

**Parks and Recreation Advisory Committee Meeting**  
to be held via Zoom and in person in Council Chambers  
Wednesday, April 22, 2026  
at 9:30 a.m.

1. **Call Regular Committee Meeting to Order**  
*We acknowledge that Penticton, where we live and work, is on the traditional lands of the Syilx People in the Okanagan Nation.*
2. **Adoption of Agenda**
3. **Adoption of Minutes**
  - 3.1 Minutes of the February 24, 2026 Special Parks and Recreation Advisory Committee Meeting  
Recommendation:  
*THAT the Parks and Recreation Advisory Committee adopt the minutes of the February 24, 2026 Special meeting as presented.*
  - 3.2 Minutes of the March 19, 2026 Special Parks and Recreation Advisory Committee Meeting  
Recommendation:  
*THAT the Parks and Recreation Advisory Committee adopt the minutes of the March 19, 2026 Special meeting as presented.*
4. **New Business**
  - Raposo 4.1 License to Use Agreement Renewal  
Re: 185 Lakeshore Drive West  
Staff Recommendation:  
*THAT the Parks and Recreation Advisory Committee recommend that Council authorize staff to proceed with the renewal of a five-year License to Use Agreement for Bishops Snow and Marine Ltd. (operating as Pier Water Sports) for the use of approximately 0.55 acres of Rotary Park foreshore and the associated building at 185 Lakeshore Drive West for water-based recreational purposes.*
  - Boyko 4.2 Field Engagement and Assessment Overview  
Staff Recommendation:  
*THAT the Parks and Recreation Advisory Committee received into the record the report dated April 22, 2026 titled "Field Engagement and Assessment Overview".*

Johnson 4.3 Park Land Protection & Use Policy

Staff Recommendation:

*THAT the Parks & Recreation Advisory Committee receive into the record the report dated April 22, 2026 titles "Park Land Protection & Use Policy Update";*

*AND THAT the Parks & Recreation Advisory Committee endorses the draft CP #2026-03 Park Land Protection & Use Policy as outlined in the report.*

5. **Next Meeting**

The next Parks and Recreation Advisory Committee meeting is scheduled to be held on July 22, 2026 at 9:30 a.m. via Zoom.

6. **Adjournment**

## Special Parks and Recreation Advisory Committee Meeting

held via Zoom and in person in Council Chambers

Tuesday, February 24, 2026

at 9:30 a.m.

**Present:**

Sue Fraser, Chair  
Marc Tougas, Vice-Chair  
Cameron Baughen  
Laura Carleton  
Chris Sayles

**Staff:**

Kristen Dixon, General Manager of Infrastructure  
Kelsey Johnson, General Manager of Community Services  
Ysabel Contreras, Parks Planner  
Steven Collyer, Housing and Policy Initiatives Manager  
Hayley Anderson, FOIPPA and Records Management Specialist

**Regrets:**

Isaac Gilbert, Councillor  
Juliana Buitenhuis  
Joanne Grimaldi  
Don Mulhall

1. **Call Special Committee Meeting to Order**

The Vice-Chair called the Special Parks and Recreation Advisory Committee to order at 9:33 a.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adopt the agenda of February 24, 2026 as presented.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

3.1 Minutes of the October 22, 2025 Parks and Recreation Advisory Committee Meeting

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adopt the minutes of the October 22, 2025 meeting as presented.

**CARRIED UNANIMOUSLY**

#### 4. **New Business**

##### 4.1 Esplanade Renewal Plan: Phase 2 Public Engagement Results and Next Steps

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee receive into the record the report dated February 24, 2026 titled "Esplanade Renewal Plan: Phase 2 Public Engagement Results and Next Steps";

AND THAT the Parks and Recreation Advisory Committee recommend to Council the following next steps to be incorporated into the draft plan in response to Phase 2 public engagement results:

- Designate the eastern natural beach as a "non-motorized watercraft beach" to support compatible uses in that location over the plan horizon;
- Begin engineering design work towards creating a formal trail connection between the Esplanade and KVR trail;
- Initiate a process to enable the development of a new building to support community and commercial uses (i.e. restaurant/retail/community meeting space), replacing the Yacht Club offices and current clubhouse/Rusty Anchor restaurant;
- Investigate relocation options for the Penticton Tennis Club to provide improved facilities and focus the current area on non-motorized boat usage, trailhead amenities, and enabling more public access to the area.

**CARRIED UNANIMOUSLY**

##### 4.2 KVR Trail Strategy: Phase 1 & 2 Engagement Summary

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee receive into the record the report dated February 24, 2026 titled "KVR Trail Strategy: Phase 1 & 2 Engagement Results.

**CARRIED UNANIMOUSLY**

##### 4.2 **McGregor Park and McNicoll Park Upgrades – Engagement Plan**

The Parks Planner provided the Committee with a presentation on the Engagement Plan for McGregor and McNicoll Park upgrades. The presentation outlined the history and an overview of each park, as well as the proposed engagement timeline.

Cameron Baughen left the meeting at 10:34 a.m.

Quorum was lost and the meeting ended at 10:34 a.m..

Certified Correct:

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Hayley Anderson  
FOIPPA and Records Management Specialist

## Special Parks and Recreation Advisory Committee Meeting

held via Zoom

Thursday, March 19, 2026

at 9:30 a.m.

**Present:** Sue Fraser, Chair  
Marc Tougas, Vice-Chair  
Cameron Baughen  
Laura Carleton  
Joanne Grimaldi  
Don Mulhall  
Chris Sayles

**Staff:** Kristen Dixon, General Manager of Infrastructure  
Kelsey Johnson, General Manager of Community Services  
Blake Laven, General Manager of Development Services  
Anna Melnick, Manager of Communications and Engagement  
Hayley Anderson, FOIPPA and Records Management Specialist

**Regrets:** Juliana Buitenhuis  
Isaac Gilbert, Councillor

1. **Call Special Committee Meeting to Order**

The Vice-Chair called the Special Parks and Recreation Advisory Committee to order at 9:32 a.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adopt the agenda of March 19, 2026 as presented.

**CARRIED UNANIMOUSLY**

Sue Fraser joined the meeting at 9:51 a.m.

3. **New Business**

3.1 Penticton Trade and Convention Centre Attached Hotel – Project Overview

The General Manager of Development Services provided the Committee with a presentation of the project overview of the Penticton Trade and Convention Centre Attached Hotel. The Committee noted concerns about the potential net loss of green space within the community.

Sue Fraser left the meeting at 10:16 a.m.

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee receive the report dated March 19, 2026 titled "Penticton Trade and Convention Centre (PTCC) Attached Hotel Project Overview".

AND THAT Committee advise the City to be transparent with the Community if there is any potential impacts to park land, how the potential loss of park land will be either replaced, or preferably enhanced or increased.

**CARRIED UNANIMOUSLY**

**4. Next Meeting**

The next Parks and Recreation Advisory Committee meeting is scheduled to be held on April 22, 2026 at 9:30 a.m. via Zoom.

**5. Adjournment**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adjourn the meeting held on March 19, 2026 at 10:38 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Hayley Anderson  
FOIPPA and Records Management Specialist

**Date:** April 22, 2026  
**To:** Parks and Recreation Advisory Committee  
**From:** Sheri Raposo, Land Manager  
**Address:** 185 Lakeshore Drive West, Penticton  
**Subject:** License to Use Agreement Renewal - 185 Lakeshore Drive West

File No: 4320-80

## Staff Recommendation

THAT the Parks and Recreation Advisory Committee recommend that Council authorize staff to proceed with the renewal of a five-year License to Use Agreement for Bishops Snow and Marine Ltd. (operating as Pier Water Sports) for the use of approximately 0.55 acres of Rotary Park foreshore and the associated building at 185 Lakeshore Drive West for water-based recreational purposes.

## Strategic priority objective

**Vision:** Penticton is a connected, resilient and healthy waterfront city focused on safety, livability and vibrancy.

## Property Description

The licensed area at 185 Lakeshore Drive West includes approximately 24,200 sq. ft. of upland beach and shallow lake frontage, along with a 400 sq. ft. office building. The site consists of approximately 7,300 sq. ft. of sandy beach and 16,900 sq. ft. of water area, currently used for water-based recreational activities such as small watercraft rentals. Its prominent location provides high visibility, strong pedestrian activity, and direct access to one of Penticton's waterfront areas.



## Background

Bishop's Snow and Marine Ltd. is a family-owned business operated by George Bishop and his two sons. The company first served the Shuswap region, later moved to Summerland, and eventually established operations in Penticton, where they now serve as the most recent operator in the area.

The business employs between 17 and 24 staff each season, many of whom are local youth. Operating out of Rotary Park in Penticton since 1998, the 2026 season will mark their 28th year serving the community. They offer a wide range of water-based recreation services, including rentals of ski boats, surfboards, wakeboards, kayaks, pontoon boats, parasailing equipment, and a 42-foot Party Barge. They also provide instruction from the only Waterski Canada–certified instructor in Penticton.

Their current fleet includes 12 boats and 10 SeaDoos, as well as a 34-foot, 10-passenger "Lake Monster" towable. Since opening, the operator has invested more than \$1 million into building upgrades, docks, fueling infrastructure, and rental inventory.

Since 1998, their financial investment in this business has exceeded \$1 million, as follows:

- Building rebuild and upgrades \$80,000
- Dock System \$104,000
- Fuel system upgrade \$20,700
- Rental equipment inventory \$853,000

## History of Tenure

A summary of the tenure over the Rotary Park foreshore location to the current Licensee:

- 1998 Pier Water Sports retained tenure over this space until 2002.
- 2003 an RFP under the Beach & Park Vending program resulted in a 3-year LTU with an option to renew for two additional years for the purpose of offering water leisure activities on Okanagan Lake. Granted to proponents George Bishop, Robert Bateman, John Cain, and Robert Grey. The RFP submission included replacing an existing kiosk with a prefab structure with an attached covered patio and expand their existing floating docks at a cost of \$21,000. The option to renew was exercised.
- 2006 a 2-year LTU under the Beach & Park Vending program was provided to Pier Water Sports
- 2009 a 5-year LTU (with an option to renew on mutually agreed terms) was granted and a building permit was issued for renovations to the building.
- 2013 the renewal option was granted for 5 additional years.
- 2018 staff brought a report to Council, requesting an additional 5-year LTU for Pier Water Sports with the condition that prior to the start of the 2019 season, a compliant fueling system within the licensed area be installed, at the operator's expense. This condition was completed.
- 2024 a 3-year LTU extension was approved by Council. This current agreement expires on December 31, 2026.

On March 17, 2026, staff brought forward the request to Council to refer the Request for Proposal to the Parks and Recreation Advisory Committee for their review and recommendation regarding the use of approximately 0.55 acres of Rotary Park foreshore and the associated building located at 185 Lakeshore Drive West, for the operation of water-based leisure activities under a License to Use Agreement of up to five years.

However, Council provided an alternative direction, instead to renew the License to Use Agreement with the existing tenant, resulting in the following outcome:

8.1 Request for Proposal: License to Use Area Located at 185 Lakeshore Drive West

**70/2026** It was MOVED and SECONDED

THAT Council direct staff to refer the proposed five-year renewal of the License to Use Agreement with Bishop's Snow and Marine Ltd. (operating as Pier Water Sports) to the Parks and Recreation Advisory Committee for their review and recommendation regarding the use of approximately 0.55 acres of Rotary Park foreshore and the associated building for the operation of water-based leisure activities at market rate, plus CPI.

**CARRIED UNANIMOUSLY**

### **Park Land Protection and Use Policy References**

As the land, where the building is located, is parkland, the Park Land Protection and Use Policy require new agreements or renewal of agreements within our parkland follow the following procedure:

- Step 1: Application to renew submitted to City staff
- Step 2: Proposal brought forward to Open Council meeting
- Step 3: Circulation of application to City Departments and Parks and Recreation Advisory Committee
- Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing
- Step 5: City staff review finding with Parks and Recreation Advisory Committee
- Step 6: Parks and Recreation Advisory Committee review application and feedback from Staff
- Step 7: Parks and Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

## Analysis

The Park Land and Protection Use Policy supports the issuance of a three-year License to Use (LTU) Agreements for activities operating within public park spaces. However, the Parks and Recreation Advisory Committee (PRAC) has, recently, recommended five-year terms where there is a demonstrated history of positive use of parkland or where significant capital investment has been made by the operator.

In accordance with Council's direction, the proposed five-year renewal of the LTU Agreement with Bishop's Snow and Marine Ltd. (operating as Pier Water Sports) is being referred to PRAC for review and recommendation. The referral seeks PRAC's input regarding a five-year term for the continued use of approximately 0.55 acres of Rotary Park foreshore and the associated building for water-based leisure activities, at market rate plus CPI.

Since commencing operations in 1998, the current operator has invested in excess of \$1 million in infrastructure, improvements, equipment, docks, and fueling systems, and has established a longstanding presence contributing to recreational activity along the waterfront. Due to this staff are recommending that a five-year LTU term is appropriate and is consistent with past practices.

## Alternative Recommendation

THAT the Parks and Recreation Advisory Committee recommend that Council authorize staff to proceed with the renewal of a three -year License to Use Agreement for Bishops Snow and Marine Ltd. (operating as Pier Water Sports) for the use of approximately 0.55 acres of Rotary Park foreshore and the associated building at 185 Lakeshore Drive West for water-based recreational purposes.

## Attachments

Attachment A – Park Land Protection and Use Policy

Respectfully submitted,

Sheri Raposo  
Land Manager

Concurrence

GM, Community Services  KJ
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**Attachment A – Park Land Protection and Use Policy**

<https://www.penticton.ca/sites/default/files/docs/city-hall/council-policies/Park%20Land%20Protection%20and%20Use%20Policy.pdf>

**Date:** April 22, 2026  
**To:** Parks and Recreation Advisory Committee  
**From:** Scott Boyko, Public Works Manager  
**Subject:** **Field Engagement and Assessment Overview**

## Staff Recommendation

THAT the Parks and Recreation Advisory Committee receive into the record the report dated April 22, 2026 titled "Field Engagement and Assessment Overview".

## Background

The City of Penticton is undertaking a comprehensive review of its ball diamond system to better understand how these facilities are currently used and how they can be optimized to serve community needs now and into the future. This work is being advanced at this time in part to inform and align with broader city-building initiatives, including the North Gateway Area Plan and the current PTCC hotel engagement process.

Together, these initiatives may have implications for existing recreation assets, land use pressures, and future demand for sports facilities. Undertaking this review now helps ensure the City has a clear, system-wide understanding of its ball diamond needs before decisions are made that could affect facility supply, location, or configuration.

The review looks beyond any single site and instead considers the full inventory of ball diamonds, including how fields are programmed, scheduled, maintained, and upgraded in order to maximize public benefit and long-term sustainability.

## Purpose of the Ball Diamond Review

The initial phase of field engagement and assessment focuses specifically on ball diamonds and seeks to better understand:

- How different user groups currently use ball diamonds across the city
- Opportunities to optimize scheduling, enhance resource utilization, and address unmet or emerging demand
- Opportunities to improve field design, amenities, and supporting infrastructure
- Ways the City can better support diverse programming across age groups, skill levels, and seasons

The overarching goal is to ensure the ball diamond system:

- Serves a broad range of users
- Is used as efficiently and equitably as possible
- Is resilient and adaptable to future growth and changing needs

This work builds directly on themes identified through the 2024 Sport and Recreation Needs Assessment and provides a more detailed, field-specific layer of understanding.

### **What the City Is Working Toward**

Through the ball diamond engagement and assessment, the City is working toward:

- A system-wide understanding of ball diamond use and capacity
- Identification of gaps in field types, locations, or amenities
- Opportunities to improve scheduling, coordination, and programming
- Insight into potential infrastructure investments that could increase flexibility and overall capacity
- No net loss of recreational opportunity as the city grows
- Clear, evidence-based information to inform land-use and development discussions related to the North Gateway Area Plan and the PTCC

### **Expansion to Other Sports Fields**

Following completion of the ball diamond review, the City will apply the same engagement and assessment framework to the remaining sports fields within the community. This phased approach ensures consistency in how field assets are evaluated while allowing lessons learned from the ball diamond review to inform broader system analysis.

Engagement with additional sport user groups, combined with on-site field assessments, will help confirm use patterns, identify system-wide constraints, and explore opportunities for shared use, flexible design, and targeted upgrades. Together this phased process will support coordinated, long-term planning across the City's entire sports field network.

Respectfully submitted,

Scott Boyko  
Public Works Manager



# Memo to Committee

penticton.ca

**Date:** April 22, 2026  
**To:** Parks & Recreation Advisory Committee  
**From:** Kelsey Johnson, General Manager of Community Services  
**Subject:** **Park Land Protection & Use Policy Update**

## Staff Recommendation

THAT the Parks & Recreation Advisory Committee receive into the record the report dated April 22, 2026 titled "Park Land Protection & Use Policy Update";

AND THAT the Parks & Recreation Advisory Committee endorses the draft CP #2026-03 Park Land Protection & Use Policy as outlined in the report.

## Background

On January 22, 2025, staff presented the Park Land Protection and Use Policy Review Report (Attachment A) to the Parks & Recreation Advisory Committee which received the following recommendation:

### 4.6 Park Land Protection and Use Policy Review

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

THAT the Parks & Recreation Advisory Committee recommend that Council direct staff to undertake a review of the Park Land Protection and Use Policy with the objective to streamline and enhance the efficiency of processes related to parkland protection, allocation and use.

**CARRIED UNANIMOUSLY**

At the Regular Council Meeting on February 11, 2025, Council received and approved the Committee's recommendation, directing staff to undertake a review of the Park Land Protection and Use Policy with the objective to streamline and enhance the efficiency of processes related to parkland protection, allocation and use.

Staff are proposing a number of updates for the License to Use Renewal Procedure that are aligned with the Committee's comments and feedback on the policy. These are summarized below:

1. LTU Renewal Term – Ability to issue a five (5) year LTU agreement
  - The Committee had raised concerns about the barrier of the maximum three-year terms for businesses submitting Proposals to operate within parkland, particularly when the business makes an investment in the facility or equipment. Members commented that a longer-term LTU Agreement would provide more confidence for the tenant to recover their investment.

Providing staff with the ability to issue a five (5) year LTU Agreement, should a tenant provide significant capital and financial investment to operate, will create a more efficient process and likely garner more interest and investment into these City facilities and amenities.

## 2. Streamlined Step Procedure for LTU Renewals

- Amending the applicable step procedure to provide staff direction to bring forward the LTU renewal directly to PRAC will remove the requirement to introduce the LTU Renewal at an Open Council meeting for the sole purpose of having Council refer to the next PRAC meeting.

## 3. Introducing a Pre-Approved Site List

- To support operational continuity, administrative efficiency and long-term community partnerships, staff are proposing a list of Pre-Approved Sites where the use has been previously approved, remains unchanged, and poses no material impact to parkland protection objectives. Inclusion on the list does not guarantee renewal of a license.

If approved, the Pre-Approved Site List will be reviewed and maintained every three (3) years through the following procedure:

Step 1: Parks & Recreation Advisory Committee reviews the Pre-Approved Site List and feedback from staff

Step 2: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or amend the Pre-Approved Site List.

If a site is removed from the Pre-Approved Site List, subsequent License to Use Renewals would need to comply with the Full Renewal for License to Use Agreements procedure.

Staff are proposing the following sites for the Pre-Approved Site List as part of the policy update:

1. Concessions (Peach, Skaha Main, Skaha East, Sudbury)
2. Beach Vending Program Sites
3. 185 Lakeshore Drive West - Jubilee Pavilion
4. 215 Riverside Drive (current agreement with Coyote Cruise)
5. Rotary Park foreshore (current agreement for Pier Watersports)
6. 500 Edmonton Avenue (Day Care & Penticton Safety Village)
7. 1701 Government Street (current agreement with Interior Health – Hospice House)
8. Community Gardens (Vancouver Ave & Baskin St)
9. 1400 Riddle Road (current agreement with Penticton Area Cycling Association PACA)
10. Disc Golf (Riddle Road & Three Blind Mice – current agreement with Penticton Disc Golf Society)
11. 1051 Penticton Avenue (current agreement with Province of BC for Air Quality Station)
12. 3807 Skaha Lake Road (current agreement with Oxbow RV Park)
13. Okanagan Lake Foreshore (current agreement with Splash BC – WIBIT)
14. 630 Munson Mountain Road (current agreement with BMX Society)
15. 1060 Main Street (current agreement with Penticton New Beginnings Christian Fellowship)

Additionally, a number of other minor amendments are being proposed for the purpose of providing clarity and reducing redundant information.

The redline copy of the 2018 Park Land Protection & Use Policy has been included as Attachment B for the Committee's reference.

The final draft, CP#2026-03 Park Land Protection & Use Policy, being proposed for endorsement is included as Attachment C.

### **Analysis**

Originally adopted in 2018, the Park Land Protection and Use Policy is an important document that provides policy guidance and procedural direction to staff. Using the experience and learnings over the past several years, along with feedback from the Committee, staff are proposing these amendments to create efficiencies in the process while ensuring the integrity of the policy is maintained.

Staff are seeking the Committee's endorsement of the updated policy, which also includes the Pre-Approved Site List.

### **Attachments**

Attachment A – Memo to Committee (01-22-2025) – Park Land Protection and Use Policy Review Report

Attachment B – 2018 Park Land Protection & Use Policy (Redline Copy)

Attachment C – CP#2026-03 Park Land Protection & Use Policy

Respectfully submitted,

Kelsey Johnson  
GM of Community Services

Concurrence

General Manager of Infrastructure  RD
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# Memo to Committee

penticton.ca

**Date:** January 22, 2025  
**To:** Parks & Recreation Advisory Committee  
**From:** Kelsey Johnson, Director of Community Services  
**Subject:** **Park Land Protection and Use Policy Review**

## Staff Recommendation

THAT the Parks & Recreation Advisory Committee recommend that Council direct staff to undertake a review of the Park Land Protection and Use Policy with the objective to streamline and enhance the efficiency of processes related to parkland protection, allocation and use.

## Background

The creation of the Park Land Protection and Use Policy came about as a result of community concerns with commercial uses in public parks and the lack of process being in place to deal with park-related uses, License to Use agreements and Lease agreements.

The intent of the policy is to provide policy guidance and procedural direction for the use and protection of public parkland. The policy is guided by the following objectives, which were developed coming from the community engagement process that resulted in the development of the vision, park definition and public input undertaken. The following five policy objectives will be used to guide the use of parks:

- Support recreational opportunities, healthy living and enhance public enjoyment of parks
- Safeguard public access and community affordability
- Protect public ownership
- Protect, preserve and promote park land
- Engage the community in park governance and decisions

The policy is also intended to define what a License and Lease are, and clearly describe the difference between the two forms of tenure that can occur in our public parks. The distinct difference between both is that a Lease allows for exclusive use of land while a License only allows a temporary use of the land.

Since the policy was approved by Council in 2018, there has been no formal review and it is generally accepted that the policy, as a whole, is a sound document providing guidance and direction that is in alignment with Council priorities and community expectations. With that said, over the past year, staff have noted that there are specific procedural guidelines with respect to the renewal of License to Use agreements that have caused confusion and are an inefficient use of staff, Committee and Council time.

Item 6 of the policy outlines the procedure required for a License to Use Renewal. As per the policy, a License to Use agreement may or may not be renewed up to maximum of three (3) years. The policy requires new and renewal of all agreements within our parkland follow the same steps and procedures outlined below:

Step 1: Application to renew submitted to City staff

Step 2: Proposal brought forward to Open Council meeting (*for formal referral from Council to Committee*)

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee

Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing

Step 5: City staff review finding with Parks & Recreation Advisory Committee

Step 6: Parks & Recreation Advisory Committee review application and feedback from staff

Step 7: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

With the existing step procedure, each LTU renewal requires a minimum of three (3) reports and presentations. As there are a number of individual LTU's it is possible that Council receives multiple reports at the same meeting, however, they may be at different points in the step procedure process, which may cause confusion.

In previous Committee discussions on various License to Use agreements, staff have also noted that there is an interest from the Committee in exploring longer term options based on factors such as historical use and level of investment required from the Licensee to operate.

#### Summary of LTU Reports Year to Date

In 2024, staff have brought forward nine (9) License to Use Agreement renewal reports to the Parks & Recreation Advisory Committee. One (1) report was for a new agreement with the other eight (8) reports pertaining to existing agreements that have been in place within our parks for numerous years. For example, we have four (4) existing concessions. These individual concessions are brought forward to the Committee every three (3) years for approval to seek an operator for the concessions. The specific use of these buildings (food concession services) does not change, just the operator, which is determined through a separate competitive process outside of the Committee. Another example is the Jubilee Pavilion, located in Rotary Park, which Travel Penticton and the Chamber of Commerce have been utilizing since 2020. Staff have now presented three (3) reports to the Committee for the renewal of this agreement with the use of this building not changing.

These nine (9) Committee reports also resulted in an additional eighteen (18) reports to Council for a total of twenty-seven (27) reports and presentations for nine (9) License to Use Agreements, eight (8) of which were not introducing a new type of use within park land.

#### **Analysis**

The Park Land Protection and Use Policy is an important document that provides policy guidance and procedural direction to staff. Based on the comments and feedback received from the Committee this year, staff have identified a number of different efficiencies to be explored. These include:

1. Updating the Step Procedure

Amending the Step Procedure to provide staff direction to bring forward the LTU renewal directly to PRAC will remove the requirement to introduce the LTU Renewal at an Open Council meeting for the sole purpose of having Council refer to the next PRAC meeting.

2. Excluded Sites List

Many of the LTU Agreements are renewals for sites and city-owned facilities that have a longstanding positive history and are viewed as important amenities and services adding vibrancy to the City of Penticton. This includes sites such as the beach concessions and the Jubilee Pavilion. As these sites have been in existence for many years and do not detract from the public's ability to enjoy and access park land, staff would like to explore the option of providing an exclusion list within the policy. The exclusion would only apply in the event that the renewal for the LTU Agreement is for an identical use, and there are no significant changes being made to the LTU Agreement. The exclusion list could be reviewed by PRAC on a pre-determined schedule outlined in the policy, such as every five (5) years.

3. Five (5) Year Renewal Option

The Committee had raised concerns about the barrier of the maximum three-year terms for businesses submitting Proposals to operate the concessions located within parkland, particularly when the business makes an investment in the facility or equipment. Members commented that a longer-term LTU Agreement would provide more confidence for the tenant to recover their investment. Providing staff with the ability to issue a five (5) year LTU Agreement, should a tenant provide significant capital and financial investment to operate, will create a more efficient process and likely garner more interest and investment into these City facilities and amenities.

It has been over 6 years since the Park Land Protection and Use Policy was adopted and staff have utilized the procedures contained within the policy for various scenarios. Using this experience and learnings, staff are seeking support and direction to review the policy to create efficiencies in process while ensuring the integrity of the policy is maintained. Should the Committee endorse the staff recommendation, staff will return with proposed amendments to the policy for further discussion with Committee.

**Alternate recommendations**

None at this time.

**Attachments**

Attachment A – Park Land Protection and Use Policy

Respectfully submitted,

Kelsey Johnson

Director of Community Services

Approval date:

Resolution No.:

**Subject: Park Land Protection and Use Policy**

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## 1. PURPOSE

1.1. The purposes of the Park Land Protection and Use Policy are:

- 1.1.1. To provide direction on the protection and uses of public park land within the City of Penticton in accord with the Official Community Plan, Parks & Recreation Master Plan and Zoning Bylaw.
- 1.1.2. To protect parks as public assets of the City of Penticton. This policy will ensure that city parks remain in the public domain through community engagement and support and with the implementation of the Park Land Protection and Use Policy.
- 1.1.3. To support the community's use and enjoyment of the parks, provide opportunities for primarily outdoor recreation and nature appreciation thereon, and to protect, conserve, and preserve the natural, physical, historical and cultural resources thereon.
- 1.1.4. To improve the quality of parks in our community through enhanced park stewardship and sustainable resource management.

## 2. GUIDING PRINCIPLES

- 2.1. The community developed a vision, a park definition and set of values in the 2018 Parks and Recreation Master Plan to guide future use of Penticton's parks and recreation services in the City of Penticton. These values directed the development of the Park Protection and Use Policy and will guide its implementation.
  - 2.1.1. A public park is an unencumbered tract of land wherein the land title is held by a public entity for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon, and wherein an encumbrance is a burden, obstruction, or impediment to the foundational purpose or purposes for which the park was established.

2.1.2. Policy Objectives and their resulting policies have been created based on the Vision, Park Definition, Values and community engagement undertaken with the Parks & Recreation Master Plan and will be used to guide the use of parks.

- *Support recreational opportunities, healthy living and enhance public enjoyment of parks*
- *Safeguard public access and community affordability*
- *Protect public ownership*
- *Protect, preserve and promote park land*
- *Engage the community in park governance and decisions*

### 3. POLICY

#### 3.1. Support recreational opportunities, healthy living and enhance public enjoyment of parks

3.1.1. The City of Penticton supports uses, recreational opportunities, provides for a healthy lifestyle and improves the public enjoyment of parks. These uses are identified as Permitted Uses in the Zoning Bylaw and shall meet applicable subdivision and development regulations contained within each Park Zone.

3.1.2. Requests for uses that are not identified as Permitted Uses in the Zoning Bylaw shall follow the zoning procedure for *Uses in a Park Zone that are not a Permitted Use* as outlined in this policy prior to being considered by Council.

#### 3.2. Safeguard public access and community affordability

3.2.1. The City of Penticton does not support uses that inhibit long term public access through exclusive memberships, prohibitive fees or permanent physical structures that detract from the natural setting and use of the park.

#### 3.3. Protect public ownership

3.3.1. A *License*, as defined under this policy permits the use of something or allows an activity to take place; a Licensee shall not be guaranteed exclusive use of the property, is not an entitlement to the land, and includes a cancellation clause allowing the Licensor (City) to cancel the license at any time by providing the stipulated required notice; additional licenses to unrelated parties may be granted over the same property or portions of property; a license cannot be registered on the title of the property.

3.3.1.1. The City of Penticton may issue a License-to-Use for a portion of public park land to support a Permitted Use in a Park Zone. These licences are typically for a short term or seasonal in nature, up to a maximum of ~~three (3)~~ five (5) years, and shall be approved in accordance with the zoning procedure for *Permitted Uses* outlined in this policy.

3.3.2. A *Lease*, under this policy is defined as a contract by which one party conveys exclusive use of land or real property to another for a specified period of time and provides entitlement to the land, usually in return for a periodic payment. A lease is a stronger form of tenure than a License and typically cannot be cancelled during the term of the lease as long as Lessee honours terms and conditions. Leases may be registered with the Land Title office creating a legal enforceable charge against the property for the term of the lease. In the context of park land within the City of Penticton, a lease of municipal park land grants a private interest rights to public land and diminishes public ownership and control.

3.3.2.1. The City of Penticton will not enter into a lease of land dedicated as park under Park Dedication Bylaw 2018-37 without the approval of the electors.

#### 3.4. Protect, preserve and promote park land

3.4.1. If the proposed use is deemed to uphold Council Policy Section 2.1.1 and to have a net benefit to municipal park land, the City will then submit the proposal for public engagement in accordance with Section 3.5 of this policy.

3.4.2. The City of Penticton supports the growth and enhancement of public park land for community use in accordance with the Parks & Recreation Master Plan.

The City of Penticton recognizes that there are a number of private encroachments into existing public park land. ~~There shall be no further encroachments into public park land and existing encroachments will be managed to ensure removal of encroachments where considered feasible.~~ No new private encroachments onto public park land will be permitted. Existing encroachments may be reviewed and considered for continuation, modification, or removal based on their impact on park use, public benefit, and feasibility.

#### 3.5. Engage the community in park governance and decisions

3.5.1. The community is involved in governance of the protection and use of parks and the implementation of this policy through their membership on the Parks & Recreation Advisory Committee.

3.5.2. The community shall be engaged before a decision is made on any proposed change to use or regulation within any Park Zone in accordance with the procedure outlined in Section 5.2 of this policy. This policy provides for increasing levels of engagement based on the scale and impact of the proposed use. City staff and the Parks & Recreation Advisory Committee will establish the level of engagement according to the impact of the proposed use, in accordance with the zoning procedure for *Requests for Uses that are not Permitted*

Uses and in accordance with the IAP2 International Spectrum of Public Participation (See Schedule B).

#### 4. Legacy Licenses and Leases

4.1. The City of Penticton recognizes that a number of ~~existing~~ legacy leases and License to Use agreements existed on public land at the time this policy was originally adopted, some of which may not align with current permitted uses. These existing agreements may continue in accordance with their terms. Upon expiry of a legacy agreement, the continuation of the use will be evaluated ~~uses in public parks may not be permitted under this policy (See Schedule A). The City of Penticton may or may not allow these licences and leases to continue in accordance with the agreements that are in place at the time of the creation of this policy. At the termination of the existing agreement, the use may or may not be allowed to continue~~ in accordance with this policy, applicable bylaws and the *Procedure for uses that are not Permitted Park Uses* (See section 5.2.2 of this policy).

#### 5. PROCEDURES – ZONING BYLAW

##### 5.1. Permitted Uses

5.1.1. Permitted Uses within any Park Zone and no other uses than those provided for in the list of permitted uses in the Zoning Bylaw shall be allowed on City park land.

5.1.1.1. Permitted Uses in a Park Zone may occur in accordance with the subdivision and development regulations of the Park Zone.

5.1.1.2. City staff will report to the Parks & Recreation Advisory Committee on any new licences for permitted uses in a Park Zone.

##### 5.2. Uses in a Park Zone that are not Permitted

5.2.1. Uses that are not a Permitted Use within a Park Zone or a regulation change must be reviewed through a Zoning Amendment application and a Public Hearing held in accordance with ~~Section 890 of the~~ Local Government Act.

5.2.2. The procedural review for any new use on Park Zoned Land is as follows:

Step 1: Zoning Amendment Application submitted to City staff

Step 2: Proposal brought forward to Open Council meeting for introduction to the community

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee for review against the Official Community Plan, Parks and Recreation Master Plan, Zoning Bylaw, Park Protection and Use Policy and any other applicable regulations  
Step 4: Parks & Recreation Advisory Committee meet to review application and determine level of community engagement required in accordance with the IAP2 International Spectrum of Public Participation (~~See Schedule B~~)  
Step 5: Public Participation process occurs receiving input from community  
Step 6: Parks & Recreation Advisory Committee to meet and review application  
Step 7: Parks & Recreation Advisory Committee to provide a recommendation to Council  
Step 8: Council report introduced to Council outlining proposed Park Protection and Use or regulation change  
Step 9: Public hearing advertised and held in accordance with ~~Section 890~~ of the *Local Government Act*.  
Step 10: After hearing from the public and receiving a recommendation from the Parks and Recreation Advisory Committee, Council renders a decision on a park proposal.

5.2.3. The procedural review contained within Section 3.5 of this policy may be followed for review of other park use related matters as determined by staff and the Parks & Recreation Advisory Committee.

## 6. PROCEDURE – LICENSE TO USE RENEWAL

### 6.1. Pre-Approved Sites (License to Use to Renewal)

6.1.1. To support operational continuity, administrative efficiency and long-term community partnerships, the City may establish and maintain a list of Pre-Approved Sites where the use has been previously approved, remains unchanged, and poses no material impact to parkland protection objectives. Inclusion on the list does not guarantee renewal of a License To Use Agreement. The Pre-Approved Site List will be reviewed and maintained every three (3) years through the following procedure:

Step 1: Parks & Recreation Advisory Committee reviews the Pre-Approved Site List and feedback from staff

Step 2: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or amend the Pre-Approved Site List.

Removal of a site from the list shall require that any subsequent License to Use Agreement renewal to comply with Section 6.2.

A License to Use Agreement may or may not be renewed up to a maximum of five (5) years. Where a License to Use Agreement renewal for a Pre-Approved Site is for an identical use and there are no significant changes being made to the terms of the agreement, the renewal will proceed to an Open Council meeting for direction. Once the Pre-Approved Site list has been endorsed by Council, no further Committee recommendations are required for renewals within the duration of the Pre-Approved Site list.

6.1.2.

6.2. Full Renewal for License to Use Agreements not on the Pre-Approved Site List

6.1.1.—A Licence to Use Agreement may or may not be renewed up to a maximum of five (5) years. Where a License to Use Agreement renewal does not meet the criteria for Section 6.1, the following procedure will apply: A Licence to Use may or may not be renewed up to a maximum of three (3) years. The procedural review for any renewal is as follows:

6.1.2.6.2.1.

Step 1: Application to renew submitted to City staff

Step 2: City staff conduct License to Use Agreement Review to confirm conditions of the license are met and that the agreement is in good standing, application circulated to City Departments for acceptance and feedback

Step 2: Proposal brought forward to Open Council meeting for introduction to the community

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee

Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing

Step 5: Proposal brought forward to City staff review findings with the Parks & Recreation Advisory Committee for their review and recommendation

Step 6: Parks & Recreation Advisory Committee review application and feedback from staff

Step 7: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal.

Step 8: Staff present the Committee's recommendation to Council in an open meeting for final direction.

7. SCHEDULES

A. Pre-Approved Site List

A. List of existing Park Licenses & Leases

B. IAP2 International Spectrum of Public Participation

8. Previous revisions

Amendment process for this policy.

N/A

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Certified Correct:

## Schedule A – Pre-Approved Site List

Objective & Eligibility Criteria: To support operational continuity, administrative efficiency and long-term community partnerships, the City may establish and maintain a list of Pre-Approved Sites where the use has been previously approved, remains unchanged, and poses no material impact to parkland protection objectives. Inclusion on the list does not guarantee renewal of a License to Use Agreement.

Review & Maintenance: The Pre-Approved Site List will be reviewed and maintained every three (3) years through the following procedure:

Step 1: Parks & Recreation Advisory Committee reviews the Pre-Approved Site List and feedback from staff

Step 2: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or amend the Pre-Approved Site List.

Removal of a site from the list shall require that any subsequent License to Use Agreement renewal comply with Section 6.2.

### Sites

#### 1. Concessions:

- a) The Peach- 185 Lakeshore Drive West
- b) Skaha Main – 3701 Parkview Street
- c) Skaha East – 3885 South Main Street
- d) Sudbury Beach – 3846 Skaha Lake Road

#### 2. Beach Vending Program Sites

#### 3. 185 Lakeshore Drive West - Jubilee Pavilion

#### 4. 215 Riverside Drive- (current agreement with Coyote Cruise)

#### 5. Rotary Park foreshore (current agreement for Pier Watersports)

#### 6. 500 Edmonton Avenue-

- a) Day Care
- b) Penticton Safety Village

#### 7. 1701 Government Street (current agreement with Interior Health – Hospice House)

#### 8. Community Gardens:

- a) 480 Vancouver Avenue
- b) 2460 Baskin Street

#### 9. 1400 Riddle Road (current agreement with Penticton Area Cycling Association PACA)

#### 10. Disc Golf:

- a) Riddle Road (current agreement with Penticton Disc Golf Society)
- b) Three Blind Mice (current agreement with Penticton Disc Golf Society)

#### 11. 1051 Penticton Avenue (current agreement with Province of BC for Air Quality Station)

#### 12. 3807 Skaha Lake Road (current agreement with Oxbow RV Park)

#### 13. Okanagan Lake Foreshore (current agreement with Splash BC – WIBIT)

#### 14. 630 Munson Mountain Road (current agreement with BMX Society)

#### ~~1~~—1060 Main Street (current agreement with Penticton New Beginnings Christian Fellowship)

2. Schedule A – List of existing Park Licenses & Leases

City of Peniticon - Current Leases and Licenses in Parks and Recreation Facilities 2016													
Park Name	ZONE	LEASE / LTU	LESSEE	ADDRESS	AREA UTILIZED	LESSEE TYPE	ACTIVITY / USE	TERM in years	START DATE	EXPIRY DATE	ESCAPE CLAUSE Y/N	PARK NAME	LOCATION WITHIN PARK (ie. on sand, in parking lot)
Kings Park	P2	LTU	PENITICON SOCCER CLUB	550 Eckhardt Ave W	.15 ac	Sports club	Use of building for club activities	mo-mo	2013-10-15	until terminated	Y	Kings Park	Adjacent to parking lot
Lakawanna Park	P2	Lease	1062062 BC LTD (Gord Ferguson) Lakawanna - Pato Burger	790 Lakeshore Dr W	.11 ac	Park concession	Use of and building for operation of concession patio and washroom facility	20	2016-05-20	2045-04-30	N	Lakawanna Park / Okanagan Lake	Concession at Lakawanna
Maria Way Park	CT1	LTU	FRAGUE CAFE, THE	102-250 Maria Way	.003 ac	Cafe	Use of and for an outdoor patio for customers	Y	2016-09-01	2021-08-31	Y	Okanagan Lake	Grass area at Okanagan Lake
Maria Way Park	P1	Lease	PENITICON ART GALLERY	199 Maria Way		Art gallery	Use of and building for displaying art and providing parking	20	1998-10-01	2019-09-30	N	Okanagan Lake	Building at Okanagan Lake
Okanagan Beach	P2	Lease	CONCESSION OKANAGAN BEACH - THE PEACH Localriding Adventure Golf/1062062 BC Ltd.	185 Lakeshore Dr W		Beach concession	Beach concession	20	2002-02-01	2022-01-31	Y	Okanagan Lake	Concession at Okanagan Lake
Okanagan Beach		Lease	PENITICON WATER PARK LTD. (WIBIT)	Okanagan Lake	.02 ac	Water Recreational business	Sublease of Crown land for operation of a water park	5	2015-08-01	2020-05-31	N	Okanagan Lake	Water and sand area at Okanagan Lake
Rotary Park	P2	LTU	BISHOP'S SNOW AND MARINE LTD.	185 Lakeshore Dr	.088 ac	Recreational business	Use of building and grounds for operating business of providing rental equipment for water based activities	5	2014-01-01	2018-12-31	Y	Rotary Park	On beach
Skaha Park	P2	LTU	CONCESSION, SKAHA EAST - Nicholas, Jennie	3885 South Main St		Beach concession	Beach concession	2	2016-05-01	2017-09-30	Y	Skaha Lake	Concession at Skaha East

Skaha Park	P2	LTU	CONCESSION, SKAHA MAIN - Thomas & Callin Fine Foods Ltd. (Tolkeberry's)	3701 Parkview St		Beach concession	Beach pool concession												
SS Sicamous Park	P2	Lease	S.S. SICAMOUS / NARAMATA	1098 Lakeshore Dr W	2 ac	Tourist attraction	Sub-lease to Use of Crown land for moorage of the S. Sicamous to operate a museum and host special events		5	2017-06-01	2022-09-30	Y	Skaha Lake	Concession at Skaha Main					
Sudbury Beach	P2	LTU	CONCESSION, SUDBURY BEACH - Glow Sup Adventures (Dareey Godfrey)	3949 Skaha Lake Rd		Beach concession	Beach pool concession		2	2015-05-05	2017-09-30	Y	Skaha Lake	Concession at Sudbury Beach					
Lion's Park	P2	LTU	LION'S PARK CONCESSION	198 Warren Ave W		Park concession	Park food concession												
Kiwamis Park	P2	LTU	PDCRS - After School Program	470 Edmonon Ave		Child care facility	Use of building and grounds for operation of social service programs		5	2012-03-01	2017-02-28	Y	N/A - old pool	Y					
Kiwamis Park	P2	LTU	PDCRS - Alternative & Little Triumphs	500 Edmonon Ave	1.75 ac	Child care facility	Use of building and grounds for operation of social service programs		5	2012-03-01	2017-02-28	Y	N/A - old pool						
Kiwamis Park	P2	LTU	PENITICTON SAFETY VILLAGE SOCIETY	490 Edmonon Ave	85 ac	Child safety facility	Use of building and grounds for operation of children's safety village and for equipment storage		5	2013-11-01	2018-10-31	Y	N/A						
Lakeside Road (Dog Beach)	P2	Lease	0894013 B.C. LTD. (Skinner / Skaha Dog Beach)	4851 Lakeside Rd	22 ac	Private	Sub-lease of Crown land for operation of cabana for property owner to the east			0 2013-06-12	2022-06-12	N	Skaha Lake Beach	Sandy beach					

Lions Park	P2	LTU	PENTICTON BMX ASSOCIATION	Lions Park	2.5 ac	Sports club	Use of land for operation of bicycle motocross track and facility	N/A	1989-01-31	when cancelled	Y	Lions Park	South east corner of 188 Warren Ave
McNicoll Park	P2	LTU	SOCIETE DE LA PETITE ENFANCE DE L'ECOLE ENTRE LACS	1061 Pentiction Ave	.025 ac	Pre-school facility	Use of land for fenced playground for pre-school aged children	5	2014-07-01	2019-08-30	Y	McNicoll Park	Between schools
Riverside Park	P2	LTU	COYOTE CRUISES	215 Riverside Drive	.17 ac	Recreational business	Use of building for operation of a rental concession and transportation service - float the channe	5	2014-10-01	2019-09-30	Y	Riverside	South of skate park
Senior's Drop-in Centre	P1	LTU	PENTICTON HORSESHOE PITCHERS CLUB, THE	2005 South Main St	.5 ac	Sports club	Use of horse pitches in exchange for maintenance and upkeep of land	3	2015-05-01	2019-04-30	Y	Seniors Centre Robinson Park	
Vancouver Avenue Park	P2	LTU	PEN COMMUNITY GARDENS SOC	480 Vancouver Ave	1.04 ac	Community gardens	Use of land for community gardens	5	2018-01-01	2020-12-31	Y	Vancouver Hill	North portion of park
Vancouver Avenue Park	P2	LTU	PENTICTON DISC GOLF	480 Vancouver Ave	2.22 ac	Sports club	Operation of disc golf facility	3	2018-03-16	2019-03-14	Y	Esplanade	All
Baskin Park	P2	LTU	FOOD FORESTERS SOC OF CANADA	2480 Baskin St	.18 ac	Community gardens	Use of land for operation of community garden plots	5	2013-06-01	2018-05-31	Y	Undeveloped	North most portion of park
Dartmouth Park	R2	LTU	DAVIDOW, AVERY	374 Greenwood Dr	.15 ac	Private residence	Use of land for quiet enjoyment	5	2014-11-01	2019-08-31	Y	Under 2715 Dartmouth Dr	Behind lot

Dartmouth Park	P2	LTU	AMANTE, F. L & J	310 Greenwood Dr	.038 ac	Private residence	Use of and for quiet enjoyment - garden	5	2015-05-01	2020-04-30	Y	Undeveloped 2716 Dartmouth	Garden behind lot
<b>Special Purpose</b>													
Lawn Bowling Club	P2	Lease	PEN LAKEVIEW LAWN BOWLING CLUB	280 Brunswick St	.55 ac	Sports club	Use of and building for operation of a lawn bowling club		20	2000-01-01	2020-12-31	N	
Loco Landing	P2	Lease	LOCO LANDING ADV. GOLF INC.	135 Riverside Dr	1.73 ac	Recreational business	Use of and for the operation of a recreational facility		20	2009-01-01	2028-12-31	N	Riverside Park
Penticton Golf and Country Club	P2	Lease	PENTICTON GOLF & COUNTRY CLUB	882 Eckhardt Ave W	13.23 ac	Sports club	Use of building and land for operation of a golf club for renting equipment, providing golf lessons, leisure golfing, tournaments, the sale of refreshments and the rental of facilities as a special events venue		28	2007-07-01	2033-10-31	N	
Penticton Yacht and Tennis Club	P2	LTU	PENTICTON TENNIS SOCIETY	283 Marina Way	.7 ac	Sports club	Use of facilities for operation of a tennis club with league play	3	2016-04-01	2017-12-31	Y	Okanagan Lake	East of marina
Penticton Yacht and Tennis Club	P2	Lease	PENTICTON YACHT & TENNIS CLUB	283/675 Marina Way	15.8 ac	Marina	Sublease of Crown Y Dock in marina and storage compound to provide a commercial public marina and associated facilities		2016-04-02	2017-12-31	N	Okanagan Lake	
Ellis Creek Pathway	P1	LTU	INTERIOR HEALTH AUTHORITY (Hospice Society House)	1701 Government St	.07 ac	Health facility	Use of and for quiet enjoyment - garden and walkway	5	2014-07-01	2018-06-30	Y	Undeveloped park - walking path	Adjacent to Ellis Creek
Esplanade	P2	LTU	AWORTHY, B & QUINN, S	345 Vancouver Ave	.05 ac	Private residence	Use of and for quiet enjoyment - yard fenced	5	2014-08-01	2018-07-31	Y	Esplanade	Fenced yard

Esplanade	P2	LTU	PENICTON DISC GOLF	500 Marina Way														
Penton Creek Pathway	P2	LTU	MUNSONS PROPERTIES	1551 Penton Ave	20 ac	Private residence	Use of land for quiet enjoyment	5	2014-11-01	2019-10-31	Y	Undeveloped park - walking path	Adjacent to Penton Creek					
Three Blind Mice	FG	LTU	PENICTON DISC GOLF	1400 Riddle Road	27 ac	Sports club	Operation of disc golf facility	5	2015-03-01	2020-02-29	Y	Three Blind Mice area	South west corner					
Three Blind Mice	FG	LTU	PENICTON AND AREA CYCLING ASSOCIATION	1400 Riddle Road	320 ac	Cycling Club	Mountain Biking Trails	5	2016-07-01	2018-03-31	Y	Not a Park						
TCT / KVR Trail	AG	LTU	BOGDANOFF, C & BOWEN, P	645 Lower Bench Rd	25 ac	Private residence	Use of V/R land for agriculture - fenced garden	5	2012-01-01	2018-12-31	Y	KVR	Fronts trail					
TCT / KVR Trail	AG	LTU	HOLLER, BARBARA ROSE	1181 Davenport Ave	955 ac	Private residence	Use of V/R land for agriculture - grapes	5	2014-05-01	2019-04-30	Y	KVR	Fronts trail					
TCT / KVR Trail	P2	LTV	SHAW, H & M	911/913 Loochore Rd	1.34 ac	Private residence	Use of V/R land for agricultural purposes	7	2013-01-01	2019-12-31	Y	KVR	Fronts trail both sides					
TCT / KVR Trail	P2	Lease	KING FAMILY FARMS LTD. (KVR Lots 1-5)	894 Carder Rd	5 ac	Agricultural business	Use of V/R land for Agriculture	5	2001-05-01	2017-06-30	N	KVR	Fronts KVR both sides					

630 Munson Min Road	P2	LTU	PENTICTON BMX SOCIETY	630 Munson Min Rd	2.8 ac	Sports club	Use of track and facility	and for operation of bicycle motocross	5	2016-05-01	2021-04-30	Y	Munson Mountain	North west portion
Adidas Sportsplex	P2	Lease	PINNACLES FOOTBALL CLUB AND PENTICTON SOCCER CLUB dba ADIDAS SPORTSPLEX	550 Eckhardt Ave W	.67 ac	Sports clubs	Use of football track	and building as a sports complex for indoor soccer and a public walking track	20	2015-09-01	2044-08-31	N	Kings park	Indoor use at 550 Eckhardt Ave
McLaren Arena	P2	LTU	OKANAGAN HOCKEY SCHOOL / GROUP	McLaren Arena	.23 ac	Sports educator	Use of concession and vending machines	Use of facility for Hockey school; operation of concession and vending machines	2	Exp.		Y	N/A	
Senior's Drop-in Centre	P2	Lease	PEN SENIORS' DROP IN CENTRE SOC	2985 South Main St		Social club	Use of senior's social facility	Use of and building for operation of a senior's social facility	20	1999-06-01	2016-05-31	N	Robinson Park	
Memorial & McLaren Arena	P1	LTU	PENTICTON & DISTRICT MINOR HOCKEY ASSOC. (Memorial Arena)	389 Power Street		Arena concession	Sale of refreshments and placement of hot/cold vending machines			2003-09-01	2016-04-30	Y	Memorial Arena	
South Okanagan Events Centre	P1	Lease	APPLE PLANNING SERVICES INC. & 0928232 B.C. LTD.	888 Westminster Ave W		Private business	Use of a portion of the building as an office		5	2013-01-01	2017-07-31	N	Queens Park	
South Okanagan Events Centre	P1	Lease	INTERIOR HEALTH AUTHORITY Part of SOEC	853 Eckhardt Ave W		Health provider	Use of a portion of the building to operate a cardiac and pulmonary rehabilitation wellness program		5	2014-09-01	2016-08-31	Y		Part of SOEC
South Okanagan Events Centre	P1	Lease	OKANAGAN HOCKEY SCHOOL	853 Eckhardt Ave W		Sports educator	Use of a portion of the building for operation of a hockey school and other related activities		10	2009-01-01	2016-12-31	N	Kings Park	

South Okanagan Events Centre	P1	LTU	PENTICTON TOURISM	853 Eckhardt Ave W	Tourism Organization	Temporary office rental		1	2018-12-31	Y			
Pentiction Curling Rink	P1	Lease	PENTICTON CURLING CLUB	606 Veas Dr	Sports club	Use of portion of the building for operation of a curling rink for the purpose of providing curling lessons, competitions and bonspiels and sale of refreshments		10	2010-10-01	2020-08-30	Y		
Pentiction Community Centre	P1	Lease	DALE CHARLES & ASSOC. PHYSICAL THERAPIST CORP.	325 Power St	Health provider	Use of portion of the building for the operation of a physiotherapy clinic		5	2012-04-02	2017-04-01	N		
Pentiction Community Centre	P1	LTU	KISU SWIM CLUB	325 Power St	Swim Club	Office rental		3	2017-08-31		Y		
Pentiction Community Centre	P1	LTU	DRAGON BOAT FESTIVAL	325 Power St	Non-profit group	Office rental (year to year)		1	2018-12-31		Y		
Oxbows	CT2	LTU	OXBOW RV RESORT LTD.	3811 Shaha Lake Rd	Recreational business	Use of land for RV Park		5	2012-08-01	2017-05-31	Y	N/A	North of Sudbury Beach
Leir House	P1	Lease	PEN. & DIST. COMMUNITY ARTS COUNCIL - Leir House	220 Manor Park	Arts club	Use of building and land as a place for artists to gather and to work on their art projects		yr-yr	1882-07-01		N		Building at 220 Manor Park

iap2 public participation spectrum		developed by the International Association for public participation			
PUBLIC PARTICIPATION GOAL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advise and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
<b>EXAMPLE TOOLS</b>	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Websites</li> <li>• Open houses</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberate polling</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen Advisory committees</li> <li>• Consensus-building</li> <li>• Participatory decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen juries</li> <li>• Ballots</li> <li>• Delegated decisions</li> </ul>

3-15.

**Category:** Parks / Land Management

**Subject:** Park Land Protection and Use Policy

### Purpose

The purposes of the Park Land Protection and Use Policy are:

- To provide direction on the protection and uses of public park land within the City of Penticton in accord with the Official Community Plan, Parks & Recreation Master Plan and Zoning Bylaw.
- To protect parks as public assets of the City of Penticton. This policy will ensure that city parks remain in the public domain through community engagement and support and with the implementation of the Park Land Protection and Use Policy.
- To support the community's use and enjoyment of the parks, provide opportunities for primarily outdoor recreation and nature appreciation thereon, and to protect, conserve, and preserve the natural, physical, historical and cultural resources thereon.
- To improve the quality of parks in our community through enhanced park stewardship and sustainable resource management.

### Scope & Guiding Principles

The community developed a vision, a park definition and set of values in the 2018 Parks and Recreation Master Plan to guide future use of Penticton's parks and recreation services in the City of Penticton. These values directed the development of the Park Land Protection and Use Policy and will guide its implementation.

- A public park is an unencumbered tract of land wherein the land title is held by a public entity for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon, and wherein an encumbrance is a burden, obstruction, or impediment to the foundational purpose or purposes for which the park was established.
- Policy Objectives and their resulting policies have been created based on the Vision, Park Definition, Values and community engagement undertaken with the Parks & Recreation Master Plan and will be used to guide the use of parks.
  - *Support recreational opportunities, healthy living and enhance public enjoyment of parks*
  - *Safeguard public access and community affordability*
  - *Protect public ownership*
  - *Protect, preserve and promote park land*
  - *Engage the community in park governance and decisions*

## Policy Statements

### 1. Support recreational opportunities, healthy living and enhance public enjoyment of parks

- 1.1. The City of Penticton supports uses, recreational opportunities, provides for a healthy lifestyle and improves the public enjoyment of parks. These uses are identified as Permitted Uses in the Zoning Bylaw and shall meet applicable subdivision and development regulations contained within each Park Zone.
- 1.2. Requests for uses that are not identified as Permitted Uses in the Zoning Bylaw shall follow the zoning procedure for *Uses in a Park Zone that are not a Permitted Use* as outlined in this policy prior to being considered by Council.

### 2. Safeguard public access and community affordability

- 2.1. The City of Penticton does not support uses that inhibit long term public access through exclusive memberships, prohibitive fees or permanent physical structures that detract from the natural setting and use of the park.

### 3. Protect public ownership

- 3.1. A *License*, as defined under this policy permits the use of something or allows an activity to take place; a Licensee shall not be guaranteed exclusive use of the property, is not an entitlement to the land, and includes a cancellation clause allowing the Licensor (City) to cancel the license at any time by providing the stipulated required notice; additional licenses to unrelated parties may be granted over the same property or portions of property; a license cannot be registered on the title of the property.

- 3.1.1. The City of Penticton may issue a License To Use for a portion of public park land to support a Permitted Use in a Park Zone. These licences are typically for a short term or seasonal in nature, up to a maximum of five (5) years, and shall be approved in accordance with the zoning procedure for *Permitted Uses* outlined in this policy.

- 3.2. A *Lease*, under this policy is defined as a contract by which one party conveys exclusive use of land or real property to another for a specified period of time and provides entitlement to the land, usually in return for a periodic payment. A lease is a stronger form of tenure than a License and typically cannot be cancelled during the term of the lease as long as Lessee honours terms and conditions. Leases may be registered with the Land Title office creating a legal enforceable charge against the property for the term of the lease. In the context of park land within the City of Penticton, a lease of municipal park land grants a private interest rights to public land and diminishes public ownership and control.

- 3.2.1. The City of Penticton will not enter into a lease of land dedicated as park under Park Dedication Bylaw 2018-37 without the approval of the electors.

#### **4. Protect, preserve and promote park land**

- 4.1.** If the proposed use is deemed to uphold the scope and guiding principals of this policy and to have a net benefit to municipal park land, the City will then submit the proposal for public engagement in accordance with Section 5 of this policy.
- 4.2.** The City of Penticton supports the growth and enhancement of public park land for community use in accordance with the Parks & Recreation Master Plan.

The City of Penticton recognizes that there are a number of private encroachments into existing public park land. No new private encroachments onto public park land will be permitted. Existing encroachments may be reviewed and considered for continuation, modification, or removal based on their impact on park use, public benefit, and feasibility.

#### **5. Engage the community in park governance and decisions**

- 5.1.** The community is involved in governance of the protection and use of parks and the implementation of this policy through their membership on the Parks & Recreation Advisory Committee.
- 5.2.** The community shall be engaged before a decision is made on any proposed change to use or regulation within any Park Zone in accordance with the procedure outlined in Section 8 of this policy. This policy provides for increasing levels of engagement based on the scale and impact of the proposed use. City staff and the Parks & Recreation Advisory Committee will establish the level of engagement according to the impact of the proposed use, in accordance with the zoning procedure for *Requests for Uses that are not Permitted Uses* and in accordance with the IAP2 International Spectrum of Public Participation.

#### **6. Legacy Licenses and Leases**

- 6.1.** The City of Penticton recognizes that a number of legacy leases and License to Use agreements existed on public land at the time this policy was originally adopted, some of which may not align with current permitted uses. These existing agreements may continue in accordance with their terms. Upon expiry of a legacy agreement, the continuation of the use will be evaluated in accordance with this policy, applicable bylaws and the *Procedure for uses that are not Permitted Park Uses* (See section 8.2 of this policy).

### **PROCEDURES – ZONING BYLAW**

#### **7. Permitted Uses**

- 7.1.** Permitted Uses within any Park Zone and no other uses than those provided for in the list of permitted uses in the Zoning Bylaw shall be allowed on City park land.

**7.2.** Permitted Uses in a Park Zone may occur in accordance with the subdivision and development regulations of the Park Zone.

**7.3.** City staff will report to the Parks & Recreation Advisory Committee on any new licences for permitted uses in a Park Zone.

## **8. Uses in a Park Zone that are not Permitted**

**8.1.** Uses that are not a Permitted Use within a Park Zone or a regulation change must be reviewed through a Zoning Amendment application and a Public Hearing held in accordance with the Local Government Act.

**8.2.** The procedural review for any new use on Park Zoned Land is as follows:

Step 1: Zoning Amendment Application submitted to City staff

Step 2: Proposal brought forward to Open Council meeting for introduction to the community

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee for review against the Official Community Plan, Parks and Recreation Master Plan, Zoning Bylaw, Park Protection and Use Policy and any other applicable regulations

Step 4: Parks & Recreation Advisory Committee meet to review application and determine level of community engagement required in accordance with the IAP2 International Spectrum of Public Participation

Step 5: Public Participation process occurs receiving input from community

Step 6: Parks & Recreation Advisory Committee to meet and review application

Step 7: Parks & Recreation Advisory Committee to provide a recommendation to Council

Step 8: Council report introduced to Council outlining proposed Park Protection and Use or regulation change

Step 9: Public hearing advertised and held in accordance with the *Local Government Act*.

Step 10: After hearing from the public and receiving a recommendation from the Parks and Recreation Advisory Committee, Council renders a decision on a park proposal.

**8.3.** The procedural review contained within Section 5 of this policy may be followed for review of other park use related matters as determined by staff and the Parks & Recreation Advisory Committee.

## **PROCEDURES – LICENSE TO USE RENEWAL**

### **9. Pre-Approved Sites for License to Use to Renewal**

**9.1.** To support operational continuity, administrative efficiency and long-term community partnerships, the City may establish and maintain a list of Pre-Approved Sites where the use has been previously approved, remains unchanged, and poses no material impact to parkland protection objectives. Inclusion on the list does not guarantee renewal of a License To Use Agreement. The Pre-Approved Site List will be reviewed and maintained every three (3) years through the following procedure:

Step 1: Parks & Recreation Advisory Committee reviews the Pre-Approved Site List and feedback from staff

Step 2: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or amend the Pre-Approved Site List.

Step 3: Staff present the Committee’s recommendation to Council for approval of the Pre-Approved Site List.

Removal of a site from the list shall require that any subsequent License To Use renewal to comply with Section 10.

**9.2.** A License to Use may or may not be renewed up to a maximum of five (5) years. Where a License to Use renewal for a Pre-Approved Site is for an identical use and there are no significant changes being made to the terms of the agreement, the renewal will proceed to an Open Council meeting for direction. Once the Pre-Approved Site list has been endorsed by Council, no further Committee recommendations are required for renewals within the duration of the Pre-Approved Site list.

**10. Full Renewal for License to Use Agreements not on the Pre-Approved Site List**

**10.1.** A Licence to Use may or may not be renewed up to a maximum of five (5) years. Where a License to Use renewal does not meet the criteria for Section 9.1, the following procedure will apply:

Step 1: Application to renew submitted to City staff.

Step 2: City staff conduct License To Use Agreement Review to confirm conditions of license met and agreement is in good standing, application circulated to City Departments for acceptance and feedback.

Step 3: Proposal brought forward to Open Council meeting for introduction to the community.

Step 4: Proposal brought forward to the Parks & Recreation Advisory Committee for their review and recommendation.

Step 5: Parks & Recreation Advisory Committee make a recommendation to Council to approve or deny the renewal.

Step 6: Staff present the Committee’s recommendation to Council in an open meeting for final direction.

**Schedules**

**A. Pre-Approved Site List**

**Related Policies and Legislation**

Approval History			
Previous revisions/replaces:			
Approved by Council on:		Resolution No.:	

Certified Correct:

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## **Schedule A – Pre-Approved Site List**

**Objective & Eligibility Criteria:** To support operational continuity, administrative efficiency and long-term community partnerships, the City may establish and maintain a list of Pre-Approved Sites where the use has been previously approved, remains unchanged, and poses no material impact to parkland protection objectives. Inclusion on the list does not guarantee renewal of a License To Use Agreement.

**Review & Maintenance:** The Pre-Approved Site List will be reviewed and maintained every three (3) years through the following procedure:

Step 1: Parks & Recreation Advisory Committee reviews the Pre-Approved Site List and feedback from staff

Step 2: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or amend the Pre-Approved Site List.

Step 3: Staff present the Committee's recommendation to Council for approval of the Pre-Approved Site List.

Removal of a site from the list shall require that any subsequent License To Use renewal comply with Section 10.

### **Sites**

1. Concessions:
  - a) The Peach- 185 Lakeshore Drive West
  - b) Skaha Main – 3701 Parkview Street
  - c) Skaha East – 3885 South Main Street
  - d) Sudbury Beach – 3846 Skaha Lake Road
2. Beach Vending Program Sites
3. 185 Lakeshore Drive West - Jubilee Pavilion
4. 215 Riverside Drive- (current agreement with Coyote Cruise)
5. Rotary Park foreshore (current agreement for Pier Watersports)
6. 500 Edmonton Avenue-
  - a) Day Care
  - b) Penticton Safety Village
7. 1701 Government Street (current agreement with Interior Health – Hospice House)
8. Community Gardens:
  - a) 480 Vancouver Avenue
  - b) 2460 Baskin Street
9. 1400 Riddle Road (current agreement with Penticton Area Cycling Association PACA)
10. Disc Golf:
  - a) Riddle Road (current agreement with Penticton Disc Golf Society)
  - b) Three Blind Mice (current agreement with Penticton Disc Golf Society)
11. 1051 Penticton Avenue (current agreement with Province of BC for Air Quality Station)
12. 3807 Skaha Lake Road (current agreement with Oxbow RV Park)
13. Okanagan Lake Foreshore (current agreement with Splash BC – WIBIT)
14. 630 Munson Mountain Road (current agreement with BMX Society)

15. 1060 Main Street (current agreement with Penticton New Beginnings Christian Fellowship)