



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

Tuesday, September 12, 2023
at 1:00 p.m.

Present: Mayor Bloomfield
Deputy Mayor Konanz
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Miller
Councillor Watt

Staff: Kristen Dixon, Interim Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Anthony Haddad, General Manager of Community Services
Blake Laven, Director of Development Services
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

311/2023

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on September 12, 2023 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the August 15, 2023 Regular Meeting of Council

312/2023

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of August 15, 2023 as presented.

CARRIED UNANIMOUSLY

5. Consent Agenda:

313/2023

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the August 15, 2023 Committee of the Whole Meeting;
2. Draft Minutes of the August 23, 2023 Official Community Plan – Housing Task Force Meeting; and
3. Draft Minutes of the August 28, 2023 Parks and Recreation Advisory Committee Meeting.

CARRIED UNANIMOUSLY

6. Staff Reports:

6.1 Safe & Resilient Council Priority: Public Safety Working Group Update

314/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated September 12, 2023 titled “Safe & Resilient Council Priority: Public Safety Working Group Update”, a report that outlines the public safety planning and actions being implemented in 2023.

CARRIED UNANIMOUSLY

6.2 RCMP Quarterly Update

315/2023

It was MOVED and SECONDED

THAT Council receive into the record the report titled “RCMP Quarterly Update” dated September 12, 2023.

CARRIED UNANIMOUSLY

6.3 Transit Future Action Plan and Penticton Network Restructure Plan

Delegation: Erin Sparks, BC Transit (via Zoom)

316/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated September 12, 2023 titled “Transit Future Action Plan and Penticton Network Restructure Plan”;
AND THAT Council adopt the Transit Future Action Plan and the Penticton Network Restructure Plan.

CARRIED UNANIMOUSLY

6.4 BC Transit UMO Fare Review

Delegation: Chelsea Mossey, BC Transit (via Zoom)

317/2023

It was MOVED and SECONDED

THAT Council adopt Option 1b for the UMO fare structure, which will remove pre-paid tickets;
AND THAT Council adopt a 30-day rolling pass fare in place of existing monthly pass fare.

CARRIED UNANIMOUSLY

6.5 BC Transit Expansion Plans

Delegation: Chelsea Mossey, BC Transit (via Zoom)

318/2023

It was MOVED and SECONDED

THAT Council support the following Transit Service Additions as part of the City’s Three-Year Transit Expansion Plan:

- Conventional Transit System

- 2024/2025 - None;
- 2025/2026 – Phase 1 of network restructure plan – modify routing and introduce 15-min service on route 5 Main Street;
- 2026/2027 – Phase 2 of network restructure plan – modify routes 1, 2, 3 and 4 and increase frequency Monday through Saturday.
- Custom Transit
 - 2024/2025 - Introduce service on Saturdays by means of Taxi Supplement to better align with Conventional Service days.

CARRIED UNANIMOUSLY

6.6 Second Quarter 2023 Financial and Corporate Business Plan Update

319/2023

It was MOVED and SECONDED

THAT Council receive into record the report dated September 12, 2023 titled “Second Quarter 2023 Financial and Corporate Business Plan Update”;

AND THAT Council approve amending the 2023-2027 Financial Plan to provide for budget amendments noted in the report including the reserve draw from the Growing Communities Fund of \$222,000 for inflation increases for indoor soccer facility roof bubble and rental equipment and \$246,500 for significant cost increases for electrical and foundation works on the Fire Hall 2 - two bay garage project.

CARRIED UNANIMOUSLY

Councillor Miller declared a conflict of interest as a member of the Royal Canadian Legion Branch 40 and left the meeting at 2:25 p.m.

6.7 In-Year Grant Requests: The Penticton & Area Access Centre and Royal Canadian Legion Branch 40, Penticton

Main Motion:

It was MOVED and SECONDED

THAT Council approve the following in-year grant requests for 2023 as listed below:

- \$6,700 cash to The Penticton & Area Access Centre; and
- \$8,500 cash to the Royal Canadian Legion Branch 40, Penticton.

Amendment:

320/2023

It was MOVED and SECONDED

THAT Council approve \$11,610 cash to The Penticton & Area Access Centre.

**CARRIED
Councillor Watt, Opposed**

Main Motion as Amended:

321/2023

It was MOVED and SECONDED

THAT Council approve the following in-year grant requests for 2023 as listed below:

- \$11,610 cash to The Penticton & Area Access Centre; and
- \$8,500 cash to the Royal Canadian Legion Branch 40, Penticton.

**CARRIED
Councillor Watt, Opposed**

322/2023

It was MOVED and SECONDED

THAT Council approve the use of general surplus to fund the portion of the in-year grant request that exceeds the grant budget.

CARRIED UNANIMOUSLY

Councillor Miller returned to the meeting at 2:36 p.m.

6.8 2023 Fees and Charges Amendment Bylaw No. 2023-30 - Electric

323/2023

It was MOVED and SECONDED

THAT Council does not proceed with a 5% increase to electric utility rates.

DEFEATED

Mayor Bloomfield and Councillors Gilbert, Graham and Watt, Opposed

324/2023

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2023-30", a bylaw to amend the 2023 Appendix 7 – Electric rates.

CARRIED

Councillors Boulton, Konanz and Miller, Opposed

The Mayor recessed the meeting at 2:48 p.m. and reconvened at 3:01 p.m.

6.9 2024 Permissive Tax Exemptions Bylaw No. 2023-29

325/2023

It was MOVED and SECONDED

THAT Council give first, second and third reading to the "2024 Permissive Tax Exemption Bylaw No. 2023-29", a bylaw granting permissive tax exemptions as listed in Schedule A for the 2024 Tax Year.

CARRIED UNANIMOUSLY

6.10 BC Hockey League (BCHL) All Star Weekend 2024 Investment

326/2023

It was MOVED and SECONDED

THAT Council approve investing \$50,000 cash to host the BCHL All Star Weekend in 2024 to be included in the 2024-2028 Financial Plan.

CARRIED UNANIMOUSLY

6.11 North Gateway Implementation – Alberni Avenue & Highway 97 Intersection Design

327/2023

It was MOVED and SECONDED

THAT Council receive into the record the report dated September 12, 2023 titled "North Gateway Implementation – Alberni Avenue & Highway 97 Intersection Design";
AND THAT Council approve a transfer of up to \$85,000 from the North Gateway allocation of the Growing Communities Reserve Fund for the Alberni Avenue and Highway 97 intersection design work.

CARRIED UNANIMOUSLY

6.12 Section 57 Notice on Title

Re: 3145 Juniper Drive

328/2023

It was MOVED and SECONDED

THAT the owner of 3145 Juniper Drive (the Property) be notified that Council will consider passing a resolution to place a notice on title, under section 57 of the Community Charter, with respect to contraventions of the City of Penticton Building Bylaw No. 2021-21 on Lot 1, District Lot 2710 Similkameen Division Yale District, Plan 26199, located at 3145 Juniper Drive (the Property), stating the following: "Failure to complete building and plumbing permits, which is a violation of the City of

Penticton Building Bylaw No. 2021-21. Further information about it may be inspected at the municipal hall.”;

AND THAT the owner be notified of the proposed notice on title report and be given the opportunity to speak to the matter at the regular Council meeting on October 3, 2023.

CARRIED UNANIMOUSLY

6.13 Official Community Plan Amendment Bylaw No. 2023-34

Re: 1704 Government Street

329/2023

It was MOVED and SECONDED

THAT Council, prior to consideration of “Official Community Plan Amendment Bylaw No. 2023-34” and in accordance with Section 475 of the Local Government Act, consider 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;
5. The provincial or federal government and their agencies;

AND THAT Council determines that the Public Engagement Period carried out from June 27, 2023 to July 30, 2023 is sufficient;

AND THAT Council give first reading to “Official Community Plan Amendment Bylaw No. 2023-34”, a bylaw that amends Map 1: Future Land Use, of Official Community Plan Bylaw No. 2019-08, by changing the future land use designation for Lot A District Lot 3429S Similkameen Division Yale District Plan 23195 Except Plan 37288, located at 1704 Government Street, from “Industrial” to “Mixed Use”, and amends Section 2.1 by adding the following site specific policy statement to Land Use Designations, Mixed Use:

- Site Specific Mixed Use Policy Statement: 1704 Government Street: Allow a maximum building height of 12 storeys;

AND THAT Council forward “Official Community Plan Amendment Bylaw No. 2023-34” to the October 3, 2023 Public Hearing.

CARRIED UNANIMOUSLY

6.14 Official Community Plan Amendment Plan Bylaw No. 2023-31

Zoning Amendment Bylaw No. 2023-32

Development Permit PL2023-9563

Re: 791 and 799 Martin Street

330/2023

It was MOVED and SECONDED

THAT prior to consideration of “Official Community Plan Amendment Bylaw No. 2023-31”, and in accordance with Section 475 of the Local Government Act, Council consider 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;
5. The provincial or federal government and their agencies.

AND THAT it is determined that the community engagement period carried out from June 27, 2023 to July 30, 2023 is sufficient;

AND THAT Council give first reading to “Official Community Plan Amendment Bylaw No. 2023-31”, a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-

08, by amending the future land use designation for Lot B District Lot 202 Similkameen Division Yale District Plan 899, located at 791 Martin Street, and Lot A District Lot 202 Similkameen Division Yale District Plan 1557 Except: Plan EPP80670, located at 799 Martin Street, from 'Detached Residential' to 'Ground Oriented Residential'.
THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-32", Lot B District Lot 202 Similkameen Division Yale District Plan 899, located at 791 Martin Street, a bylaw to rezone the subject property from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing);
AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2023-31" and "Zoning Amendment Bylaw No. 2023-32" to the October 3, 2023 Public Hearing.
THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-32", approve "Development Permit PL2022-9563", a permit to approve the form and character of the proposed 14-unit townhouse, consisting of four, 3-storey buildings;
AND THAT issuance be subject to the successful consolidation of 791 and 799 Martin Street, into one lot.
THAT Council require a 1.0 m wide road dedication to be completed in front of 791 Martin Street prior to the issuance of the Occupancy Permit.

CARRIED UNANIMOUSLY

- 6.15 Zoning Amendment Bylaw No. 2023-33
Development Variance Permit PL2023-9638
Development Permit PL2023-9603
Re: 126 Deer Place

331/2023

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-33", for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a bylaw to add the site-specific provision, within the RD2 (Duplex Housing: Lane) zone, as follows:
"Section 10.5.4.10, In the case of Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, two single detached dwellings shall be permitted.";
AND THAT Council forward "Zoning Amendment Bylaw No. 2023-33" to the October 3, 2023 Public Hearing;
AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-33", consider "Development Variance Permit PL2023-9638" for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a permit to vary Section 10.5.2.9.a of Zoning Bylaw 2023-08 to reduce the rear yard from 6.0 m to 4.5 m;
AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-33", approve "Development Permit PL2023-9603", for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a permit to approve the form and character of the proposed 2-unit residential development on the subject property.

CARRIED UNANIMOUSLY

- 6.16 Development Variance Permit PL2023-9627
Re: 196 Rosetown Avenue

332/2023

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2023-9627" for Lot 1 District Lot 1997S Similkameen Division Yale District Plan 27761 Except Plan KAP1946, located at 196 Rosetown Ave, a permit to vary the following sections of Zoning Bylaw 2023-08:

1. Section 12.1.2.6: to reduce the exterior side yard setback (west) from 4.5 m to 1.5 m;
 2. Section 12.1.2.6: to reduce the exterior side yard setback (east) from 4.5 m to 2.0 m;
- AND THAT Council direct staff to issue the "Development Variance Permit PL2023-9627".

CARRIED UNANIMOUSLY

7. Public Question Period

8. Recess to a Closed Meeting:

333/2023

It was MOVED and SECONDED

THAT Council recess at 4:31 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* as follows: Section 90(1)

- (d) the security of the property of the municipality;
- (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; and
- (g) litigation or potential litigation affecting the municipality.

CARRIED UNANIMOUSLY

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

The Mayor reconvened the meeting at 6:55 p.m.

10. Bylaws and Permits

- 10.1 Official Community Plan Amendment Bylaw No. 2023-26
Zoning Amendment Bylaw No. 2023-27
Re: 1530 Reservoir Road

334/2023

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2023-26";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2023-26";

AND THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2023-27";

AND THAT Council adopt "Zoning Amendment Bylaw No. 2023-27".

CARRIED
Councillor Miller, Opposed

The Mayor recessed the meeting at 7:28 p.m. and reconvened at 7:35 p.m.

- 10.2 General Fees and Charges Amendment Bylaw No. 2023-28

335/2023

It was MOVED and SECONDED

THAT Council adopt to "General Fees and Charges Amendment Bylaw No. 2023-28".

CARRIED UNANIMOUSLY

11. Staff Reports Continued

- 11.1 Development Variance Permit PL2023-9546
Re: 482 Scott Avenue

Council invited Rick Grandbois, Applicant, to speak to the application and answer any questions.

336/2023

It was MOVED and SECONDED

THAT Council, consider and deny "Development Variance Permit PL2023-9546", for Lot 2 District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3504, located at 482 Scott Avenue, a permit to vary the following sections of Zoning Bylaw 2023-08:

1. Section 8.2.3.5.i: to allow a three storey carriage house.
2. Section 8.2.3.12: to increase the maximum carriage house floor area from 135.0 m² to 184.5 m².

DEFEATED

Mayor Bloomfield, Councillors Boulton, Gilbert, Graham, Konanz, Miller and Watt, Opposed

337/2023

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2023-9546", for Lot 2 District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3504, located at 482 Scott Avenue, a permit to vary the following sections of Zoning Bylaw 2023-08:

3. Section 8.2.3.5.i: to allow a three storey carriage house.
4. Section 8.2.3.12: to increase the maximum carriage house floor area from 135.0 m² to 184.5 m².

CARRIED UNANIMOUSLY

- 11.2 Development Variance Permit PL2023-9628
Re: 285 Waterford Avenue

338/2023

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2023-9628" for Lot 2 District Lots 116 and 189 Similkameen Division Yale District Plan 10095 Except Plan 20910, located at 285 Waterford Avenue, a permit to vary Section 11.10.2.9 of Zoning Bylaw 2023-08 to reduce the minimum rear yard from 4.5m to 3.5m to facilitate a lot line adjustment subdivision between the subject property and the neighbouring property to the north;
AND THAT Council direct staff to issue "Development Variance Permit PL2023-9628".

CARRIED UNANIMOUSLY

339/2023

It was MOVED and SECONDED

THAT Council postpone item 11.3 Shopping Cart Regulation Options to the October 3, 2023 regular Council meeting.

CARRIED UNANIMOUSLY

12. Notice of Motion

- 12.1 Councillor Gilbert introduced the following Notice of Motion for consideration at the October 3, 2023 meeting of Council:

THAT Council send a letter to the Ministry of Transportation to make sure they come through with funds for the restructure plan and expansion of our transit.

- 12.2 Councillor Gilbert introduced the following Notice of Motion for consideration at the October 3, 2023 meeting of Council:

THAT Council discuss at budget the hiring of a General Manager of Public Safety.

12.3 Councillor Miller introduced the following Notice of Motion for consideration at the October 3, 2023 meeting of Council:

THAT Council direct staff to amend the tree protection bylaw to expand beyond city properties, similar to the City of Surrey.

13. Business Arising

14. Public Question Period

15. Council Round Table

16. Adjournment

340/2023

It was MOVED and SECONDED

THAT Council adjourn the September 12, 2023 Regular meeting of Council at 8:29 p.m.

Certified correct:



Angie Collison
Corporate Officer

Confirmed:



Julius Bloomfield
Mayor