

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

Tuesday, August 7, 2018
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Picton
Councillor Sentes
Councillor Konanz
Councillor Watt
Councillor Sayeed (left the meeting at 2:40 p.m.)
Councillor Martin

Staff: Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on August 7, 2018 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:00 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:14 p.m.

6. Adoption of Minutes:

- 349/2018 6.1 Minutes of the July 17, 2018 Committee of the Whole
It was MOVED and SECONDED
THAT Council receive the minutes of the July 17, 2018 Committee of the Whole as presented.
CARRIED UNANIMOUSLY
- 350/2018 6.2 Minutes of the July 17, 2018 Public Hearing
It was MOVED and SECONDED
THAT Council receive the minutes of the July 17, 2018 Public Hearing as presented.
CARRIED UNANIMOUSLY
- 351/2018 6.3 Minutes of the July 17, 2018 Regular Meeting of Council
It was MOVED and SECONDED
THAT Council adopt the minutes of the July 17, 2018 Regular Meeting of Council as presented.
CARRIED UNANIMOUSLY
- 352/2018 6.4 Minutes of the July 24, 2018 Special Meeting of Council
It was MOVED and SECONDED
THAT Council adopt the minutes of the July 24, 2018 Special Meeting of Council as presented.
CARRIED UNANIMOUSLY
7. **Consent Agenda**
- 353/2018 **It was MOVED and SECONDED**
THAT Council approve the Consent Agenda.
CARRIED UNANIMOUSLY
8. **Committee and Board Reports:**
- 354/2018 8.1 Penticton Creek and Ellis Creek Restoration Committee Minutes of July 18, 2018
It was MOVED and SECONDED
THAT Council receive the draft minutes of the Penticton Creek and Ellis Creek Restoration Committee meeting of July 18, 2018.
CARRIED UNANIMOUSLY
- 355/2018 **It was MOVED and SECONDED**
THAT Council amend the Terms and Reference for the Penticton Creek & Ellis Creek Restoration Committee to include a member of the Penticton Industrial Development Association; AND THAT staff take steps to fill the position.
CARRIED UNANIMOUSLY
- 356/2018 8.2 Arts, Creative and Cultural Innovations Committee Minutes of July 27, 2018
It was MOVED and SECONDED
THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Committee meeting of July 27, 2018.
CARRIED UNANIMOUSLY

357/2018

It was MOVED and SECONDED

THAT Council refer to staff the recommendation from the Arts, Creative and Cultural Innovations Committee to consider contributing towards an Arts Officer, a position that would facilitate the collaboration of all Arts organizations and promote arts, culture and creativity in the City of Penticton; AND THAT the Committee provide a job description prior to budget deliberations.

CARRIED UNANIMOUSLY

9. Correspondence

10. Staff Reports:

10.1 2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-54

358/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to the "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-54".

CARRIED UNANIMOUSLY

10.2 Zoning Amendment Bylaw No. 2018-55
Official Community Plan Amendment Bylaw No. 2018-56
Re: 241 Nelson Avenue

359/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-55", a bylaw to rezone Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and to add Section 10.6.4.7: "In the case of Lot 2, DL 250, SDYD, Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street," be given first reading and forwarded to the August 21, 2018 Public Hearing;

AND THAT prior to consideration of "OCP Amendment Bylaw No. 2018-56" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "Official Community Plan Amendment Bylaw No. 2018-56," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the August 21, 2018 Public Hearing.

CARRIED UNANIMOUSLY

10.3 Official Community Plan Amendment Bylaw No. 2018-57
Zoning Amendment Bylaw No. 2018-58
Re: 1830 Ridgedale Avenue

It was MOVED and SECONDED

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-57" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20" be amended by changing the OCP designation on portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844 as shown on Attachment "D", located at 1830 Ridgedale Avenue from LR (Low Density Residential) to MR (Medium Density Residential), and amends Schedule 'H' of the bylaw, including the subject lands in the General Multiple Family Development Permit Area; AND THAT "Official Community Plan Amendment Bylaw No. 2018-57" be introduced, read a first time and forwarded to the August 21, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-58", a bylaw to rezone on portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844, located at 1830 Ridgedale Avenue be rezoned from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing) as shown on Attachment "D", be given first reading and be forwarded to the August 21, 2018 Public Hearing.

CARRIED UNANIMOUSLY

10.4 Zoning Amendment Bylaw No. 2018-49

Re: 236 Marina Way, 201, 203, 225, 247 Vancouver Avenue

Zoning Amendment Bylaw No. 2018-49 will be brought back to Council August 21, 2018 or September 4, 2018.

11. Public Question Period

12. Recess to Closed Meeting

It was MOVED and SECONDED

THAT Council recess at 2:40 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (e) *the acquisition, disposition or expropriation of land or improvements if the Council considers that disclosure could reasonably expected to harm the interest of the municipality.*

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:15 p.m.

14. Bylaws and Permits:

14.1 Bylaw Notice Enforcement Amendment Bylaw No. 2018-52

Re: Business Licence

362/2018

It was MOVED and SECONDED

THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2018-52".

CARRIED UNANIMOUSLY

- 14.2 Zoning Amendment Bylaw No. 2017-67
Development Variance Permit PL20187-8041
Re:641 Winnipeg Street

363/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-67";

AND THAT Council approve "Development Variance Permit PL2017-8041".

CARRIED UNANIMOUSLY

- 14.3 Zoning Amendment Bylaw No. 2018-26
Re:500/512 Gahan Avenue

364/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-26".

CARRIED UNANIMOUSLY

- 14.4 Zoning Amendment Bylaw No. 2018-50
Development Variance Permit PL2018-8288
Re:190 Vancouver Avenue

365/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-50";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-50";

AND THAT Council approve "Development Variance Permit PL2018-8288".

CARRIED UNANIMOUSLY

- 14.5 Zoning Amendment Bylaw No. 2018-53
Re:2250 Camrose Street

366/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-53";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-53".

CARRIED UNANIMOUSLY

15. Land Matters:

- 15.1 Development Variance Permit PL2018-8249
Re: 142 Kendall Crescent

Delegations/Submissions:

- George Giannotti, Okanagan Development Consultants Inc, designer of project, explained the need for the variance. Support from neighbours for deck variance.
- Kim Lyster, Kendall Crescent, submitted letter, concerned about height, size, and intrusion of privacy to property next door. No support from neighbourhood.
- Gary Denton, Kendall Crescent, good looking house in wrong place, not in support of the variances. Requested Council deny the application and review the zoning bylaw.

- Doug Ewasiuk, Kendall Crescent, spoke against the variance. Proposed deck will face property.
- Jennifer Parker, Kendall Crescent, spoke against the variance, no trees to prevent views into yard, large structure, will impact neighbourhood.
- Peter Dewdney, spoke against the application, destroy character of well established neighbourhood. Don't think the City has properly notified the area.
- Dean Wells, Kendall Crescent, spoke in support of the application.

367/2018

It was MOVED and SECONDED

THAT Council deny "Development Variance Permit PL2018-8249" for Lot A, District Lot 2710 Similkameen Division Yale District Plan 22535, located at 142 Kendall Crescent, a permit to vary the following sections of Zoning Bylaw 2017-08: Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

CARRIED UNANIMOUSLY

15.2 Development Variance Permit PL2018-8277
Re: 525 Vancouver Avenue

Delegations/Submissions: Alan Kerr, Vancouver Avenue, had an engineer, geo tech, architect, didn't know we couldn't build the wall. No borders between lots, hard to build on. Wall controls water and soil irrosion.

368/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8277" for Lot 2 Block 4 District Lot 202 Similkameen Division Yale District Plan 479, located at 525 Vancouver Avenue, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.85m;

AND THAT prior to issuance of "Development Variance Permit PL2018-8277," the following conditions are met: • Landscape screening measures are put in place with underground irrigation as per Attachment G of this report;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8277."

CARRIED
Councillor Watt, Opposed

16. Notice of Motion

17. Business Arising

18. Council Round Table

19. Public Question Period

20. Adjournment

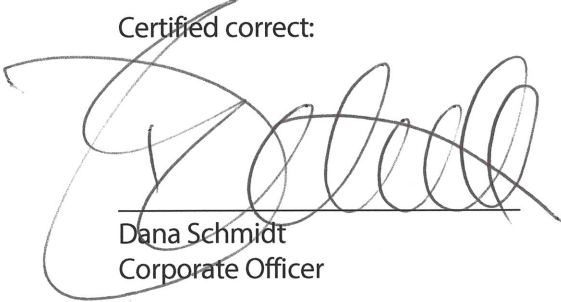
369/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, August 7, 2018 at 7:46 p.m.

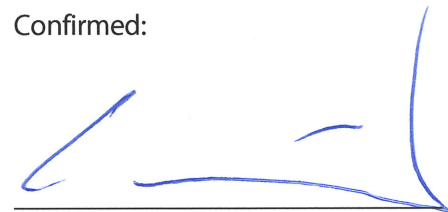
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor

