

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

Tuesday, March 1, 2022
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Miller
Councillor Regehr
Councillor Robinson
Councillor Watt

Absent: Councillor Sentes

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Acting General Manager, Finance & Administration
Blake Laven, Director of Development Services
Anthony Haddad, General Manager, Community Services
Kristen Dixon, General Manager of Infrastructure
Paula McKinnon, 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

54/2022

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on March 1, 2022 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:17 p.m.

6. Adoption of Minutes:

6.1 Minutes of the Regular Meetings of Council

55/2022

It was MOVED and SECONDED

THAT Council adopt the minutes of the February 15, 2022 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

56/2022

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the February 15, 2022 Committee of the Whole Meeting;
2. Minutes of the February 15, 2022 Public Hearing;
3. Economic Prosperity and Development Services Advisory Committee Meeting Draft Minutes of February 11, 2022;
4. Parks and Recreation Advisory Committee Meeting Draft Minutes of February 14, 2022;
5. Community Sustainability Advisory Committee Meeting Draft Minutes of February 16, 2022.

CARRIED UNANIMOUSLY

8. Committee and Board Recommendations

9. Correspondence

10. Staff Reports:

10.1 Sportsplex Surface Replacement

57/2022

It was MOVED and SECONDED

THAT Council support the replacement of the Sportsplex facility artificial turf surface with a similar artificial turf surface;

AND THAT Council increase the General capital budget by \$100,000 from \$200,000 to \$300,000 for the supply, delivery and installation of an artificial turf surface to be funded by existing General Capital Fund savings.

CARRIED

Councillor Miller, Opposed

10.2 Energy Audit Financing

58/2022

It was MOVED and SECONDED

THAT Council approve of energy audits through FortisBC's Custom Efficiency Program for the Community Recreation Centre, the South Okanagan Events Centre, and the Penticton Trade and Convention Centre with a net cost of \$22,500 to be financed through the Climate Action Reserve.

CARRIED UNANIMOUSLY

10.3 Active Transportation Grant Funding Opportunity

59/2022

It was MOVED and SECONDED

THAT staff prepare and submit applications to the Active Transportation Fund for the following projects:

- South Main (Lake-to-Lake Section 1), with design and construction in 2023, at an estimated total project cost of \$1.4M,
- Green Avenue (Highway 97 to South Main Street), with design and construction in 2023, at an estimated total project cost of \$2.2M, and
- Lakeshore drive (Riverside Drive to Martin Street), with design in 2023 and construction in 2024, at an estimated total project cost of \$1.6M.

DEFEATED

Mayor Vassilaki, Councillors Miller, Regehr and Watt, Opposed

60/2022

It was MOVED and SECONDED

THAT staff prepare and submit applications to the Active Transportation Fund for the following projects:

- South Main (Lake-to-Lake Section 1), with design and construction in 2023, at an estimated total project cost of \$1.4M; and
- Green Avenue (Highway 97 to South Main Street), with design and construction in 2023, at an estimated total project cost of \$2.2M;

AND THAT Staff conduct further evaluation of the Lakeshore Drive (Riverside Drive to Martin Street) project.

CARRIED

Councillor Miller, Opposed

10.4 Development Permit PL2021-9095
Re: 903 Vernon Avenue

61/2022

It was MOVED and SECONDED

THAT Council approve "Development Permit PL2021-9095", for Lot 2 District Lot 366 Similkameen Division Yale District Plan EPP37269, located at 903 Vernon Avenue, a permit to allow for the construction of a 6-storey, 105-room hotel building and restaurant and includes minimum expectations and requirements for boulevard tree protection through construction by both the City and the applicant;

AND THAT Council approve, through the issuance of "Development Permit PL2021-9095", in accordance with Official Community Plan Bylaw No. 2019-08, Section 5.1.4.3, a minor variance to the front yard setback to allow an at grade patio to project a maximum of 2.651m into the front yard setback, which is considered a desirable architectural feature and that the development meet the current Zoning Bylaw standard of 1 space per 50m² of floor area for the restaurant parking calculation as opposed to the site specific standard;

AND THAT staff be directed to issue "Development Permit PL2021-9095".

CARRIED

Councillor Miller, Opposed

Council recessed the meeting at 2:44 p.m. and reconvened the meeting at 2:59 p.m.

10.5 Zoning Amendment Bylaw No. 2020-46
Development Variance Permit PL2020-8782
Re: 665 Westminster Avenue East

62/2022

It was MOVED and SECONDED

THAT Council close and abandon "Zoning Amendment Bylaw No. 2020-46", a bylaw to rezone Lot C District Lot 202 Similkameen Division Yale District Plan 39999, located at 665 Westminster Avenue East, from R1 (Large Lot Residential) zone to RM1 (Bareland Strata Housing) zone, as the applicant has decided to proceed with a 7-lot subdivision under the existing R1 zoning;

AND THAT Council approve "Development Variance Permit PL2020-8782", as amended, a permit to vary Section 00400 part 3.0 of Subdivision and Development Bylaw 2004-81, to reduce the minimum road vertical curve on Oliver Place to a minimum Sag and Crest K-value to 0.6;

AND THAT Council approve "Development Variance Permit PL2020-8782", as amended, a permit to vary Section 00400 part 3.0 of Subdivision and Development Bylaw No. 2004-81, to increase the maximum road grade on Oliver Place from 15% to 17%;

AND THAT Council, in accordance with Section 507 of the Local Government Act, require the following excess and extended services for the subdivision:

- Full construction of road, curb, gutter and sidewalk across the full width of Oliver Place along the frontage of 665 Westminster Avenue East.

CARRIED
Councillor Miller, Opposed

10.6 Zoning Amendment Bylaw No. 2022-11
Development Variance Permit PL2021-9160
Development Permit PL2021-9161
Re: 220 Nelson Avenue

63/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-11", a bylaw to rezone Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, from R2 (Small Lot Residential) zone to RD4 (Low Density Cluster Housing) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-11" to the March 15, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-11", consider "Development Variance Permit PL2021-9160" for Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, a permit to vary Section 10.7.2.3 of Zoning Bylaw 2021-01 to increase the maximum lot coverage from 40% to 51%;

AND THAT Council, subject to approval of "Development Variance Permit PL2021-9160", approve "Development Permit PL2021-9161" for Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, a permit to approve the form and character of a four-unit cluster housing development on the subject property.

CARRIED UNANIMOUSLY

10.7 Zoning Amendment Bylaw No. 2022-12
Development Variance Permit PL2021-9191
Re: 1701 Fairford Drive

64/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-12", a bylaw to rezone Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, from R2 (Small Lot Residential) zone to RD3 (Residential Infill) zone, with the following site-specific provision:

- A maximum of two dwelling units shall be permitted on each lot;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-12" to the March 15, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-12" and final subdivision registration of the two lots, approve "Development Permit PL2021-9191" and "Development Permit PL2021-9192" for Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, permits to approve the form and character of a duplex development on each future lot.

CARRIED UNANIMOUSLY

10.8 Zoning Amendment Bylaw No. 2022-13
Development Permit PL2020-8849
Re: 1196 Fairview Road

65/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-13", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) zone to C1 (Commercial Transition) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-13" to the March 15, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-13", require the following road dedications to be registered with the Land Title Office:

- A 0.6m road dedication along the Fairview Road frontage;
- A 2.3m road dedication along the Calgary Avenue frontage; and
- A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-13", approve "Development Permit PL2020-8849", a permit to approve the form and character of a one-storey dental office on the subject property.

CARRIED UNANIMOUSLY

10.9 Development Variance Permit PL2021-9200
Re: 296 Windsor Avenue

66/2022

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2021-9200" for Lot 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3284, located at 296 Windsor Avenue, a permit to vary Section 10.1.2.8.a of Zoning Bylaw 2021-01, to reduce the minimum rear yard from 6.0 m to 1.146 m, in order to facilitate the construction of an addition to the single family dwelling.

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9200".

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess into a Closed Meeting

67/2022

It was MOVED and SECONDED

THAT Council recess at 4:28 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

(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;

(c) labour relations or other employee relations;

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

CARRIED UNANIMOUSLY

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

Councillor Miller left the meeting at 7:18p.m.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2020-34
Re: 2644 South Main Street

68/2022

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2020-34".

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2021-38
Re: 726, 738, 750 Westminster Avenue West

69/2022

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2021-38".

CARRIED UNANIMOUSLY

14.3 Zoning Amendment Bylaw No. 2022-10
Re: 585 Jermyn Avenue

70/2022

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-10".

CARRIED UNANIMOUSLY

Councillor Miller returned to the meeting at 7:20 p.m.

15. Land Matters

15.1 Agricultural Land Reserve Exclusion Application
Re: 610 Pineview Road

71/2022

It was MOVED and SECONDED

THAT Council forward the Agricultural Land Reserve (ALR) Exclusion Application for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470, located at 610 Pineview Road, an application to exclude the subject property from the Agricultural Land Reserve, to the Agricultural Land Commission (ALC) with support.

CARRIED

Councillors Bloomfield and Miller, Opposed

16. Notice of Motion

17. Business Arising

72/2022

It was MOVED and SECONDED

THAT Council direct staff to send a letter to the Minister of Health, with a copy to Interior Health, requesting a Car program in Penticton to support the health and safety of the community.

CARRIED UNANIMOUSLY

18. Council Round Table

19. Public Question Period

20. Adjournment

73/2022

It was MOVED and SECONDED

THAT Council adjourn the regular meeting of Council at 7:41 p.m.

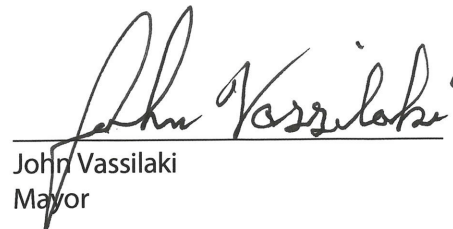
CARRIED UNANIMOUSLY

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



John Vassilaki
Mayor