

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

Monday, April 4, 2016
at 6:00 p.m.

Present: Mayor Jakubeit
Councillor Sentes
Councillor Martin
Councillor Konanz
Councillor Sayeed

Absent: Councillor Watt
Councillor Picton

Staff: Eric Sorensen, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Mitch Moroziuk, General Manager Infrastructure
Jules Hall, Director of Development Services
Lori Mullin, Recreation and Culture Manager
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:10 p.m. for the "Zoning Amendment Bylaw No. 2016-18", OCP Amendment Bylaw No. 2015-13" and "Zoning Amendment Bylaw No. 2015-14". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

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

"Zoning Amendment Bylaw No. 2016-18" (2959 Skaha Lake Road)

The purpose of "Zoning Amendment Bylaw No. 2016-18" is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2959 Skaha Lake Road, from CT1 (Tourist Commercial) to C4 (General Commercial).

The applicant is proposing to develop a health services building.

The Corporate Officer advised that no written correspondence has been received after the printing of the agenda.

DELEGATIONS

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

- Rene Buttar, applicant, available to answer any questions.
- James Brown, Skaha Lake Road, spoke in support of the application.
- Lynn Kelsey, Oakville Street, spoke in support of the application.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2016-18" was terminated at 6:15 p.m. and no new information can be received on this matter.

OCP Amendment Bylaw No. 2015-13 and Zoning Amendment Bylaw No. 2015-14" (630 Munson Mountain Road)

The purpose of "Official Community Plan Amendment Bylaw No. 2015-13" is to amend Official Community Plan Bylaw No. 2002-20 Schedule 'B' Future Land Use as follows:

Change the land use designation of Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179 located at 630 Munson Mountain Road from A (Agriculture) to PR (Parks and Recreation).

The purpose of "Zoning Amendment Bylaw No. 2015-14" is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot A, District Lot 187, Similkameen Division Yale District, Plan 28179 located at 630 Munson Mountain Road from A (Agriculture) to P2 (Parks and Recreation).

The Corporate Officer advised that written correspondence has been received after the printing of the agenda and distributed to Council.

DELEGATIONS

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

- Mackay McGinnis, Kelowna BMX rider, spoke in support of Penticton BMX.
- Jeff Ingram, Kelowna, represent Kelowna club, here in support of moving the Penticton track to a larger facility so they can host international events, dust and noise are not issues, track surface is durable and hard, perimeter is park, 250 members in support of this project, open to the public dawn to dusk, April 15 to Thanksgiving.
- Gary McBride, Orillia Street, co-chair of PACA, spoke in support of the amendments.
- Andrew Bayston, President of Penticton BMX, Mesa Drive, club is part of Penticton sporting community, non-profit with parent volunteers, here for healthy kids and activity in the community, Olympic sport, we run April to October and race once a week, practice once a week, 75 members, new track up to another 100 members come, members in neighbouring community would participate at our new facility. Riders all skill levels, volunteers give back to community, fun is our priority, environmental impact, we want to work with city, will abide with ALC recommendations, facility for entire community to enjoy, facility uses natural products, eliminate dust, no toxic sprays, limit imprint, no foreign materials, issues of camping, not designated as campground, once a year apply for national event, want to work with community gardens, would apply to host national event, 1100 racers, host provincial event, how overcome parking, made due at current site, people have found a spot, new site has ample area for parking.
- Joe Nichols, Evan Ave, grew up in Penticton riding bike, opposed to where proposing to put it, more than a NIMBY issue, wine culture in area, doesn't jive with vineyards, wineries and BMX track. Light pollution? Those in area will be affected by lights, have to keep looking for another site that won't impact the neighbourhood, more harm than good.
- Hanna Highland, Elm Ave, not opposed to BMX, opposed to location, don't fix one thing by breaking another, speaking for Jake Kimberly, two strongest arguments against location is too far out of city, dangerous Naramata road for young riders to be on, parents will have to deliver the young riders, less use and defeats purpose of expanding track, who is going to maintain this area, city responsibility? Has calculated greater cost out there than central location, being there encroaches into agriculture lands, orchardist restricted on farm equipment spraying, suggest alternate location for BMX.
- Jane Coady, Lower Bench Road, emailed comments, spoke against amendments; hope this council understands the value of this natural area.
- Bruce Laird, Grand Forks, director of BMX society, support Penticton BMX club proposed move to Munson Mt, constraints of current site, new facility will open up opportunities for them. BMX is a community, we help each other out.
- Barbara Lambert, Lower Bench Road, family has a cherry orchard, think carefully what fits where in the community as a whole, a great number of people have worked hard to save Munson Mt and Naramata bench, points why on lot a destructive to ambiance of surrounding bench land, to be treasured and preserved, wildflowers, birds, restorative view, leave in its natural state.
- Nester Gonzales, Woodlands Place, support BMX, three little ones clearly a family event having a bigger track and different track brings up their skills, learn and experienced racers, competition with Kelowna and race other areas because our track is smaller, clean up is done by family members, distance isn't an issue, lights on track? Usually not, we try to run events early enough without lights, shut down around 8 pm.
- Lauren Clancy, Munson Mountain Road, opposition not to BMX, it is the venue choice, not against kids, think there is a much better place than what is proposed, spoke against amendments.
- Eric Holler, Upper Bench Road, concerned with farming rights, 8 acres of grapes, constantly farming, can't have restrictions on my farming, spray chemicals, if restrictions on my spraying, I could lose income, winery impact sales, contributing to agro economy, don't think BMX will help my cause, land is very arable, half dumped on, restrictions mowing creates dust, working 50 – 100 ft from kids, kids need sports, disagree with

