

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

Tuesday, September 18, 2018
at 1:00 p.m.

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

Absent: Councillor Sayeed
Councillor Picton

Staff: Peter Weeber, Chief Administrative Officer
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 1:02 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 September 18, 2018 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:03 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:49 p.m.

6. Adoption of Minutes:

6.1 Minutes of the September 4, 2018 Committee of the Whole

407/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the September 4, 2018 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the September 4, 2018 Public Hearing

408/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the September 4, 2018 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the September 4, 2018 Regular Meeting of Council

409/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the September 4, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda

410/2018

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Correspondence

9. Staff Reports:

Mayor Jakubeit declared a conflict of interest and left the meeting at 1:51 p.m. Deputy Mayor Watt chaired the meeting.

9.1 Okanagan Hockey Group Lease Renewal

411/2018

It was MOVED and SECONDED

THAT Council approve the Okanagan Hockey Group facility master agreement dated September 18, 2018; THAT Council approve the Okanagan Hockey Group lease agreement dated September 18, 2018; AND THAT Council direct the Mayor and Corporate Officer to execute the Okanagan Hockey Group facility master agreement and lease agreement dated September 18, 2018.

CARRIED UNANIMOUSLY

Mayor Jakubeit returned to the meeting at 1:58 p.m.

9.2 Carriage House Regulation Amendments

412/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-71", a bylaw that makes changes to the City's carriage house regulations contained in Zoning Bylaw 2017-08, be given first reading and be forwarded to the October 2, 2018 Public Hearing for comment from the public;

AND THAT staff are directed, through the Official Community Plan update process, to investigate a city wide 'intensive residential development permit area' requiring a

development permit for carriage houses, to address 'form and character' and 'neighbourhood fit'.

CARRIED UNANIMOUSLY

413/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-72", a bylaw that adds as a site specific amendment to the R1 zone as follows: 'In the case of all properties addressed from Kendall Crescent and 1299, 1309, 1331, 1337, 1343, 1353, 1365 and 1375 Ridgedale Avenue, carriage houses are not a permitted use', be given first reading and be forwarded to the October 2, 2018 Public Hearing for comment from the public;

AND THAT notice of the Public Hearing be delivered to all affected properties (owners and residents), a minimum of 10 days prior to the Public Hearing.

CARRIED

Councillors Konanz and Martin, Opposed

9.3 Permissive Tax Exemption Amendment Bylaw No. 2018-63

414/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2018-63" granting \$415,115 in permissive tax exemptions to all applicants qualifying for permissive tax exemption under the *Community Charter* and City of Penticton policy as listed in Schedule B at 100% of the applied for exemption.

CARRIED UNANIMOUSLY

9.4 Building Bylaw No. 2018-01

Councillor Konanz left the meeting at 2:38 p.m.

415/2018

It was MOVED and SECONDED

THAT Council give second reading as amended and third reading to "Building Bylaw No. 2018-01", a bylaw for the administration of the Building Code and regulation of construction.

CARRIED UNANIMOUSLY

9.5 South Okanagan Conservation Fund Grant
Re: Letter of Support

416/2018

It was MOVED and SECONDED

THAT Council provide a letter of support to the Penticton Fly Fishers for a grant application to the South Okanagan Conservation Fund for the detail design of Penticton Creek Reach 3A and 3B.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to Closed Meeting

417/2018

It was MOVED and SECONDED

THAT Council recess at 2:52 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

- (e) *the acquisition, disposition or expropriation of land or improvements if the Council considers that disclosure could reasonably expected to harm the interest of the municipality;*
- (f) *law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (i) *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- (j) *information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.*

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:21 p.m.

13. Bylaws and Permits:

- 13.1 Zoning Amendment Bylaw No. 2018-04
Development Variance Permit PL2017-8121
Re: 799 Martin Street

418/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-04";
AND THAT Council approve "Development Variance Permit PL2017-8121" for 799 Martin Street.

CARRIED UNANIMOUSLY

- 13.2 Zoning Amendment Bylaw No. 2018-44
Development Variance Permit PL2018-8240
Re: 783 Martin Street

419/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-44";
AND THAT Council approve "Development Variance Permit PL2018-8240" for 783 Martin Street.

CARRIED UNANIMOUSLY

- 13.3 Zoning Amendment Bylaw No. 2018-64
Re: 337 Hastings Avenue

420/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-64".

CARRIED UNANIMOUSLY

- 13.4 Zoning Amendment Bylaw No. 2018-65
Re: 290 Bassett Street

421/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-65".

CARRIED UNANIMOUSLY

14. Land Matters:

14.1 Development Variance Permit PL2018-8345
Re: 441 Heales Avenue

Delegations/Submissions:

- Lynn Kelsey, Oakville Street, asked about parking.

422/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8345" for Lot 23, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 1138, located at 441 Heales Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.6.2.3: to increase the maximum lot coverage from 40% to 43%; and
- Section 10.6.2.7.i: to reduce the minimum interior side yards from 1.5m to 1.2m.

AND THAT staff be directed to issue "DVP PL2018-8345".

CARRIED UNANIMOUSLY

14.2 Development Permit PL2018-8367
Re: 594 & 600 Winnipeg Street

423/2018

It was MOVED and SECONDED

THAT Council approve "Development Permit PL2018-8367", a permit for the construction of a four storey, 62-unit congregate housing building for the consolidated property of Parcel A (DD 111952F) of Lot 8, Block 17 District Lot 202, Similkameen Division Yale District (594 Winnipeg Street), and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 269; and Parcel B (DD180509F) of Lot 8, Block 17, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District and of District Lot 202 Similkameen Division Yale District Plan 269 (600 Winnipeg Street); AND THAT staff are directed to issue DP PL2018-8367 upon completion of the lot consolidation.

CARRIED UNANIMOUSLY

14.3 Zoning Amendment Bylaw No. 2018-69
Development Variance Permit PL2018-8356
Development Permit PL2018-8357
Re: 1087 Dynes Avenue

424/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-69", a bylaw to rezone Lot 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue from CT1 (Tourist Commercial) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 2, 2018 Public Hearing;
AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-69", a 3.0m x 3.0m northwest corner cut is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2018-8356" for Lot 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue, a permit to waive the one required visitor parking space and to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m, be heard at the October 2, 2018 Public Hearing.;

AND THAT Council consider "DVP PL2018-8356" following the adoption of "Zoning Amendment Bylaw No. 2018-69."

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-69" approve "Development Permit PL2018-8357" for Lot 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue, a permit that allows for the construction of two duplexes.

CARRIED UNANIMOUSLY

14.4 Zoning Amendment Bylaw No. 2018-70
Development Variance Permit PL2018-8359
Re: 481 Wade Avenue East

425/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-70", a bylaw to rezone Lot 16 District Lot 202 Similkameen Division Yale District Plan 933, located at 481 Wade Avenue East, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the October 2, 2018 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2018-8359" for Lot 16 District Lot 202 Similkameen Division Yale District Plan 933, located at 481 Wade Avenue East, a permit to vary the following section(s) of Zoning Bylaw No. 2017-08:

1. Section 10.8.2.8.i: to reduce the minimum exterior side yard setback from 4.5m to 3.0m; and
2. Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space, be heard at the October 2, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8359" following the adoption of "Zoning Amendment Bylaw No. 2018-70".

CARRIED UNANIMOUSLY

15. **Notice of Motion**

16. **Business Arising**

17. **Council Round Table**

18. **Public Question Period**

19. **Adjournment**

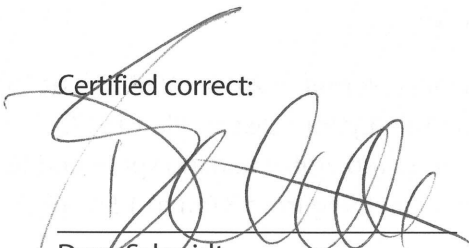
426/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, September 18, 2018 at 6:57 p.m.

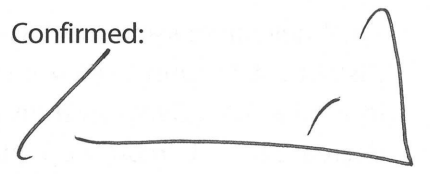
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor