 1:2500

CITY OF PENTICTON
850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.
CHANGES TO OCP PLAN

Drawing No. 18-225-C112.1

Rev.No D

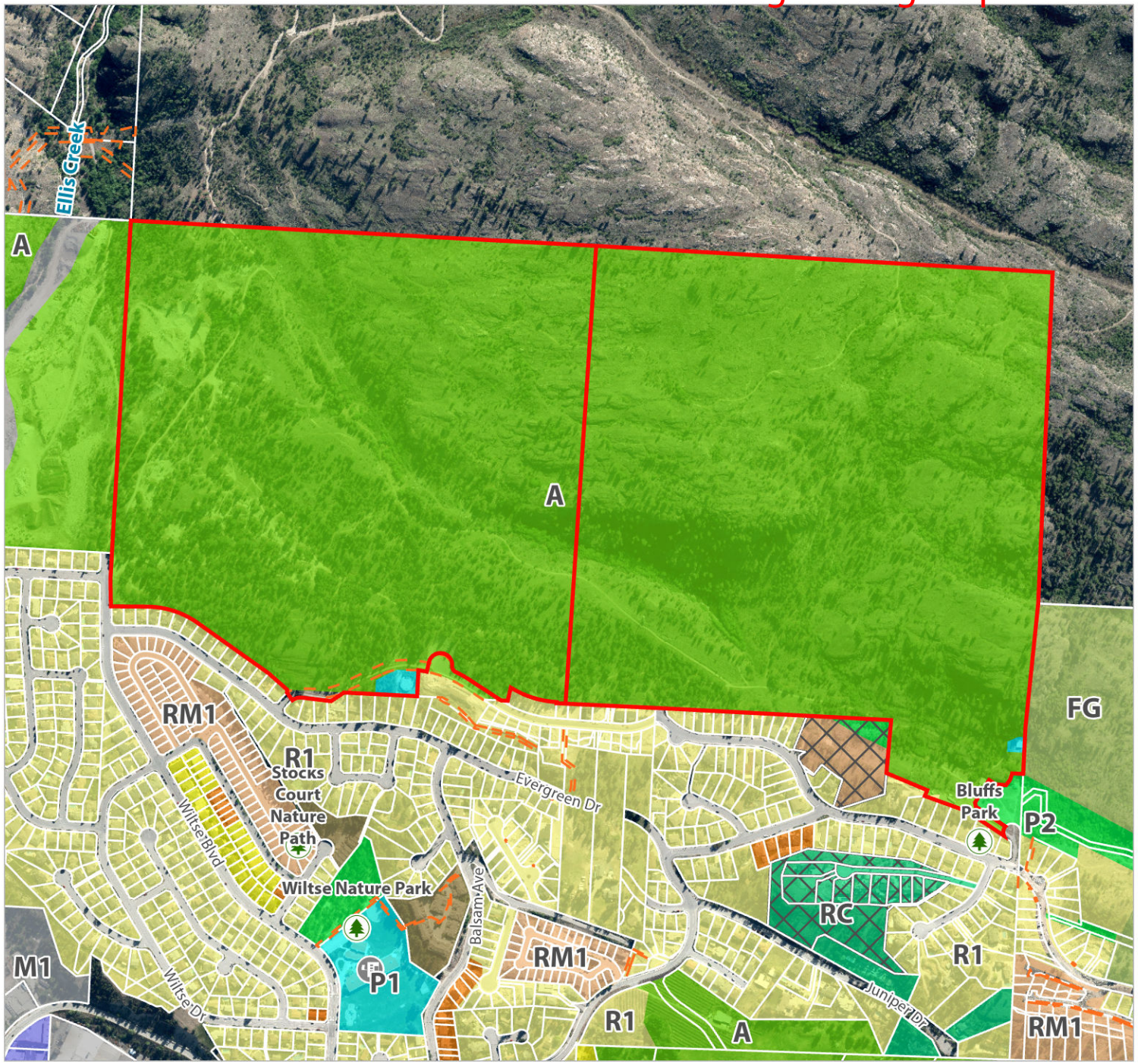
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Attachment H - Existing Zoning Map

CITY OF Penticton

850 Wiltse Blvd & 160 Crow Pl

Existing Zoning Map



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Meters

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1:10,000

Legend

- Subject Parcel
- Site Specific Zoning

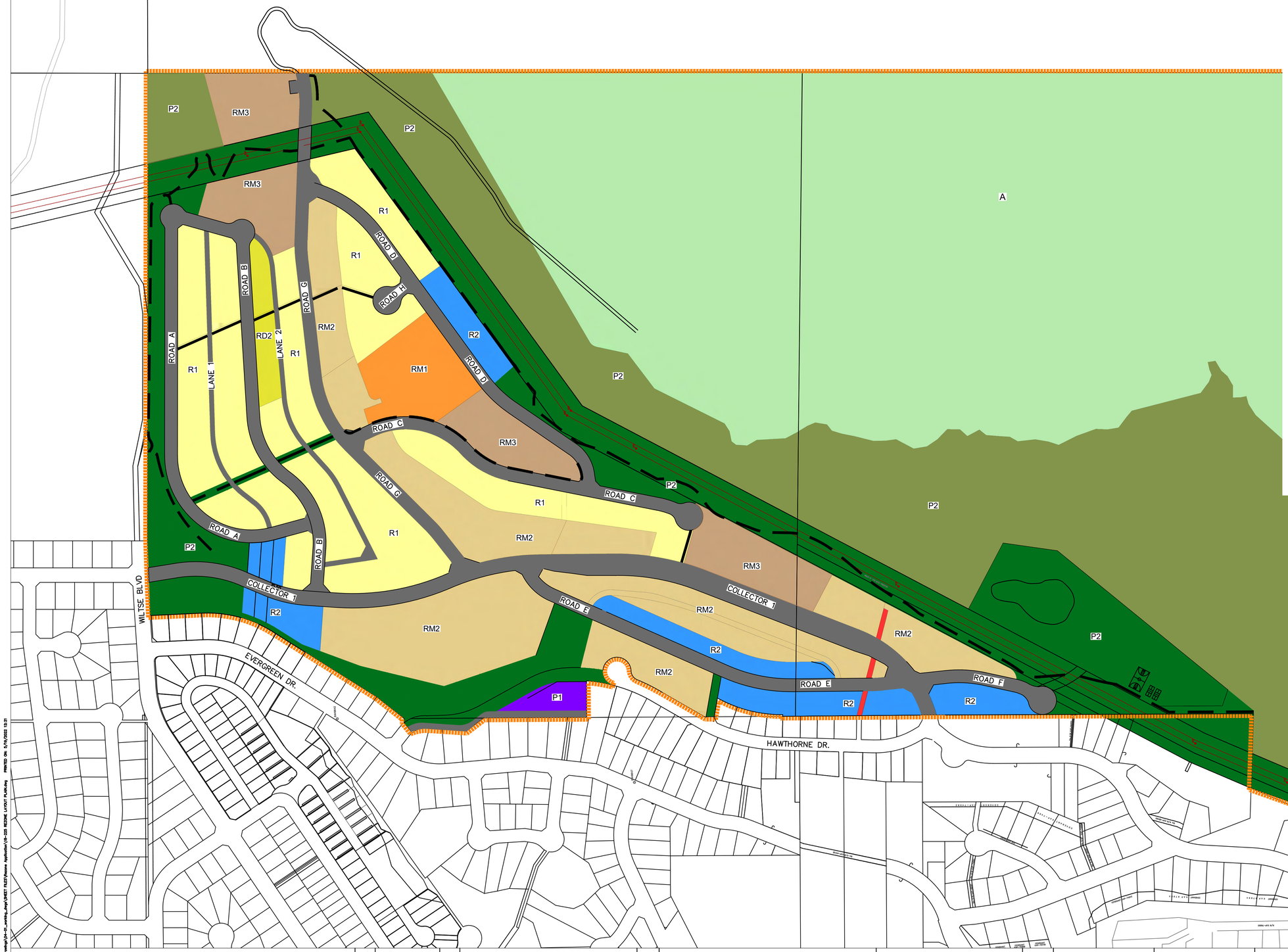
Zoning Bylaw

- No Zoning - No Zoning
- FG - Forestry and Grazing
- A - Agriculture
- RC - Country Residential Housing
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RD1 - Duplex Housing
- RM1 - Bareland Strata Housing
- RM2 - Low Density Multiple Housing
- C7 - Service Commercial
- M1 - General Industrial
- P1 - Public Assembly
- P2 - Parks and Recreation

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March 18, 2022 9:58 AM

Attachment I - Proposed Zoning Map



- R1 (LARGE LOT RESIDENTIAL)
- R2 (SMALL LOT RESIDENTIAL)
- RD2 (DUPLEX HOUSING: LANE)
- RM1 (BARELAND STRATA HOUSING)
- RM2 (LOW DENSITY MULITPLE HOUSING)
- RM3 (MEDIUM DENSITY MULITPLE HOUSING)
- P1 (PUBLIC ASSEMBLY)
- P2 (PARKS AND RECREATION)
- P2 (CONSERVATION AREA)
- A (AGRICULTURE)
- WILDLIFE CORRIDOR
- PROPOSED TRAIL

NO.	DATE (YY/MM/DD)	DRN	REVISION	CH'KD
D	22/05/20	BD	FOR REVIEW	RT
C	22/03/14	RT	FOR REVIEW	KM
B	22/02/25	RT	FOR REVIEW	MDY
A	21/11/09	RT	PRELIMINARY DESIGN – FOR REVIEW	SB

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ELECTRICAL DIV. Eng.		
PARKS DIVISION Super.		
CITY ENGINEER		
AS–BUILT APPROVAL		

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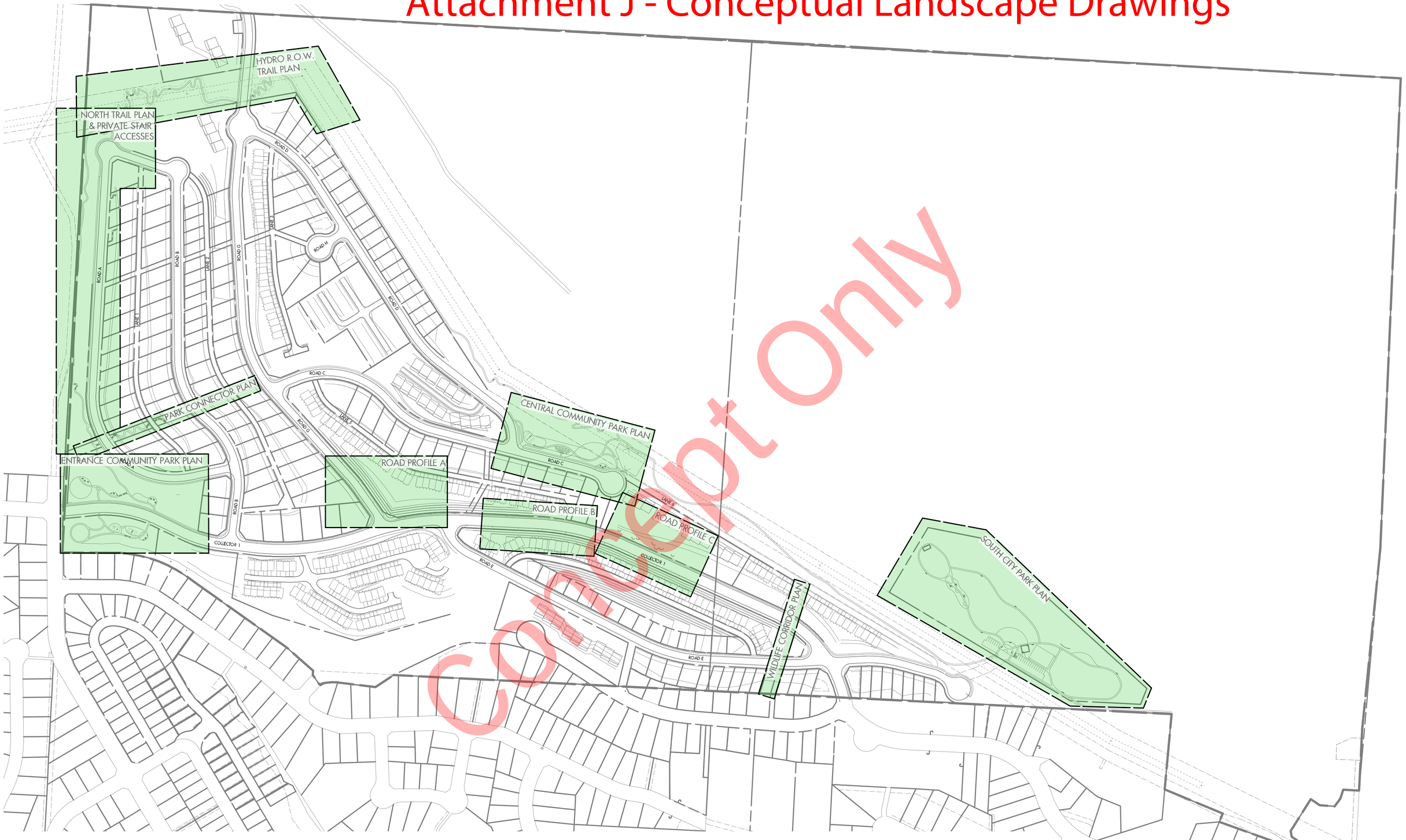
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CITY OF PENTICTON
850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.
ZONING PLAN

Drawing No. 18-225-C101.1
Rev.No D

FILE LOCATION: N:\- 2018\18-225-WILTSE\04_Drawings\04-01_working_dwgs\SHEET FILES\Rezone Application\18-225 REZONE LAYOUT PLAN.dwg PRINTED ON: 5/9/2022 13:21

Attachment J - Conceptual Landscape Drawings



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850 Wiltse Boulevard - Penticton, BC

SEE TRAIL CONTINUATION ON NORTH TRAIL & PARK CONNECTOR PLANS



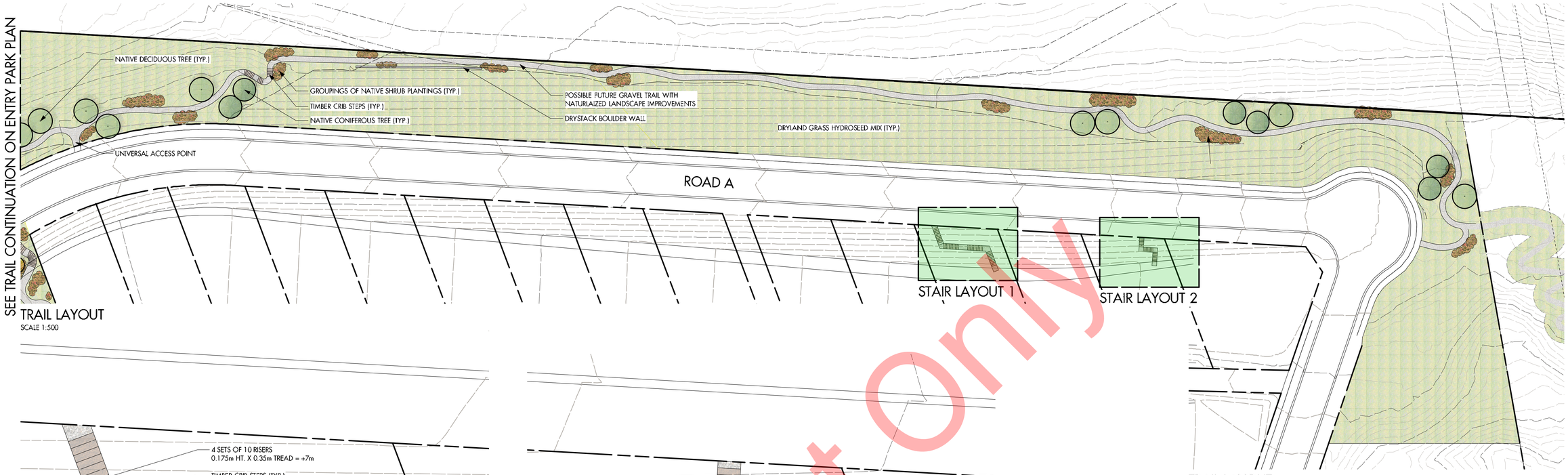
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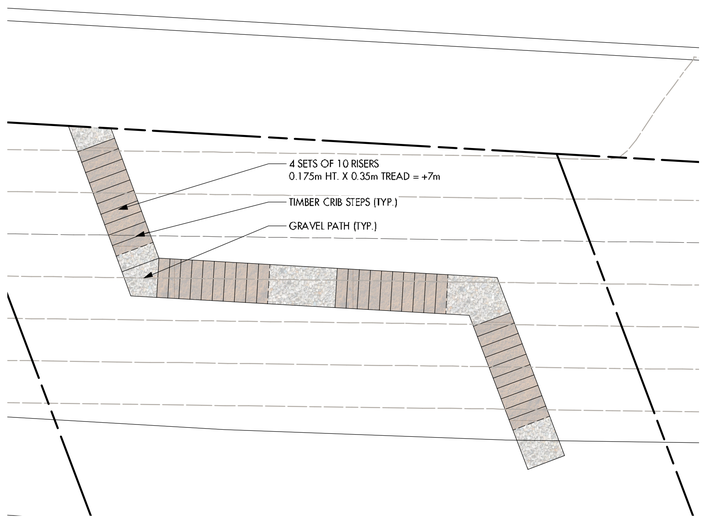
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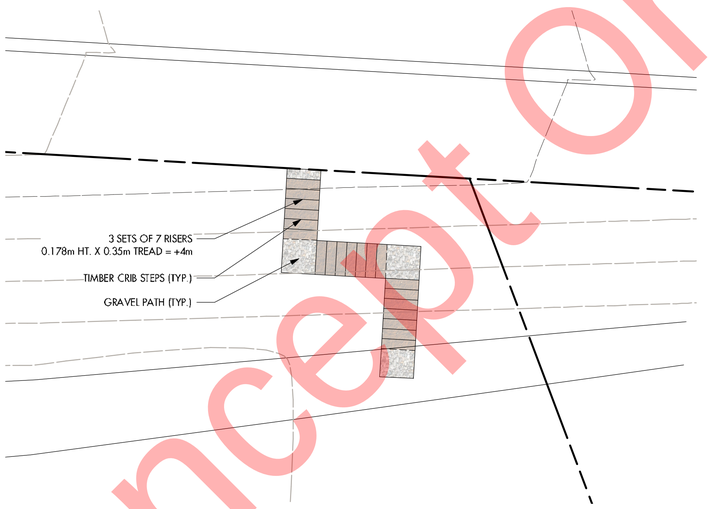
850 Wiltse Boulevard - Penticton, BC



TRAIL LAYOUT
SCALE 1:500



STAIR LAYOUT 1
SCALE 1:100



STAIR LAYOUT 2
SCALE 1:100

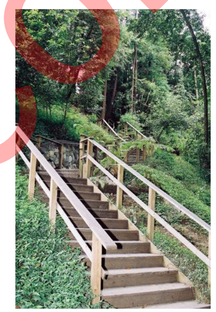
TRAIL LAYOUT
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PRECEDENT IMAGERY - TIMBER CRIB STEPS



PRECEDENT IMAGERY
TIMBER CRIB STEPS



PRECEDENT IMAGERY
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PRECEDENT IMAGERY - TRAIL



PRECEDENT IMAGERY - TRAIL

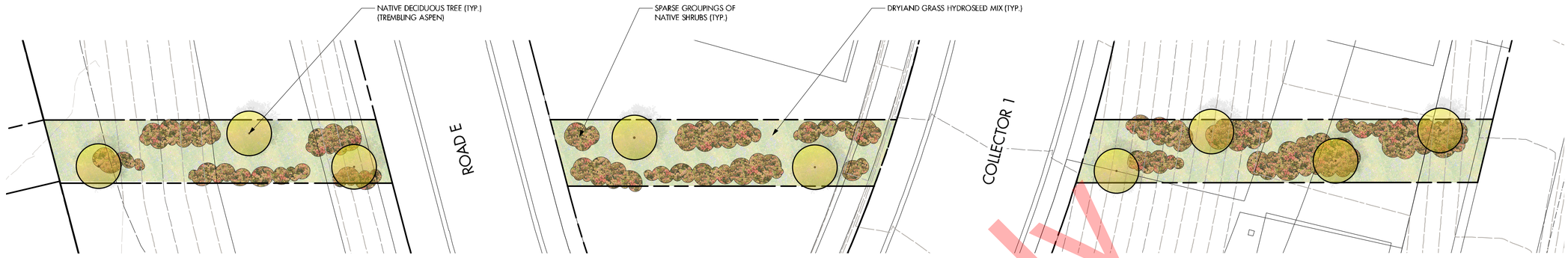
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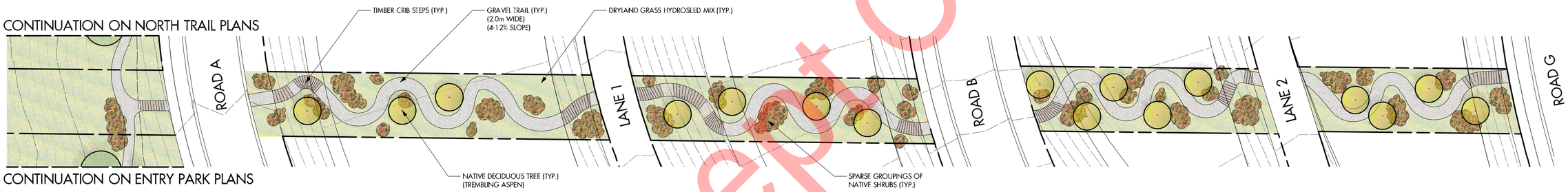
850 Wiltse Boulevard - Penticton, BC



WILDLIFE CORRIDOR PLAN
SCALE 1:200

N

SEE TRAIL CONTINUATION ON NORTH TRAIL PLANS



SEE TRAIL CONTINUATION ON ENTRY PARK PLANS

PARK CONNECTOR PLAN
SCALE 1:300

N



PRECEDENT IMAGE - TRAIL



PRECEDENT IMAGE - TRAIL SWITCHBACK



PRECEDENT IMAGE - TRAIL



PRECEDENT IMAGE - TRAIL



PRECEDENT IMAGE - NATIVE DECIDUOUS TREE

Concept Only

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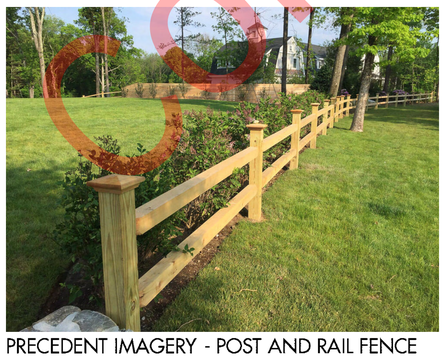
850 Wiltse Boulevard - Penticton, BC



Concept Only



PRECEDENT IMAGERY - COMMUNITY GARDEN



PRECEDENT IMAGERY - POST AND RAIL FENCE



PRECEDENT IMAGERY - DOG RUN



PRECEDENT IMAGERY - PLAYGROUND

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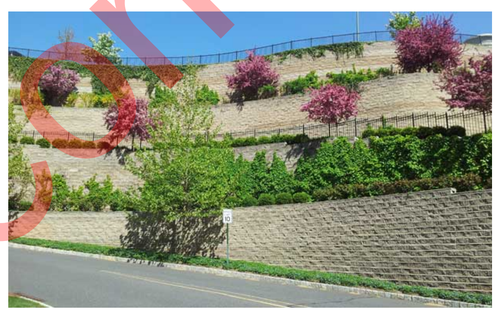
850 Wiltse Boulevard - Penticton, BC



PLAN A - A'
SCALE 1:250



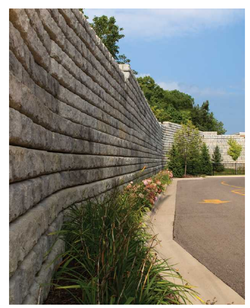
SECTION A - A'
SCALE 1:150



PRECEDENT IMAGE - RETAINING WALL



PRECEDENT IMAGE - RETAINING WALL



PRECEDENT IMAGE - RETAINING WALL

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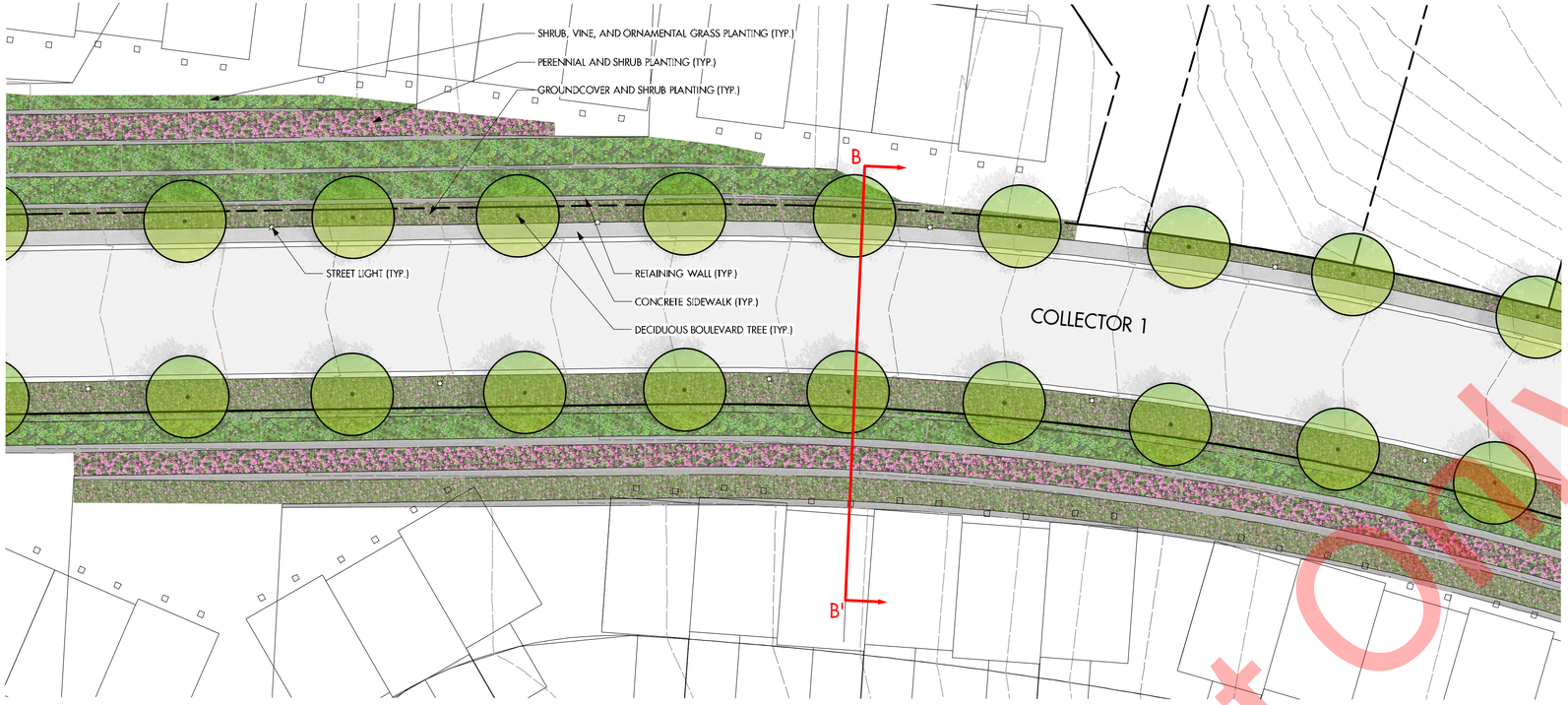
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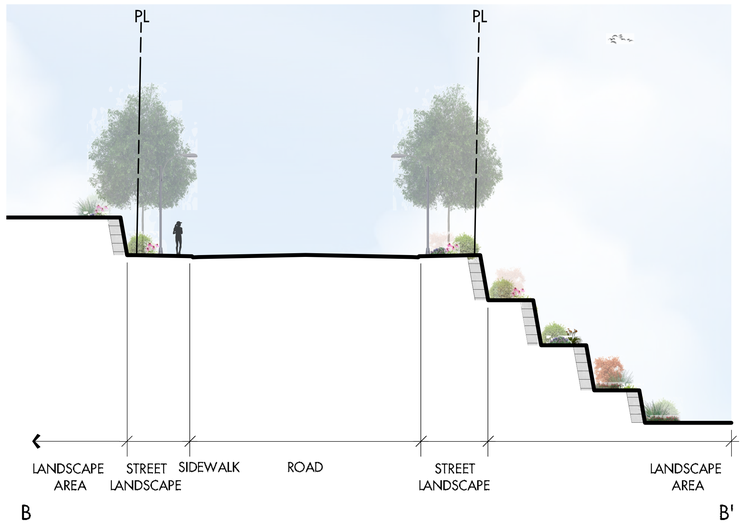
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850 Wiltse Boulevard - Penticton, BC



PLAN B - B'
SCALE 1:250



SECTION B - B'
SCALE 1:150



PRECEDENT IMAGE - RETAINING WALL



PRECEDENT IMAGE - RETAINING WALL



PRECEDENT IMAGE - RETAINING WALL

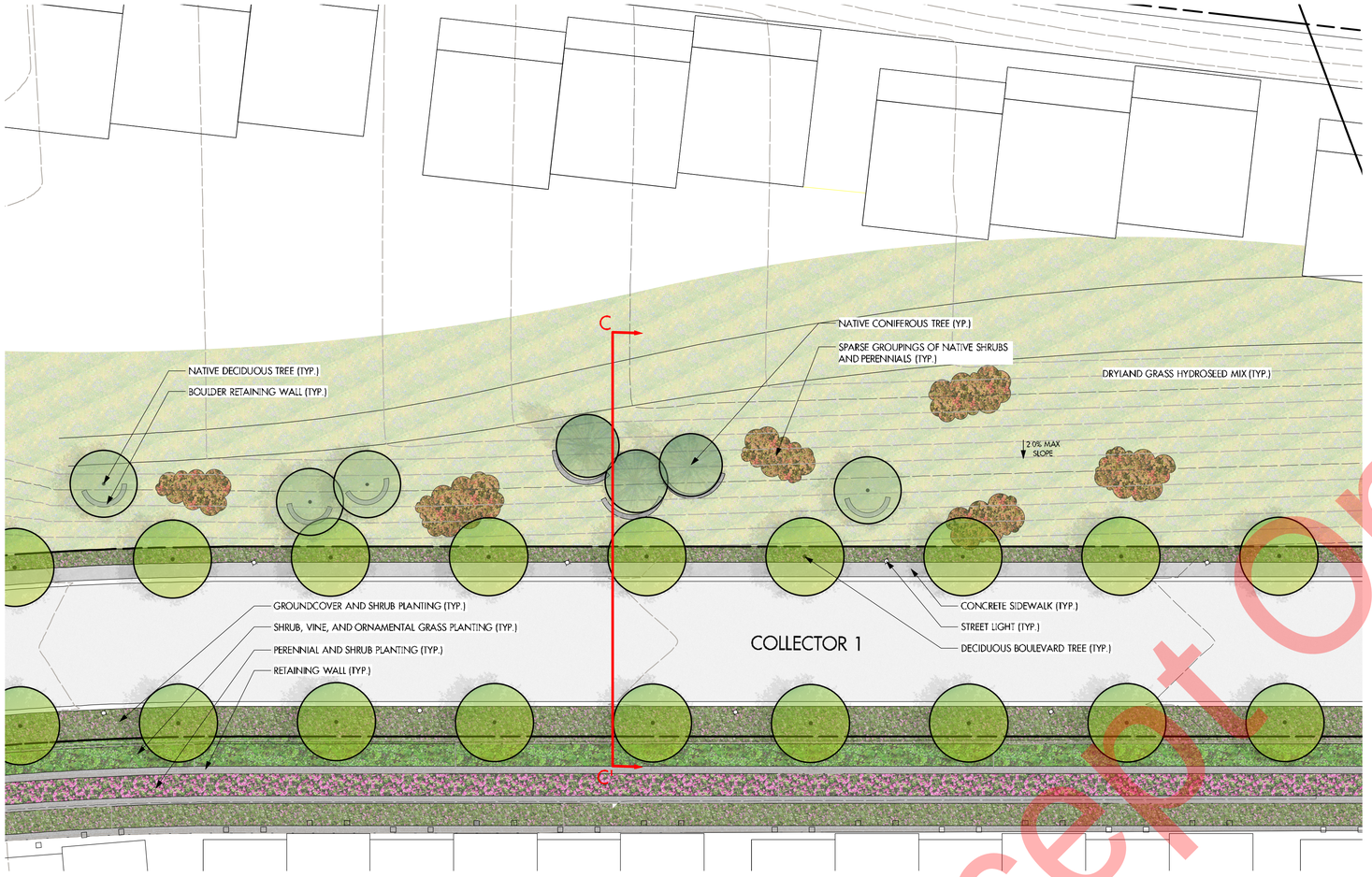
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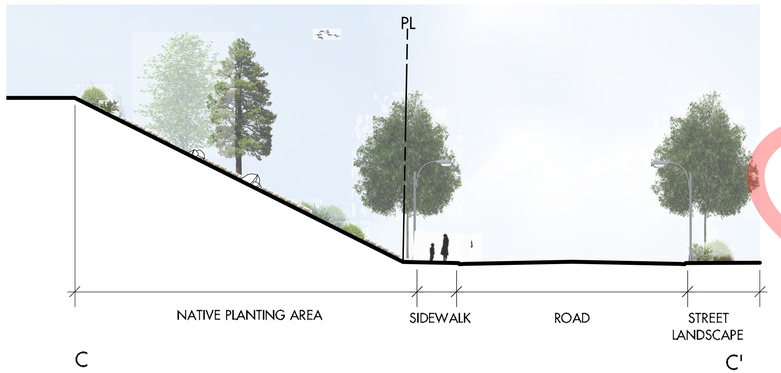
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May 27, 2022

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850 Wiltse Boulevard - Penticton, BC



PLAN C - C'
SCALE 1:250



SECTION C - C'
SCALE 1:150



PRECEDENT IMAGE - NATURALIZED SLOPE WITH BOULDER RETAINING WALL



PRECEDENT IMAGE
NATURALIZED SLOPE



PRECEDENT IMAGE
NATURALIZED SLOPE



PRECEDENT IMAGE - RETAINING WALL

Concept Only

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May 27, 2022

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850 Wiltse Boulevard - Penticton, BC



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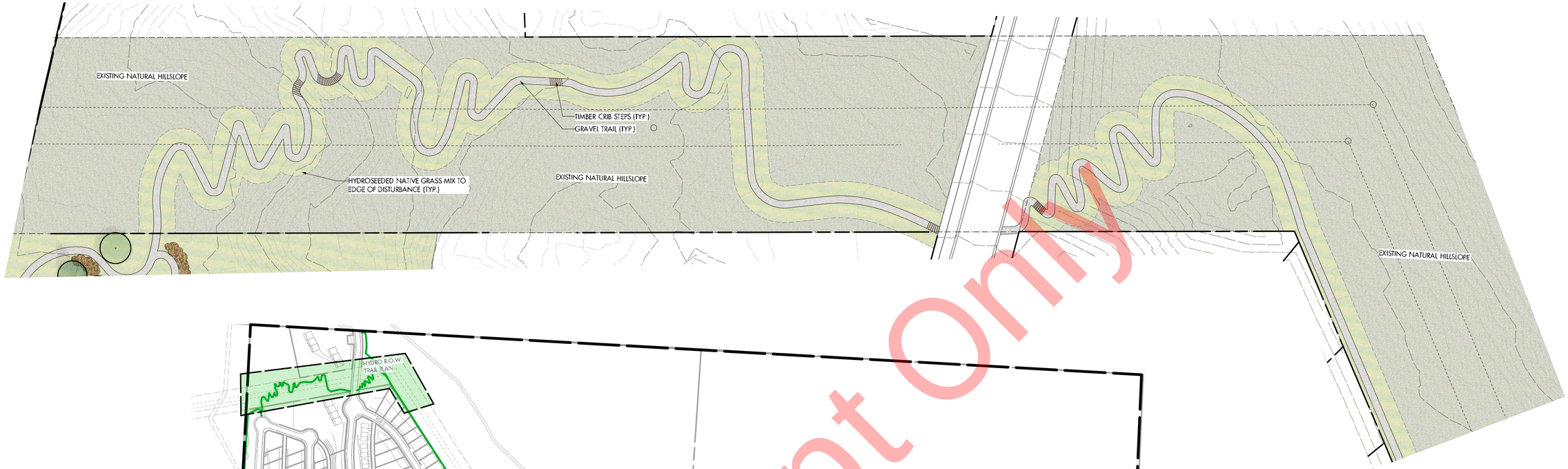
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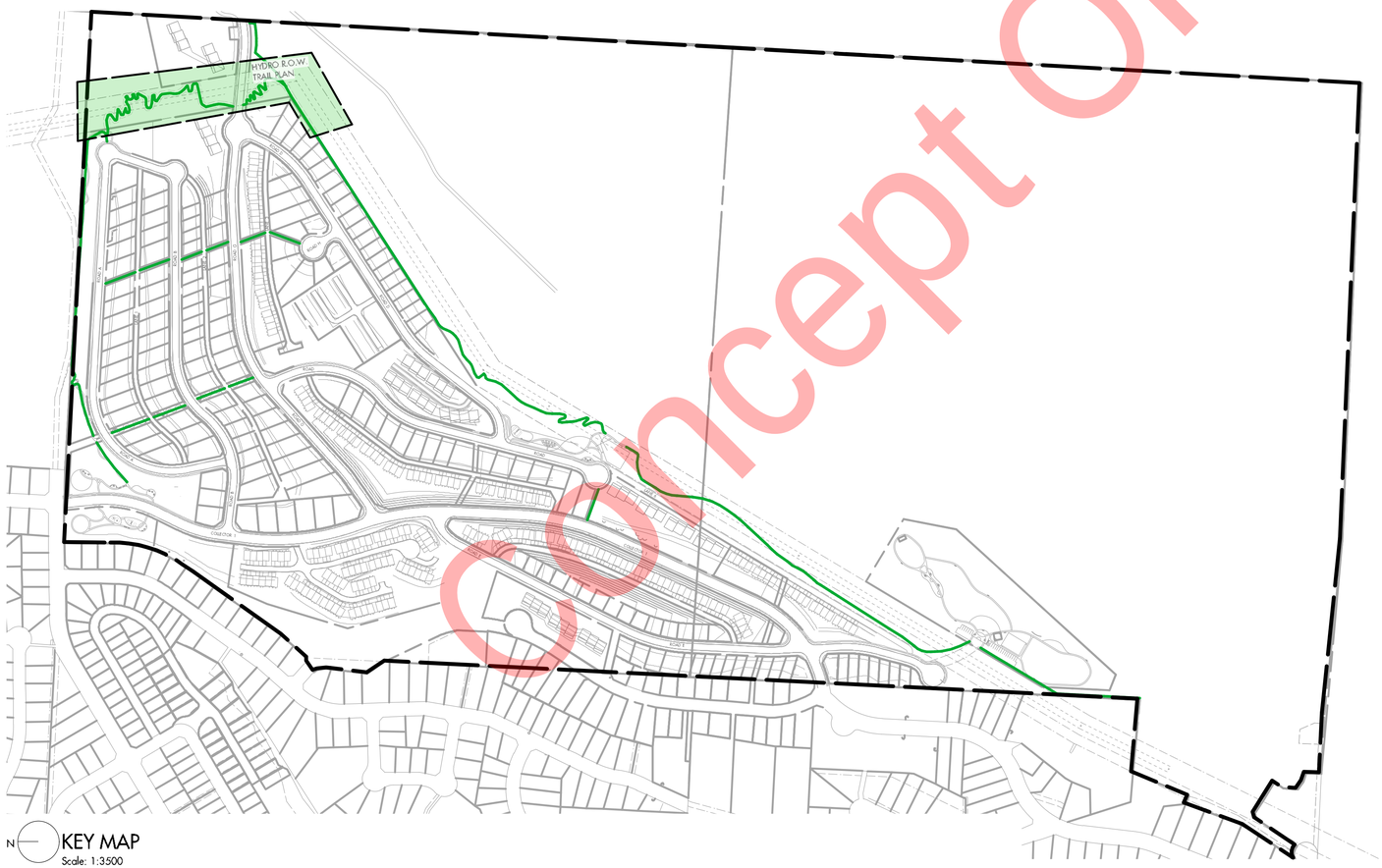
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850 Wiltse Boulevard - Penticton, BC



PARTIAL TRAIL LAYOUT
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N KEY MAP
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May 27, 2022

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850 Wiltse Boulevard - Penticton, BC

Attachment K - Green Spaces Plan

NATURAL/UNDISTURBED AREA

CONSERVATION AREA

PUBLIC USEABLE GREEN AREA

PRIVATE SLOPE AREA

WILDLIFE CORRIDOR

PROPOSED TRAIL

EXISTING MOUNTAIN BIKE TRAIL

ROAD A

ROAD B

LANE 1

LANE 2

ROAD G

ROAD D

ROAD H

ROAD C

ROAD E

ROAD F

COLLECTOR 1

WILTSE BLVD

EVERGREEN DR.

HAWTHORNE

HAWTHORNE DR.

NO.	DATE (YY/MM/DD)	DRN	REVISION	CHKD
D	22/05/30	BD	FOR REVIEW	RT
C	22/03/14	RT	FOR REVIEW	KM
B	22/02/25	RT	FOR REVIEW	MDY
A	21/11/09	RT	PRELIMINARY DESIGN – FOR REVIEW	SB

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CITY ENGINEER		
AS–BUILT APPROVAL		

SEAL

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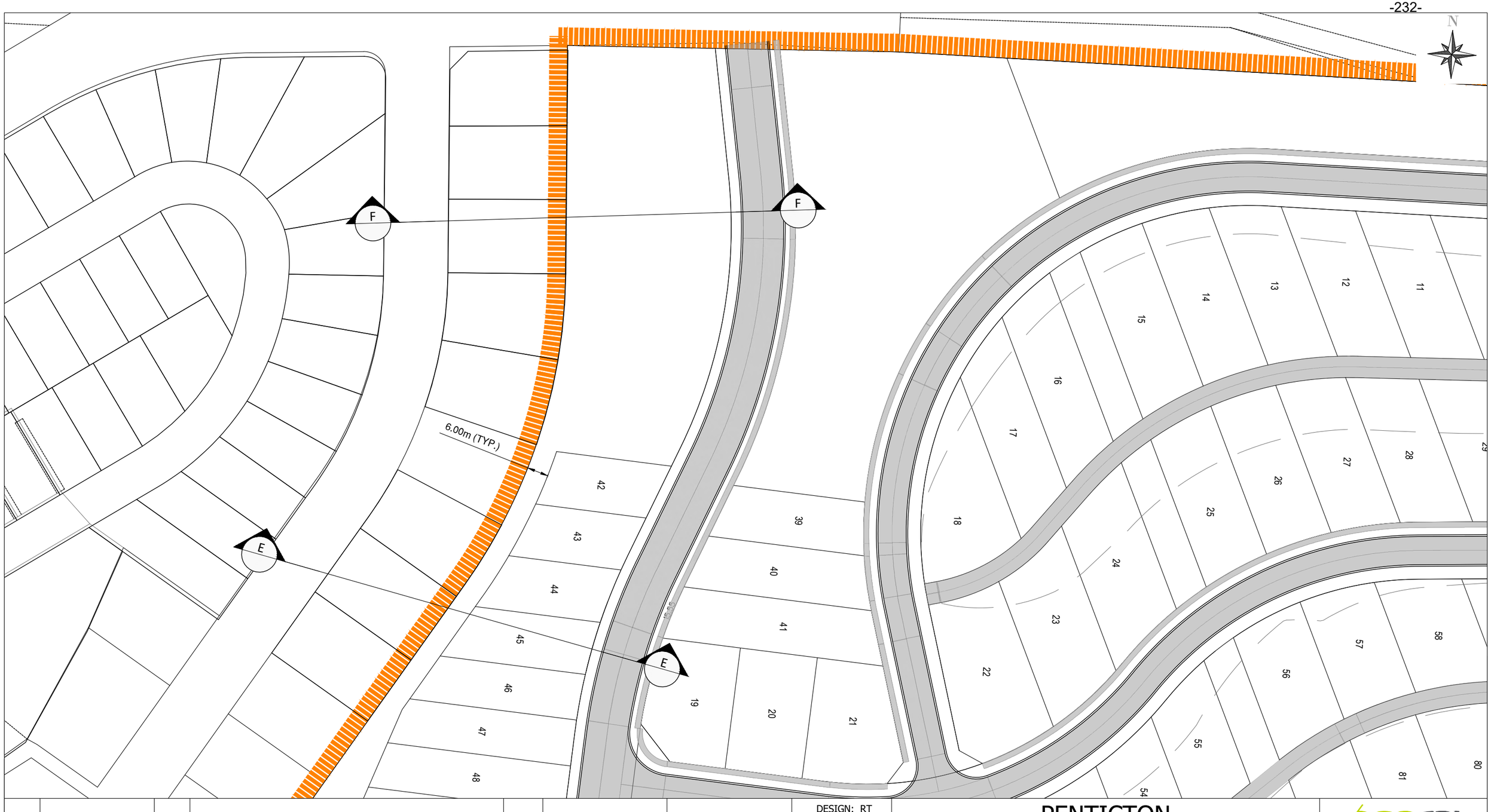
CITY OF PENTICTON

850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.
GREEN AND NATURAL AREAS PLAN

Drawing No. 18-225-C109.0

Rev.No D

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SEAL

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PENTICTON

850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.

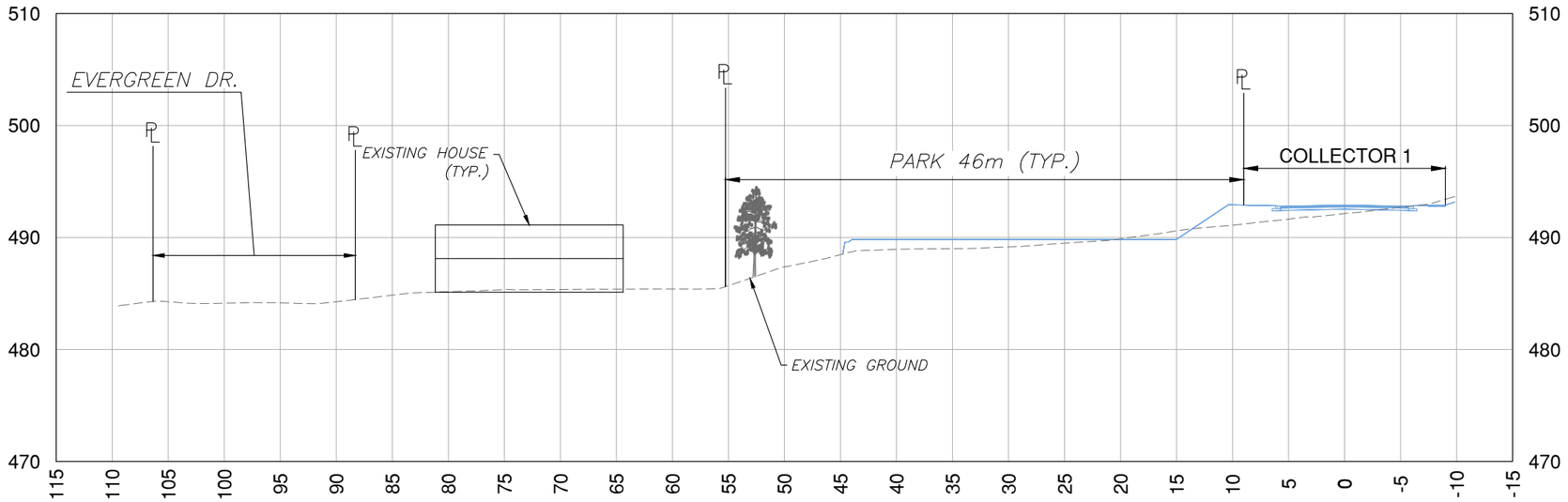
KEY PLAN - NORTH

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DRAWING NO.	REV
18-225-SK14	B

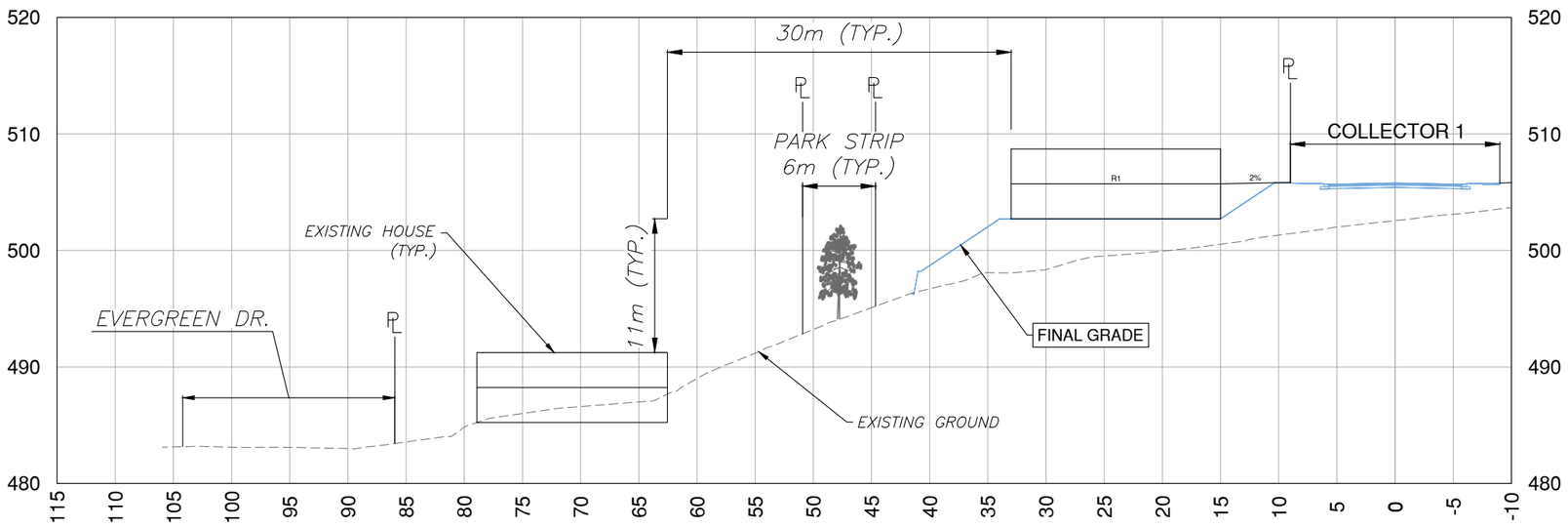
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Attachment L - Evergreen Dr and Hawthorn Dr Interface Cross Sections



F TYPICAL SECTION

Scale: 1:500



E TYPICAL SECTION

Scale: 1:500

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SEAL

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PENTICTON

850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.

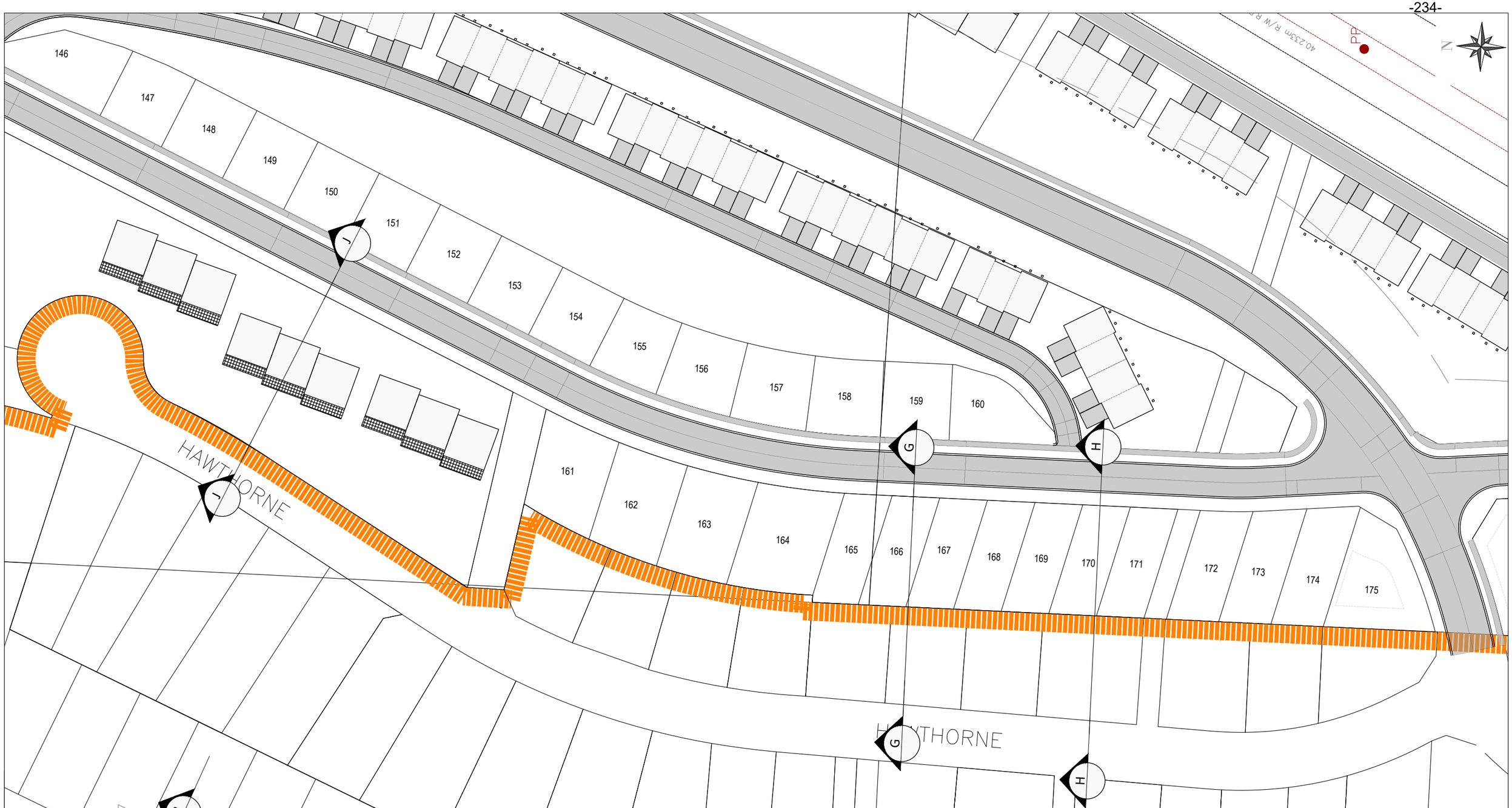
TYPICAL SECTIONS F & E

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DRAWING NO. 18-225-SK15

REV B

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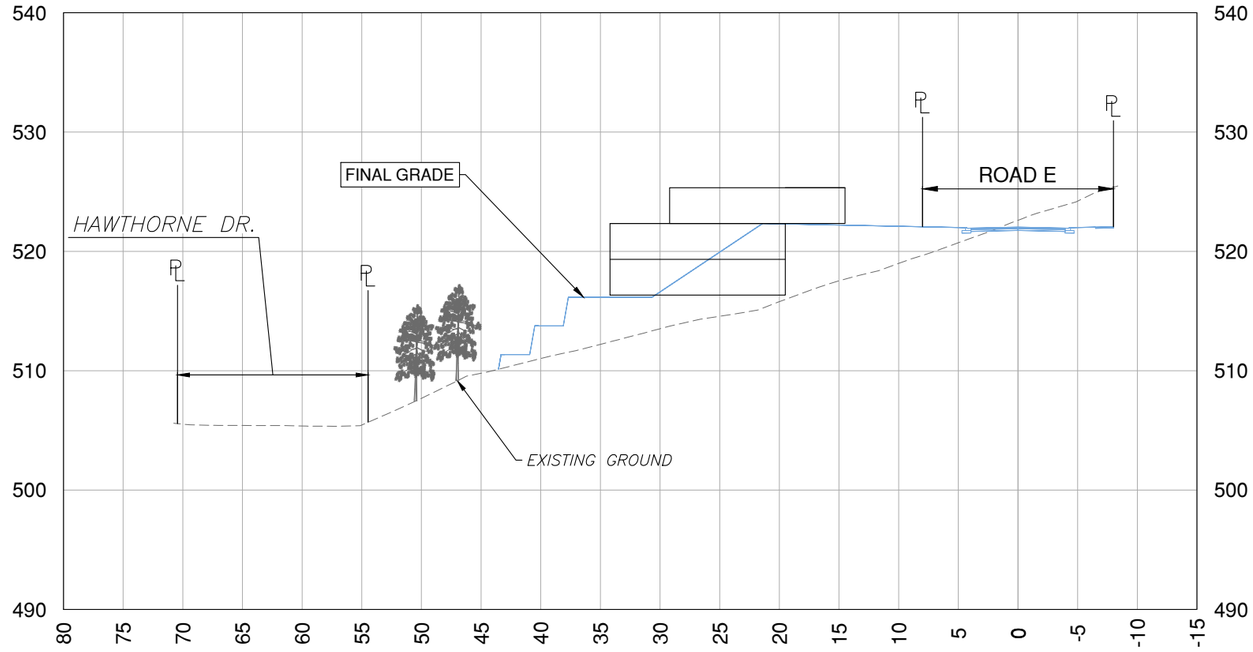
850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.

KEY PLAN - SOUTH

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18-225-SK16	B

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J TYPICAL SECTION

Scale: 1:500

NO.	DATE (YY/MM/DD)	DRN	REVISION	CH'KD
B	22/05/20	AT	FOR REVIEW	RT
A	22/05/11	BD	FOR REVIEW	RT

PERMIT TO PRACTICE

SEAL

DESIGN: RT
DRAWN: BD
CHECKED: RT
DATE: 22/05/11
SCALE: 1:500

PENTICTON

850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.

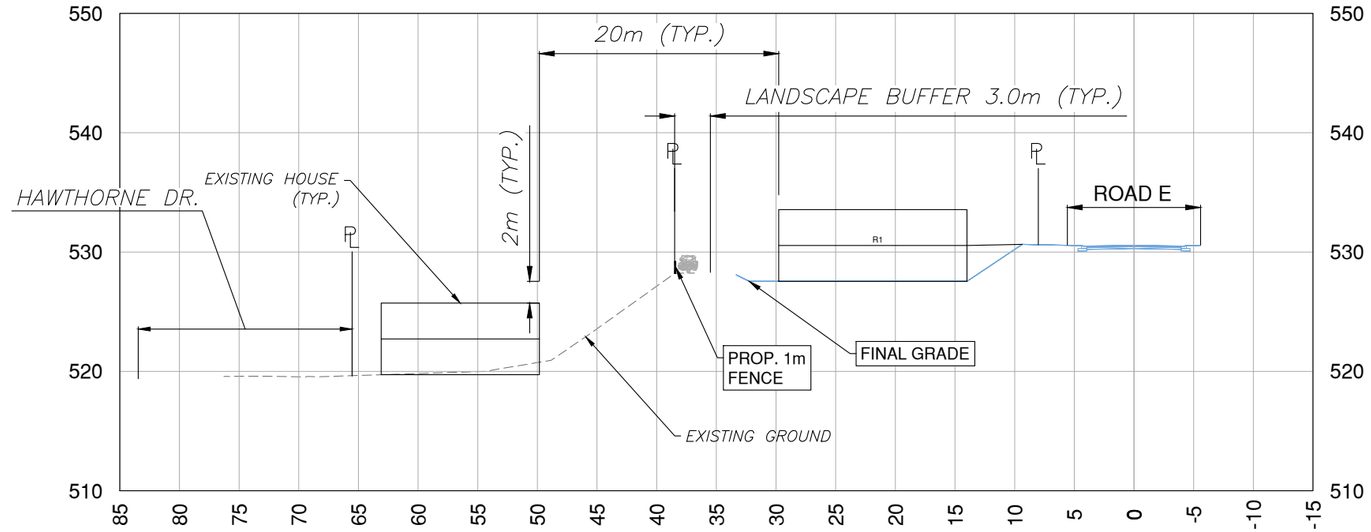
TYPICAL SECTION - J

ecora
#201-284 MAIN STREET PENTICTON, BC, V2A 5B2
PHONE: 250-492-2227
www.ecora.ca

DRAWING NO. 18-225-SK17

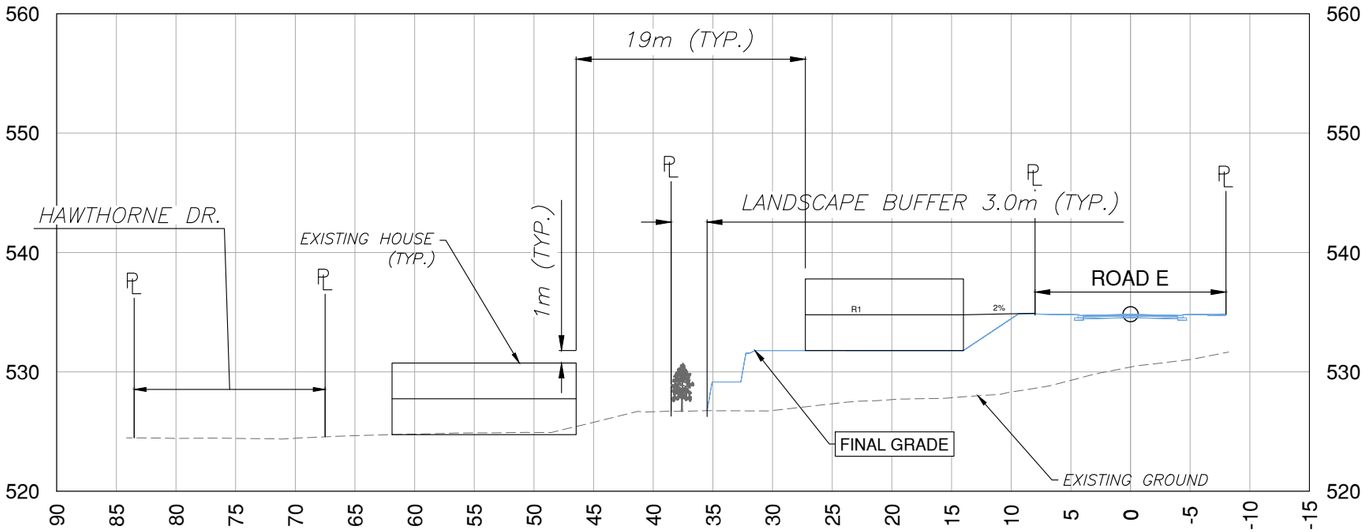
REV B

FILE LOCATION: Y:\- 2018\18-225-WITI\04_drawings\04-01_working_dwgs\SKETCHES AND FIGURES\SKETCHES\18-225 TYPICAL CROSS SECTIONS - 11x17.dwg PRINTED ON: 5/20/2022 2:42 PM



G TYPICAL SECTION

Scale: 1:500



H TYPICAL SECTION

Scale: 1:500

NO.	DATE (YY/MM/DD)	DRN	REVISION	CH'KD
B	22/05/20	AT	FOR REVIEW	RT
A	22/05/11	BD	FOR REVIEW	RT

PERMIT TO PRACTICE

SEAL

DESIGN: RT
DRAWN: BD
CHECKED: RT
DATE: 22/05/11
SCALE: 1:500

PENTICTON

850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.

TYPICAL SECTIONS G - H

ecora
#201-284 MAIN STREET PENTICTON, BC, V2A 5B2
PHONE: 250-492-2227
www.ecora.ca

DRAWING NO. 18-225-SK18

REV B

FILE LOCATION: Y:\- 2018\18-225-WILTON4_drawings\04-01_working_dwgs\SKETCHES AND FIGURES\SKETCHES\18-225 TYPICAL CROSS SECTIONS - 11x17.dwg PRINTED ON: 5/20/2022 2:43 PM

Attachment M - Phasing Plan

N

- PHASE 1 (138 DOORS)
- PHASE 2 (235 DOORS)
- PHASE 3 (178 DOORS)
- PHASE 4 (117 DOORS)
- PHASE 5 (18 DOORS)

ROAD A
ROAD B
LANE 1
LANE 2
ROAD G
ROAD D
ROAD H
ROAD C
ROAD E
ROAD F
COLLECTOR 1
WILTSE BLVD
EVERGREEN DR.
HAWTHORNE DR.

NO.	DATE (YY/MM/DD)	DRN	REVISION	CH'KD
D	22/05/20	BD	FOR REVIEW	RT
C	22/03/14	RT	FOR REVIEW	KM
B	22/02/25	RT	FOR REVIEW	MDY
A	21/11/09	RT	PRELIMINARY DESIGN – FOR REVIEW	SB

ecora™
#201–284 MAIN STREET PENTICTON, B.C.
V2A 5B2
PHONE: 250–492–2227
www.ecora.ca

APPROVED FOR CONSTRUCTION		DATE
PUBLIC WORKS Mgr.		
ELECTRICAL DIV. Eng.		
PARKS DIVISION Super.		
CITY ENGINEER		
AS–BUILT APPROVAL		

SEAL

DESIGN:	TJR
DRAWN:	RT
CHECKED:	-
DATE:	2021/07/09
SCALE:	1:2500

CITY OF PENTICTON

850 WILTSE BOULEVARD
WILTSE HOLDINGS LTD.
PHASING PLAN

Drawing No. 18-225-C111.0

Rev.No D

FILE LOCATION: N:\- 2018\18-225-WILTSE\04_Drawings\01-01_working_dwgs\SHEET FILES\Rezone Application\18-225 PHASING LAYOUT.dwg PRINTED ON: 5/19/2022 2:44 PM

The Corporation of the City of Penticton

Bylaw No. 2022-29

A Bylaw to Amend Official Community Plan Bylaw No. 2019-08

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend "Official Community Bylaw No. 2019-08";

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 "Official Community Plan Amendment Bylaw No. 2022-29."

2. **Amendment:**

"Official Community Plan Bylaw No. 2019-08" is hereby amended as follows:

2.1 To change the following designations as follows:

Amend Map 1: Future Land Use, to adjust the mapping of existing 'Ground Oriented Residential', 'Detached Residential' and 'Parks' future land use designations and to add the 'Urban Residential' future land use designation for Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EPP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place as shown in detail on Schedule 'A'.

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

READ A FIRST time this	day of	, 2022
A PUBLIC HEARING was held this	day of	, 2022
READ A SECOND time this	day of	, 2022
READ A THIRD time this	day of	, 2022
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the __ day of _____, 2022 and the __ day of _____, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

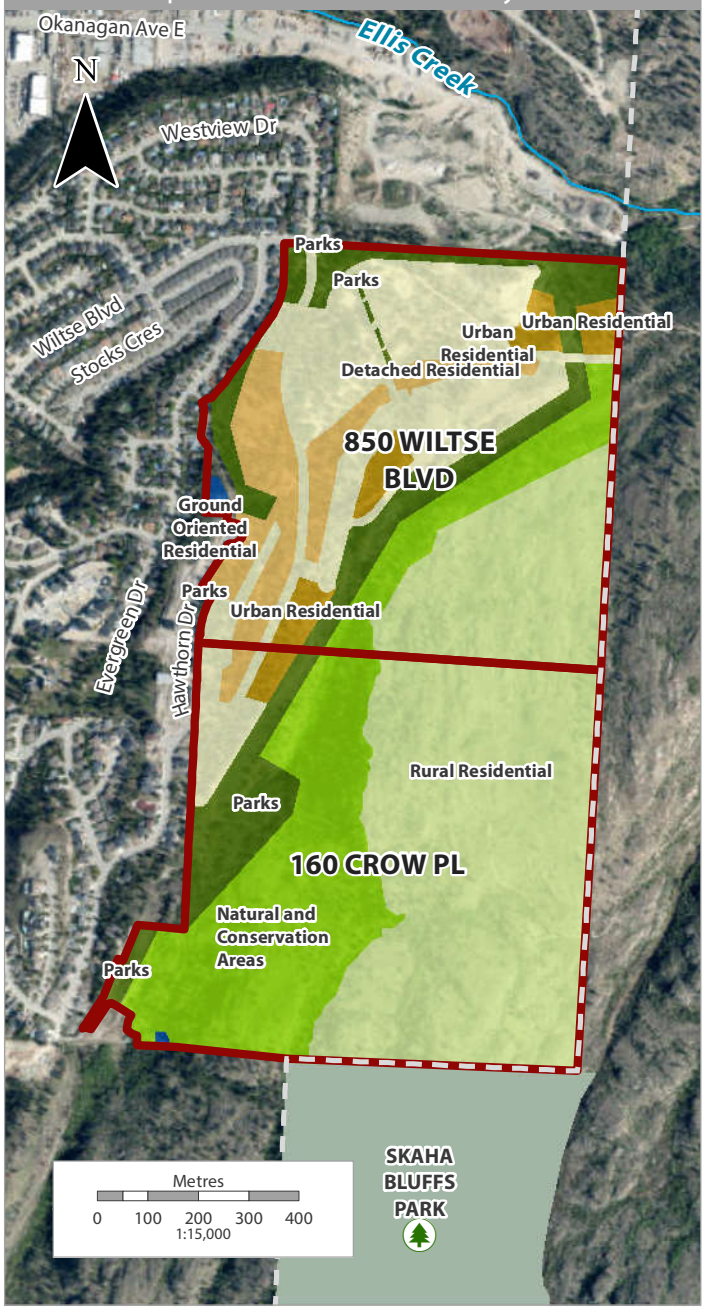
City of Penticton - Schedule 'A'

OCP Amendment Bylaw No. 2022-29
850 Wiltse Blvd & 160 Crow Pl

Current Official Community Plan



Proposed Official Community Plan



Legend	From	To
Subject Parcel	Detached Residential	Detached Residential
	Natural and Conservation Areas	Natural and Conservation Areas
	Ground Oriented Residential	Ground Oriented Residential
	Institutional and Civic	Institutional and Civic
	Rural Residential	Rural Residential
	Parks	Urban Residential
		Parks

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2022-30

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-30".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place from A (Agriculture) to R1 (Large Lot Residential), R2 (Small Lot Residential), RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), P1 (Public Assembly), P2 (Parks and Recreation) and A (Agriculture) as shown on Schedule 'A'.

2.2 Add the following to 10.8.3 SITE SPECIFIC PROVISIONS:
.3 "In the case of Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place, townhouses and duplexes shall not be permitted, and the maximum building height for principal buildings shall be 10.5m.

2.3 Add the following to 10.9.4 SITE SPECIFIC PROVISIONS:
.6 "In the case of Lot B District Lot 2710 Similkameen Division Yale District Plan 43260 Except Plans KAP72732 and EP74771 and Lot A District Lot 2710 Similkameen Division Yale District Plan KAP70035, located at 850 Wiltse Boulevard and 160 Crow Place (adjacent to Hawthorn Drive cul-de-sac), apartments shall not be permitted, and principal building height is limited to three (3) storeys.

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

READ A FIRST time this	day of	, 2022
A PUBLIC HEARING was held this	day of	, 2022
READ A SECOND time this	day of	, 2022
READ A THIRD time this	day of	, 2022
ADOPTED this	day of	, 2022

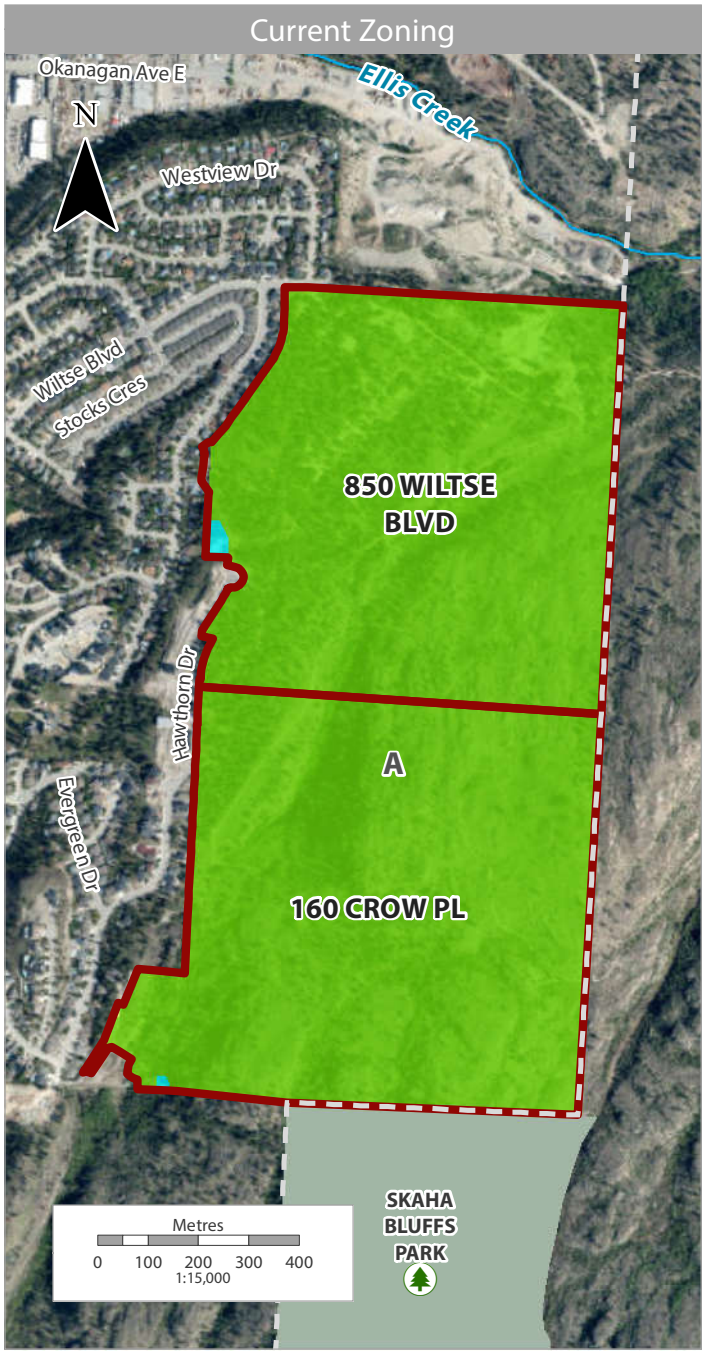
Notice of intention to proceed with this bylaw was published on the __ day of _____, 2022 and the __ day of _____, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

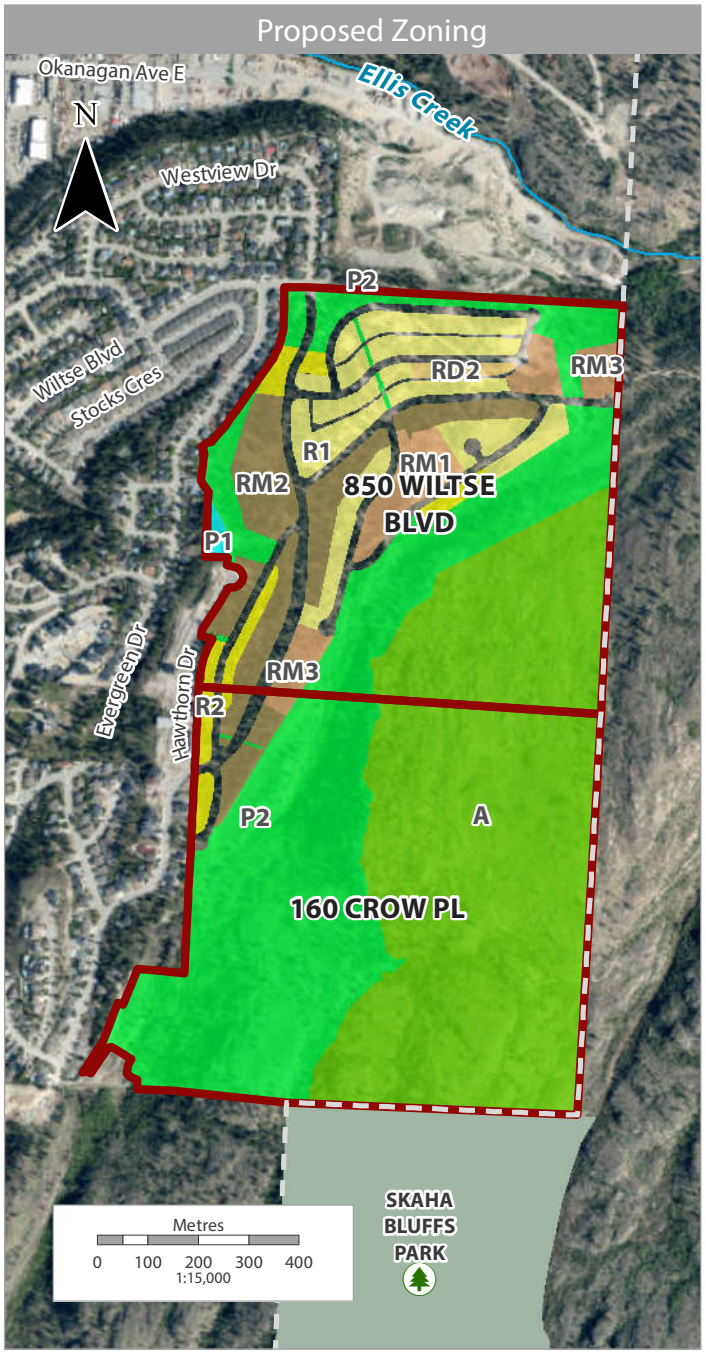
John Vassilaki, Mayor

Angie Collison, Corporate Officer

City of Penticton - Schedule 'A'

Zoning Amendment Bylaw No. 2022-30
850 Wiltse Blvd & 160 Crow Pl





Legend

Subject Parcel

From	To
A - Agriculture	A - Agriculture
P1 - Public Assembly	R1 - Large Lot Residential
	R2 - Small Lot Residential
	RD2 - Duplex Housing: Lane
	RM1 - Bareland Strata Housing
	RM2 - Low Density Multiple Housing
	RM3 - Medium Density Multiple Housing
	P1 - Public Assembly
	P2 - Parks and Recreation

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2022-20

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-20".

2. **Amendment:**

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot A District Lot 115 Similkameen Division Yale District Plan 8719, located at 145 Kinney Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	3	day of	May, 2022
A PUBLIC HEARING was held this	17	day of	May, 2022
READ A SECOND time this	17	day of	May, 2022
READ A THIRD time this	17	day of	May, 2022
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 6 day of May, 2022 and the 13 day of May, 2022 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this 18th day of May, 2022

for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-20

Date: Corporate Officer:



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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April 27, 2022 9:13:25 AM

Meters

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Coordinate System: NAD 1983 CSRS UTM Zone 11N

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

Development Variance Permit

Permit Number: DVP PL2022-9239

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 A District Lot 115 Similkameen Division Yale District Plan 8719
   Civic: 145 Kinney Avenue
   PID: 009-792-732

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a four-unit development as shown in the plans attached in Schedule 'A':

   a. 10.9.2.3: to increase the maximum lot coverage from 40% to 51%.

DRAFT
DVP PL2022-9239

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.

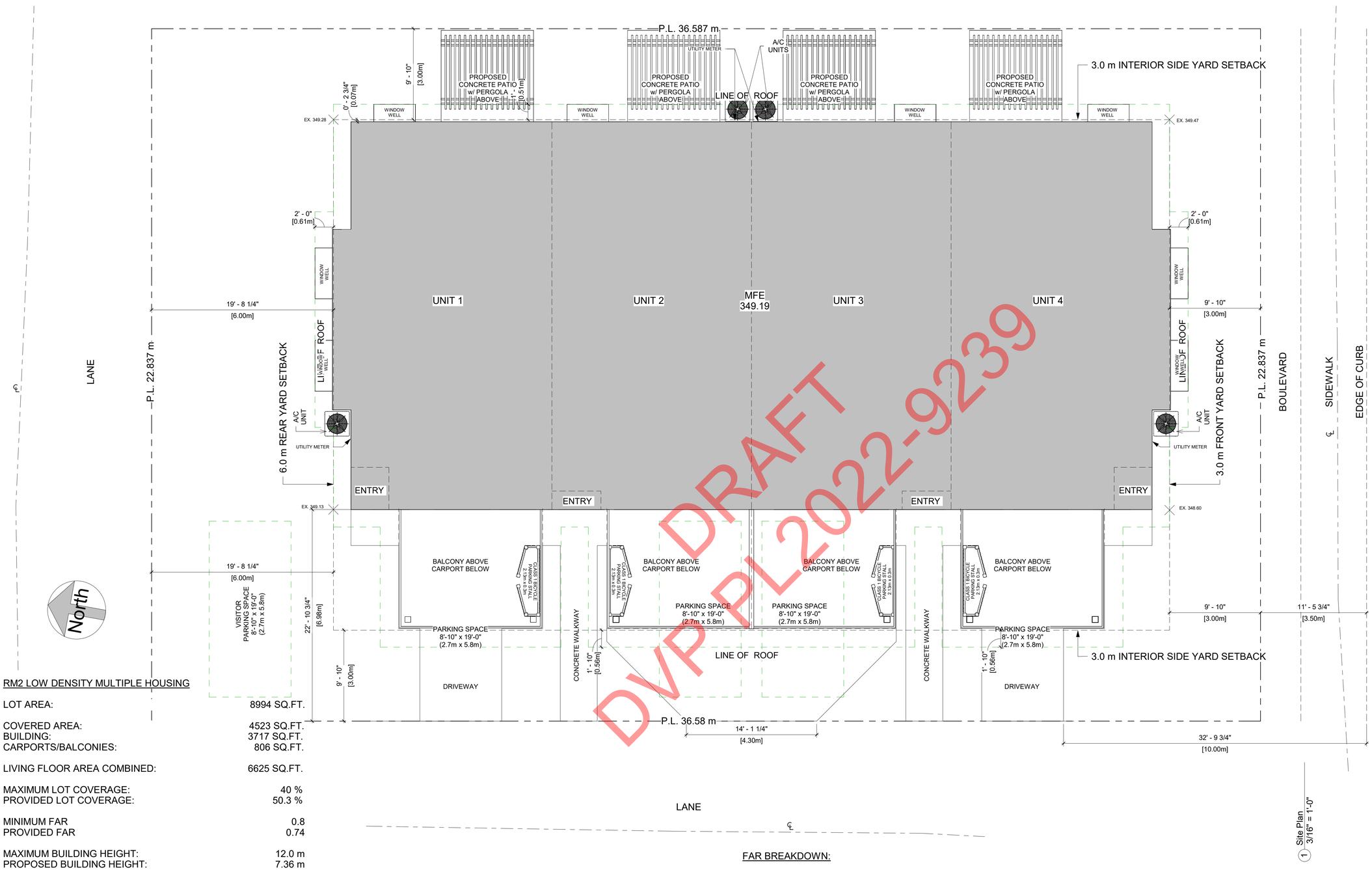
Authorized by City Council, the _____ day of _____, 2022.

Issued this _____ day of _____, 2022.

_____

Angela Collison
Corporate Officer

DRAFT
DVP PL2022-9239



DRAFT
DVP PL2022-9239

RM2 LOW DENSITY MULTIPLE HOUSING

LOT AREA:	8994 SQ.FT.
COVERED AREA:	4523 SQ.FT.
BUILDING:	3717 SQ.FT.
CARPORTS/BALCONIES:	806 SQ.FT.
LIVING FLOOR AREA COMBINED:	6625 SQ.FT.
MAXIMUM LOT COVERAGE:	40 %
PROVIDED LOT COVERAGE:	50.3 %
MINIMUM FAR	0.8
PROVIDED FAR	0.74
MAXIMUM BUILDING HEIGHT:	12.0 m
PROPOSED BUILDING HEIGHT:	7.36 m
REQUIRED FRONT YARD SETBACK:	3.0 m
PROVIDED FRONT YARD SETBACK:	3.0 m
REQUIRED INTERIOR SIDE YARD SETBACK:	3.0 m
PROVIDED INTERIOR SIDE YARD SETBACK (WEST):	6.98 m
PROVIDED INTERIOR SIDE YARD SETBACK (EAST):	3.07 m
REQUIRED REAR YARD SETBACK:	6.0 m
PROVIDED REAR YARD SETBACK:	6.0 m

LOT COVERAGE BREAKDOWN:

BUILDING: 3,717 SQ.FT. = 345m²
+
CARPORTS/BALCONIES: 806 SQ.FT. = 75m²

LOT AREA: 8,994 SQ.FT. = 836m²

TOTAL LOT COVERAGE = 50.3%

FAR BREAKDOWN:

FIRST FLOOR AREA EXCLUDING STAIRS AND LIFTS:
3237 SQ.FT. = 301m²
+
SECOND FLOOR AREA EXCLUDING STAIRS AND LIFTS: 3388 SQ.FT. = 315m²

LOT AREA: 8,994 SQ.FT. = 836 m²

TOTAL FAR = 0.74

Site Plan 1 3/16" = 1'-0"

p+s
people plus space
planning and design

People plus Space: Planning and Design
10124 Main Street
Summerland BC V0H 1Z0
250-486-1481
heather@peopleplusspace.ca

No.	Description	Date
1	ISSUED FOR REVIEW	2021-07-13
2	ISSUED FOR REVIEW	2021-09-03
3	ISSUED FOR REVIEW	2021-09-29
4	ISSUED FOR DP	2021-10-13
5	ISSUED FOR DP	2021-12-21
6	ISSUED FOR DP	2022-03-08
7	ISSUED FOR DP	2022-03-31

Townhouse Units

145 KINNEY AVE, PENTICTON BC

SITE PLAN

Project number	21-011
Date	2021-12-17
Drawn by	J.P.F.

ID-101

Scale 3/16" = 1'-0"

The Corporation of the City of Penticton

Bylaw No. 2022-24

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-24".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot C District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3072, located at 914 Churchill Avenue from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) as shown on Schedule 'A'.

2.2 Rezone Lot 5 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 920 Churchill Avenue from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) as shown on Schedule 'A'.

2.3 Rezone Lot 6 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 926 Churchill Avenue from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) as shown on Schedule 'A'.

2.4 Add the following to 10.10.5. SITE SPECIFIC PROVISIONS:
.3 "In the case of consolidated Lot C District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3072, located at 914 Churchill Avenue, Lot 5 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 920 Churchill Avenue, and Lot 6 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 926 Churchill Avenue, the maximum density shall be 1.98 FAR."

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

READ A FIRST time this	17	day of	May, 2022
A PUBLIC HEARING was held this	7	day of	June, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 27 day of May, 2022 and the 1 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2022

_____
for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-24

Date: Corporate Officer:



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.

N

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May 12, 2022 2:08:20 PM

Meters

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Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-25

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-25".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Update the Table of Contents and add the following to Chapter 14 – Comprehensive Development:

14.8 CD8 – Comprehensive Development (795 Westminster Ave W)

14.8.1 PURPOSE

This ***zone*** provides for the comprehensive development of a medium-density, 3 storey, mixed-use development site for *Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 713 Westminster Ave W, *Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 737 Westminster Ave W, and *Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979,* located at 795 Westminster Ave W.

14.8.2 PERMITTED USES

The ***permitted uses*** in this ***zone*** are:

.1 ***accessory use, building*** or ***structure***
.2 ***apartment***
.3 ***artisan crafts***
.4 ***bakery***
.5 ***business support service***
.6 ***cannabis retail store***
.7 ***craft brewery/distillery***
.8 ***day care centre, major***
.9 ***dwelling unit***
.10 ***financial service***
.11 ***flex unit***

.12 ***health service***
.13 ***indoor animal daycare and grooming***
.14 ***indoor amusement, entertainment and recreation***
.15 ***liquor primary licensed premise***
.16 ***live work unit*** (subject to specific use regulation 7.8)
.17 ***minor home occupation*** (subject to specific use regulation 7.3)
.18 ***office***
.19 ***on-site beer/wine making***
.20 ***personal service establishment***
.21 ***recreation equipment sale, service and rentals***
.22 ***restaurant***
.23 ***retail store***
.24 ***townhouse***
.25 ***vacation rental*** (subject to specific use regulation 7.6)

14.8.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width***:	90.0 m
.2	Minimum ***lot area***:	3,200 m^2
.3	Maximum ***lot coverage***:	56%
.4	Maximum ***density***:	1.1 ***FAR***
.5	Maximum ***height***:	13.0 m
.6	Minimum ***front yard***:	1.5 m
.7	Minimum ***interior side yard:***	3.0 m
.8	Minimum ***exterior side yard***	1.5 m
.9	Minimum ***rear yard***:	2.5 m

14.8.4 AMENITY SPACE

.1 ***Amenity space*** shall be provided at the rate of 10.0 m^2 for each ***dwelling unit***.

.2 All ***amenity space*** may be provided above ***approved grade.***

14.8.5 OTHER REGULATIONS

.1 Commercial ***uses*** shall be limited to the ***first storey*** of the ***buildings***.

.2 In addition to the regulations in Section 7.8, ***live work units*** shall be limited to the first two ***storeys*** of the ***buildings***.

14.8.6 PARKING REGULATIONS

.1 Notwithstanding Table 6.6, the minimum number of ***parking spaces*** for ***uses*** shall be as follows:

a. Minimum 44 ***parking spaces*** for ***dwelling units*** and ***live-work units***;

b. Minimum 4 ***parking spaces*** for visitor parking; and

c. Minimum 3 ***parking spaces*** for commercial ***uses***.

2.2 Rezone the following properties from CT1 (Tourist Commercial) and R2 (Small Lot Residential) to CD8 (Comprehensive Development Zone – 795 Westminster Avenue West) as shown on Schedule 'A'.

1. Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979, located at 713 Westminster Avenue West, and
2. Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979, located at 737 Westminster Avenue West, and
3. Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979, located at 795 Westminster Avenue West.

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

READ A FIRST time this	17	day of	May, 2022
A PUBLIC HEARING was held this	7	day of	June, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 27 day of May, 2022 and the 1 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2022

_____
for Minister of Transportation & Infrastructure

_____
John Vassilaki, Mayor

_____
Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-25

Date: Corporate Officer:



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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May 12, 2022 9:08:50 AM

Meters

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Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-26

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-26".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from R1 (Large Lot Residential) to R2 (Small Lot Residential) as shown on Schedule 'A'.

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

READ A FIRST time this	17	day of	May, 2022
A PUBLIC HEARING was held this	7	day of	June, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 27 day of May, 2022 and the 1 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2022

_____
for Minister of Transportation & Infrastructure

_____
John Vassilaki, Mayor

_____
Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-26

Date: Corporate Officer:



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