venue, don't want to spray with kids around, when do spray, morning until 10 or 12, until hot, can't sent hand labour through grapes 14 days, neighbours are farmers.

- Sally Kilbourne, Sudbury, opposition to locating BMX at this location, urge maintain quiet rural care of this property, loss of farm land will be a problem for this province, offers to lease this property urge Council to consider, harmonious with wine industry, Penticton is under allocated for park space, urge city to spend money on park plan, inappropriate use, concerned about erosion and grass lands, concerned about the unsupervised use of this property, concerned about risk city taking on, remote location, consider increase costs of monitoring of park, better location is in town.
- Len McLean, Osoyoos, track operator at Penticton BMX, likely never have big flood lights, don't race after dark, at national events races are over by 6pm, one every four years for national event, no chance to get it every year, BMX is a family sport, not uncommon to see three generation of riders on track, our club has suffered due to size of our track, it is not challenging, riders quit when in early teens because not challenging, we are already exposed to farm spray living in Okanagan, we are volunteers who respect the track, invite all opposed to visit race, meet us, bike race could never go down mountain in tall grass, designed for hard packed track, don't ride on road with gear they wear.
- Edward Swan, Middle Bench road north, orchardist, grape grower, not against BMX, against location, spray drifts, do we want to subject children to this, records of fire department responding to serious accident at corner of Munson Mt, that road is dangerous, to think that kids out there playing will make it worse, road compromised by wineries function, matter of time until serious injuries, sprays 13 times year minimum, 8 am to 10 am, won't enter area for 72 hours.
- Neil Couton, Corbishly Ave adjacent to BMX track, our new business, guest house and retreat, understand that it doesn't make a lot of noise, we are running a retreat, we believe in economic growth, don't want to put our business at risk, noise will affect our lively hood, April to October is our business time too, we look right up there, no trees in front of our property, we want noise barrier, our business relies on quiet, want to make something better for this area, huge investment on our part, we are affected by any decision to change the area.
- Silko Trimba, invested close to 3 million, making guest house and retreat, stillness and calmness, running meditative retreats, if you believe in agro tourism, not let this happen, you hear everything, building pool, we will buy it and leave it, go buy it somewhere else, we will leave it, support BMX, find a different location.
- Allison Jones, Naramata, BMX many times tried to move to another track, noise, dust, two nights a week, two to three hours, before dark, BMX community is a family.
- Matthew Holler, Davenport Ave, farm manager for Poplar Grove winery, spend \$50,000 use organic spray, don't have a choice when spray, dependant on mother nature, six family members business, like area to remain agriculture use.
- Al Box, Penticton resident, used to have two BMX tracks in this town, rode as a child, now a food advocate, is this right place for this track? This report shows that the land is fill, wouldn't support if this was beautiful agriculture land, learn to make money in other ways, children need a place to play, this is an adequate place.
- Sandy Ross, advocate for parks, support rezoning, shortfall in parks, land situation is desperate, encouraged by BMX and size of foot print and time using, huge need for park space in city, extend the walkways onto Lower Bench road and access to KVR.
- Dan Colbeck, accessibility to BMX, all of Penticton access, parents driving kids, BMX bike for track only, community garden great use of the land, pro kids and youth activity, injuries on track, don't feel kids will be riding alone, no risk there, kids with parents, average age is 7 and don't let kids ride alone, concerned about chemicals, spray by farmers, concerned about kids that attend Uplands school and KVR users, spray is something wasn't aware of until tonight, as a resident concerned about it.

- Dennis O’Gorman, Pharrell Street, if positive decision, glad to learn bike not threat to grass lands, mountain bike skills trail concept should find a more suitable site, use the esplanade;
- Hilma Labelle, Redlands Road, we have something no other community has, benches on agriculture land, we were against sports fields in 2006, still opposed, ALR land should stay the ALR and used for agriculture purposes alone, think about it again.
- Nancy Garden, Naramata, former owner of property, find a solution for families else, think about this.
- Steve Ellmus, Summerland, BMX every week, never went to Munson Mt until year ago, no other reason to visit, make it available and reason for people to enjoy rather than small number that live in the area.

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

- Lynn Kelsey, Oakville Street, don’t want to see you make this decision tonight, think you need to digest information, schools might be an option, please postpone decision to take time to properly think about.
- Barbara Lambert, support that Council postpone decision tonight, BMX will have loud speakers and lights.
- Neil Couton and Silko Trimba, importance of tourism, invite Council to place on Friday at 4 pm, Naramata bench only starting to be known, we want you to feel it, get what we are trying to say, commitment to this area, BMX and horses don’t mix.
- Ms. Jones, interface to Munson Mt this is our lively hood, re-examine where to locate BMX, not the right location.
- James Brown, Skaha Lake road, not against BMX bikes, concerned about access to the site, frightened at prospect of speeding down road into someone’s orchard, nothing to keep cars off orchards adjacent to road ways, don’t want lives lost.
- Bruce Laird, Grand Forks, our track in town, city park, open access all the time.
- Andrew Bayston, President, Do not race under lights, leave at 8 pm, access with children no one is riding their bikes, no concern with children on road, pesticides, if they are as dangerous as they say we are all exposed to them currently, medical personal on site, noise, we race bikes, small PA system if the sound of children is noise pollution we have a bigger problem, if just purchased home info was available to them, let them purchase 2 million piece of land, work on this together.
- Sharon Duflin, impact track going to have, more traffic on road and parking on road, camping during nationals.
- Lauren Clancy, Munson Mt Road, school closure and use of land, school board would welcome offer from the city, narrow lane way, giving away land valued at 1-2 million dollars.
- Allison Jones, Knox Mountain in Kelowna is like Munson Mt with walking trails and protected grass lands off trails, everyone can enjoy this space; club will make a small footprint.

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

- No one spoke.

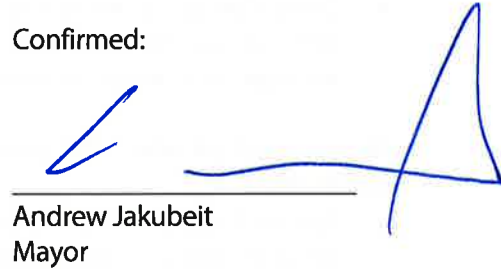
The public hearing for "OCP Amendment Bylaw No. 2015-13" and "Zoning Amendment Bylaw No. 2015-14" was terminated at 8:34 p.m. and no new information can be received on this matter.

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor